



Krajowa Izba Gospodarcza Elektroniki i Telekomunikacji

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Dot. projektu Digital Services Act – dokument COM(2020) 825

Szanowny Panie Dyrektore,

W związku z trwającymi pracami nad projektem Digital Services Act – document COM(2020) 825, w szczególności w zakresie Rozdziału IV, Izba przedstawia poniżej propozycje modyfikacji w zakresie Art. 43 oraz powiązanego z nim motywu 81. Wprowadzone zmiany zostały zaznaczone pogrubioną czerwoną czcionką. Zgodnie z Państwa sugestią przedstawiamy tekst w języku angielskim.

PROPOSED CHANGE TO ART. 43

Article 43 *Right to lodge a complaint*

Recipients of the service, **and other parties with a legitimate interest**, shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

PROPOSED CHANGE TO RECITAL (81)

(81) In order to ensure effective enforcement of this Regulation, individuals or representative organisations **and parties with a legitimate interest** should be able to lodge any complaint related to compliance with this Regulation with the Digital Services Coordinator in the territory where they received the service, without prejudice to this Regulation's rules on jurisdiction. Complaints should provide a faithful overview of concerns related to a particular intermediary service provider's compliance and could also inform the Digital Services Coordinator of any more cross-cutting issues. The Digital Services Coordinator should involve other national competent authorities as well as the Digital Services Coordinator of another Member State, and in particular the one of the Member State where the provider of intermediary services concerned is established, if the issue requires cross-border cooperation.

EXPLANATION

Draft DSA limits the right to lodge a complaint against providers of intermediary services to recipients of these services. Such a mechanism reduces the potential for the enforcement of compliance with DSA. The recipient of the service might not be best placed to identify or take action against infringements. For example, the right holders whose rights are infringed may be interested in and have a legitimate interest in lodging the complaint. It is therefore essential that other parties with a legitimate interest can also lodge complaints.

z poważaniem

Prezes Zarządu



Stefan Kamiński