

DSA.045 VLOP Crisis response mechanism

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Article 36

Crisis response mechanism

1. Where a crisis occurs, the Commission, acting upon a recommendation of the Board may adopt a **decision**, requiring one or more providers of very large online platforms or of very large online search engines to take one or more of the following **actions**:

(a) assess whether, and if so to what extent and how, the functioning and use of their services significantly contribute to a serious threat as referred to in paragraph 2, or are likely to do so;

(b) identify and apply specific, effective and proportionate measures, such as any of those provided for in Article 35(1) or Article 48(2), to prevent, eliminate or limit any such contribution to the serious threat identified pursuant to point (a) of this paragraph;

(c) report to the Commission by a certain date or at regular intervals specified in the decision, on the assessments referred to in point (a), on the precise content, implementation and qualitative and quantitative impact of the specific measures taken pursuant to point (b) and on any other issue related to those assessments or those measures, as specified in the decision.

When identifying and applying measures pursuant to point (b) of this paragraph, the service provider or providers shall take due account of the gravity of the serious threat referred to in paragraph 2, of the urgency of the measures and of the actual or potential implications for the rights and legitimate interests of all parties concerned, including the possible failure of the measures to respect the fundamental rights enshrined in the Charter.

2. For the purpose of this Article, a crisis shall be deemed to have occurred where extraordinary circumstances lead to a serious threat to public security or public health in the Union or in significant parts of it.

3. When taking the decision referred to in paragraph 1, the Commission shall ensure that all of the following requirements are met:

(a) the actions required by the decision are strictly necessary, justified and proportionate, having regard in particular to the gravity of the serious threat referred to in paragraph 2, the urgency of the measures and the actual or potential implications for the rights and legitimate interests of all parties concerned, including the possible failure of the measures to respect the fundamental rights enshrined in the Charter;

(b) the decision specifies a reasonable period within which specific measures referred to in paragraph 1, point (b), are to be taken, having regard, in particular, to the urgency of those measures and the time needed to prepare and implement them;

(c) the actions required by the decision are limited to a period not exceeding three months.

4. After adopting the decision referred to in paragraph 1, the Commission shall, without undue delay, take the following steps:

(a) notify the decision to the provider or providers to which the decision is addressed;

(b) make the decision publicly available; and

(c) inform the Board of the decision, invite it to submit its views thereon, and keep it informed of any subsequent developments relating to the decision.

5. The choice of specific measures to be taken pursuant to paragraph 1, point (b), and to paragraph 7, second subparagraph, shall remain with the provider or providers addressed by the Commission's decision.

6. The Commission may on its own initiative or at the request of the provider, engage in a dialogue with the provider to determine whether, in light of the provider's specific circumstances, the intended or implemented measures referred to in paragraph 1, point (b), are effective and proportionate in achieving the objectives pursued. In particular, the Commission shall ensure that the measures taken by the service provider under paragraph 1, point (b), meet the requirements referred to in paragraph 3, points

(a) and (c).

7. The Commission shall monitor the application of the specific measures taken pursuant to the decision referred to in paragraph 1 of this Article on the basis of the reports referred to in point (c) of that paragraph and any other relevant information, including information it may request pursuant to Article 40 or 67, taking into account the evolution of the crisis. The Commission shall report regularly to the Board on that monitoring, at least on a monthly basis.

Where the Commission considers that the intended or implemented specific measures pursuant to paragraph 1, point (b), are not effective or proportionate it may, after consulting the Board, adopt a decision requiring the provider to review the identification or application of those specific measures.

8. Where appropriate in view of the evolution of the crisis, the Commission, acting on the Board's recommendation, may amend the decision referred to in paragraph 1 or in paragraph 7, second subparagraph, by:

(a) revoking the decision and, where appropriate, requiring the very large online platform or very large online search engine to cease to apply the measures identified and implemented pursuant to paragraph 1, point (b), or paragraph 7, second subparagraph, in particular where the grounds for such measures do not exist anymore;

(b) extending the period referred to paragraph 3, point (c), by a period of no more than three months;

(c) taking account of experience gained in applying the measures, in particular the possible failure of the measures to respect the fundamental rights enshrined in the Charter.

9. The requirements of paragraphs 1 to 6 shall apply to the decision and to the amendment thereof referred to in this Article.

10. The Commission shall take utmost account of the recommendation of the Board issued pursuant to this Article.

11. The Commission shall report to the European Parliament and to the Council on a yearly basis following the adoption of decisions in accordance with this Article, and, in any event, three months after the end of the crisis, on the application of the specific measures taken pursuant to those decisions.