

Welcome to the second issue of our newsletter! As of last February, all online platforms are now required to abide by the Digital Services Act. We believe it is useful to include an article explaining the benefits of this regulation, which is designed to better protect consumers online. Additionally, with the Euro 2024 fast approaching, many of you may be planning to visit Germany to watch the matches live. In collaboration with our German colleagues, we have included an article related to public transport in Germany. This will provide you with essential information on how to travel cheaply and sustainably across the country during the European Championship. This section is followed by a success story that demonstrates our commitment to resolving disputes effectively. Finally, we have included interesting news from the European Commission related to actions taken to strengthen consumer protection. We hope you find this information both informative and beneficial. Enjoy the read!



The Digital Services Act

For two decades, online platforms have revolutionised consumer experiences, driven innovation, and facilitated cross-border trade. However, the evolving digital landscape necessitated an update to the legal framework governing digital services within the EU. The disparities in regulations among Member States created barriers for smaller companies seeking to expand, while also leading to different levels of protection for European citizens.

The DSA addresses these challenges head-on, lifting unnecessary legal burdens and fostering an environment conducive to innovation, growth, and competitiveness. By providing a single set of rules and clarity on liability exemptions, the DSA enables smaller platforms, SMEs, and start-ups to scale up and thrive. Moreover, it ensures equal protection for all users, safeguarding



their safety and fundamental rights in the digital sphere.

In the past, regulatory disparities among Member States created barriers, restraining the growth of smaller enterprises, and leaving citizens vulnerable to different levels of protection. The DSA dispels these shadows, harmonising laws to nurture innovation, foster growth, and amplify competitiveness. It emancipates smaller platforms, SMEs, and startups, propelling them towards scalability and success.

Key Highlights of the DSA:

- Applies to all companies operating in the EU single market, regardless of their origin, ensuring non-discriminatory regulation.
- Offers legal clarity and a unified set of rules for online intermediaries, enhancing their ability to provide services within the EU.
- Empowers users with increased safety measures and fundamental rights protection, while simultaneously bolstering innovation and competitiveness.



New Responsibilities Under the DSA

The Digital Services Act (DSA) emerges as a beacon of accountability and transparency, ushering in a new chapter for medium and large platforms within the European Union. Online platforms that have an annual turnover of €10 million and employ more than 50 persons are now entrusted with safeguarding the digital experience of millions of European citizens, ensuring their freedom of expression, communication, and online shopping remains unharmed by illicit activities and dangerous goods besides ensuring the protection of fundamental rights. Online platforms shall:

- **Combat Illegal Content and Goods:** Medium and large platforms are mandated to establish robust mechanisms for users to flag illegal content, partnering with 'trusted flaggers' to identify and report illicit content swiftly.
- **Protect Minors:** Platforms shall enforce a complete ban on targeting minors with advertisements based on profiling or personal data. Very large online Platforms and very large online search engines need to go a step further by considering whether minors will easily understand how the service works; whether minors risk finding content that could harm their 'health, physical, mental and moral development'; and how design features could cause addiction.
- **Transparent:** Platforms shall provide comprehensive information on advertisements encountered, such

as why the ads are being shown to them and who paid for the advertisement.

- **Safeguard Sensitive Data:** Platforms shall ban ads that exploit sensitive user data, such as political affiliations, religious beliefs, or sexual orientation.
- **Content Moderation Decisions:** Platforms shall provide affected users with detailed statements that clarify the content moderation decisions. These decisions must be archived within the DSA Transparency database for public scrutiny.
- **Challenge Decisions:** Furthermore, platforms shall establish accessible complaint mechanisms, empowering users to challenge content moderation decisions impinging upon their rights.
- **Reports:** Platforms shall publish comprehensive reports on content moderation procedures annually.
- **Clarity in Terms and Conditions:** Platforms shall provide users with transparent terms and conditions, and include the main parameters based on which their content recommender systems work.
- **Contact Point:** Platforms shall designate accessible points of contact for regulatory authorities and users.

The DSA advantages concerning unsafe or counterfeited goods.

