

Scope of EU Digital Services Act (DSA) for non-EEA Companies

Please specify
for the specific
case:

Gabriel Kasper, Extraterritorial Scope of EU Digital Strategy, October 10, 2024 in www.swissprivacy.law/321
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Company:

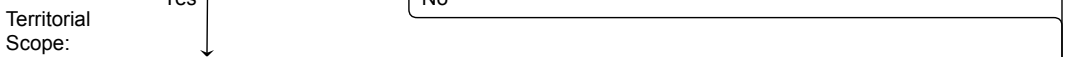
Material
scope:

DSA
Article:

Is there an intermediary service involved in the business activities of the company?		
<ul style="list-style-type: none"> • "Intermediary service" refers to one of the following information society services: <ol style="list-style-type: none"> a "mere conduit" service, consisting of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network; a "caching" service, consisting of the transmission in a communication network of information provided by a recipient of the service, involving the automatic, intermediate and temporary storage of that information, performed for the sole purpose of making more efficient the information's onward transmission to other recipients upon their request; or a "hosting", consisting of the storage of information provided by, and at the request of, a recipient of the service. • "Online platform" refers to a hosting service that, at the request of a recipient of the service, stores and disseminates information to the public, unless that activity is a minor and purely ancillary feature of another service or a minor functionality of the principal service and, for objective and technical reasons, cannot be used without that other service, and the integration of the feature or functionality into the other service is not a means to circumvent the applicability of the DSA. • "Online search engine" refers to an intermediary service that allows users to input queries in order to perform searches of, in principle, all websites, or all websites in a particular language, on the basis of a query on any subject in the form of a keyword, voice request, phrase or other input, and returns results in any format in which information related to the requested content can be found. 	3(g)	Intermediary service:
	3(i)	
	3(j)	



If there is an intermediary service, is the company the provider of such service?	2(1)
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If there is a provider of an intermediary service, is the intermediary service offered to recipients of the service that have their place of establishment or are located in the EEA?	2(1)	EEA countries:
<ul style="list-style-type: none"> • "Recipient of the service" refers to any natural or legal person who uses an intermediary service, in particular for the purposes of seeking information or making it accessible. • "To offer services in the EEA" refers to enabling natural or legal persons in one or more EEA member states to use the services of a provider of intermediary services that has a substantial connection to the EEA. 	3(b)	
	3(d)	



DSA applies 

DSA not applicable

Note: Certain obligations under the DSA do not apply to micro or small enterprises (cf. articles 15(2), 19 DSA). Stricter rules apply to B2C market places (articles 29–32 DSA), very large online platforms (VLOP) and very large online search engines (VLOSE; articles 33–43 DSA).