

Dear MEP of the IMCO Committee,

We are writing to you on behalf of ITI, the Information Technology Industry Council, regarding the latest compromise amendments on the Digital Services Act (DSA), ahead of the IMCO vote of 13 and 14 December. ITI is the global trade association of the tech sector, representing 80 of the world's most innovative companies from technology, hardware, software, services, and related industries.

We applaud and support the progress of the IMCO Committee on this important file. More specifically, we are pleased to see that the no general monitoring obligation and liability limitations as described in the e-commerce Directive are upheld, thus maintaining the conditional liability provisions for providers of intermediary services. Our industry is however concerned with some of the recent amendments to article 6. Whilst we welcome the commitment to maintain a limited liability scheme for voluntary content screening by providers of intermediary services, we recommend to further clarify in article 6 what exactly constitutes actual knowledge of illegal content, as referenced in Article 5.

In addition, article 19 should allow awarding trusted flaggers status through a concerted effort by platforms, third parties, rightsholders and NGOs, to ensure expertise and experience are reflected. Rightsholders with a large IP portfolio and good reporting track record should qualify for trusted flagger status as they are best placed to confirm their goods' authenticity.

Finally, the amendments in article 26 introducing a new requirement for VLOPs to conduct a risk assessment (for each Member State in which services are offered and for the Union as a whole) before launching any new services are disproportionate and would have direct consequences for innovation models and businesses' ability to compete in a sector where speed-to-market is of paramount importance.

Policymakers should aim for proportionate and risk-based rules without causing any harm to user experiences and businesses. ITI hopes that future discussions on the DSA, including the trilogue negotiations, will focus on the key elements to safeguard an inclusive and innovative online environment.

We remain at your disposal should you wish to discuss this important issue further.

All the best,
Dorothy Adobea,