The DSA establishes a list of measures to protect consumers from the hazards of unsafe or counterfeit goods by empowering stakeholders to combat

digital wrongdoing with efficacy. It complements and does not overwrite the prohibitions which already exist under consumer protection and data protection rules. The DSA defends consumer safety and integrity by:

- **Mandatory Removal Procedures:** Platforms shall have mandatory procedures to swiftly remove illegal goods.
- **Know Your Business Customer:** Online marketplaces are urged to trace the trader identities through the "know your business customer" initiative. This ensures a safe, transparent, and trustworthy environment for consumers and discourages unscrupulous traders from selling unsafe or counterfeit goods.
- **User-Friendly Interface:** Platforms are encouraged to design intuitive interfaces, empowering traders to fulfil consumer information obligations seamlessly.
- **Trusted Flaggers System:** A revolutionary system of trusted flaggers empowers brand owners in combating counterfeit goods and removing these unsafe or counterfeited products more effectively.
- **Empowered Public Authorities:** Equipped with new tools, public authorities gain enhanced authority to order the removal of unsafe products directly.
- **Random Checks by Marketplaces:** Marketplaces are tasked with conducting random checks on products or services which have been identified on any official database and take the appropriate action.
- **Audited Risk Assessment:** Very large online platforms undergo meticulous risk assessments, scrutinising their vulnerability to illegal goods and their mitigation measures.
- **Dark patterns:** Platforms are prohibited from deploying manipulative interfaces in a way that deceives, manipulates, or otherwise materially distorts or impairs the ability of users to make free and informed decisions.



Kick Off Euro 2024-Savings: Travel Cheaply and Sustainably Across Germany

As the first ball is kicked on June 16, countless football fans from across Europe will be making their way to Germany. It's the perfect time to tackle the topic of mobility. ECC Malta offers essential information on Germany's unique aspects, costs, and potential consequences when using public transport during the European Championship 2024.

Stadium Ticket Holders Travel for Free – But There's a Catch

The greenest and most comfortable way to travel to and within Germany is by train. But which ticket should you choose? One standout option is the "Fan Pass," a free 36-hour ticket linked to your match ticket, accessible via the UEFA EURO 2024 App. This pass allows you to use the public transport network in the host city from 06.00 on match day until 18.00 the following day.

The validity area corresponds to the local transport association's sector. However, Germany has more than 60 transport associations ("Verkehrsverbünde"), each with varying operational areas – ranging from a few cities to an entire state. Therefore, travellers should check the coverage in advance, as the ticket might not be valid in a neighbouring network. Using public transportation in an invalid network is considered fare evasion and typically results in a fine of 60 euros. The relevant public transport areas can be found on the official UEFA homepage (under "Travel areas").

Special Fares Within Germany

For those travelling around Germany, the "DB Ticket Euro 2024" offers access to regional and high-speed trains between tournament venues. The first-class costs 39.90 euros, and the second-class is 29.90 euros. Travellers arriving by train from their home countries can also enjoy

a discount: the "Interrail Pass Euro 2024" provides a 25 per cent discount for travel from 33 European countries. These offers can be booked via the **Deutsche Bahn** website and the **DB Navigator app**.

For those aiming to travel as cheaply as possible, the "**Deutschland-Ticket**" by Deutsche Bahn is a great option. Unlike the special EURO 2024 offers, this ticket is available to everyone. It allows unlimited travel across Germany for just 49 euros a month – but only on regional and local trains, buses, trams, and underground trains. This means a ticket bought in Freiburg can also be used on the Berlin underground, Hamburg ferries, or a regional train in Munich.

However, this ticket is not valid for long-distance trains such as the ICE (Intercity Express), IC (Intercity), and EC (Eurocity) trains. Connections operated by other companies, like Flixbus, are also excluded.

What to consider when purchasing a Deutschland-Ticket?

The Deutschland-Ticket is only available on a subscription basis for entire calendar months. If the contract is not cancelled by the tenth of the month, it automatically extends for another month. The European Consumer Centre Germany (ECC) recommends subscribing before the 10th and cancelling the contract immediately after signing up. This prevents any unexpected surprises. There are two ways to cancel the subscription: via the customer area or this online form.

If something goes wrong on your train journey, you can use the ECC's Malta online article to quickly find out your rights, including the compensation you may be entitled to <https://eccnetmalta.gov.mt/rail-passenger-rights/>.



#EURO2024

Save on Travel During Euro 2024!



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Photo: Canva

Success Story

We are pleased to share a recent success story:

A consumer had booked a flight through an online booking agent, including checked-in baggage and reserved seating. When the consumer tried to confirm their booking with the airline, they discovered that the checked baggage and reserved seating were not available. The consumer contacted the online booking agent to verify the issue but received no response. Frustrated yet determined to resolve the matter, the consumer turned to our Centre for assistance.

Our team shared the consumer's case with ECC Sweden, who intervened to help. ECC Sweden contacted the trader on the consumer's behalf. The trader explained that the airline was transitioning to new company ownership, which led to new policies regarding luggage and seats. This transition caused issues with seat and baggage bookings made through the online booking agent. The trader, while apologizing for the inconvenience, stated that they could not directly assist with adding baggage or reserved seating. Instead, they advised the consumer to contact the airline directly and then provide the trader with the corresponding invoices or receipts.

Following these instructions, the consumer contacted the airline and paid for the checked baggage and reserved seating. The consumer forwarded the invoices to our Centre, and we forwarded them to the trader through ECC Sweden. The trader promptly processed the refund for the affected services.

With the help of our Network, the consumer resolved this issue and ensured a satisfactory outcome to his complaint.



News

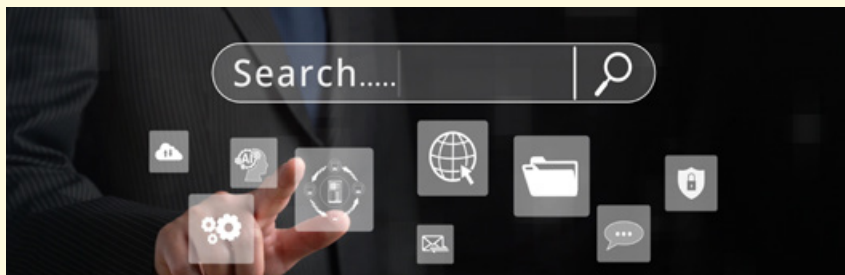
Commission Initiates Formal Proceedings Against TikTok under the Digital Services Act

The European Commission has taken a significant step in its commitment to safeguarding digital rights and protecting consumers by initiating formal proceedings against TikTok under the Digital Services Act (DSA). The Commission's inquiry focuses on potential breaches of the DSA in several critical areas, including the Protection of Minors; Advertising Transparency; Data Access for Researchers; Risk Management of Addictive Design and Harmful Content

TikTok was designated as a Very Large Online Platform (VLOP) under the DSA on April 25, 2023, following its declaration of 135.9 million monthly active users in the EU. As a VLOP, TikTok is subject to heightened obligations outlined in the DSA to ensure compliance with regulatory standards and protect user interests. Four months after its designation as a VLOP, TikTok was required to commence compliance with the obligations stipulated in the DSA, marking a pivotal milestone in the platform's regulatory journey.

Investigation Reveals Lack of Disclosure by Online Influencers

The European Commission, along with national consumer protection authorities from 22 EU Member States, Norway, and Iceland, has unveiled concerning findings regarding the transparency of online influencer marketing.



A comprehensive screening of social media posts from influencers, known as a "sweep" revealed that nearly all influencers (97%) posted commercial content. However, only one in five consistently disclosed that their content was advertising, as required by EU consumer law. The investigation scrutinised posts from 576 influencers across major social media platforms.

Key Findings:

- **Limited Registration:** Only 36% of influencers were registered as traders at the national level, indicating a lack of formal business identification.
- **Lack of Company Details:** A significant portion (30%) of influencers failed to provide essential company details, such as contact information or registration numbers, on their posts.
- **Self-Endorsement:** 40% of influencers promoted their products, services, or brands, potentially blurring the lines between genuine recommendations and promotional content.
- **Personal Websites:** Nearly half (44%) of influencers had their personal websites, further expanding their reach and influence.

Following the sweep, 358 influencers have been earmarked for further investigation, signalling a commitment to enforcing transparency and accountability in influencer marketing. The Commission will analyse the findings in conjunction with the legal obligations of social media platforms under the Digital Services Act (DSA) and take appropriate enforcement actions. This underscores the need for robust legislation to ensure digital fairness and consumer protection online.

The investigation highlights the importance of modern legislation to address evolving consumer challenges in digital markets. A fitness check is underway to evaluate existing EU directives mainly the Unfair Commercial Practices Directive, the Consumer Rights Directive, and the Unfair Contract Terms Directive and assess their adequacy in addressing issues such as dark patterns, influencer marketing, contract cancellations, marketing of virtual items, or the addictive use of digital products, amongst others.



European Consumer Centre Malta

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