

i2Coalition Response to DSA Consultation

The Internet Infrastructure Coalition (i2Coalition) appreciates the opportunity to provide feedback to the Digital Services Act proposal. Founded in 2012 by a diverse group of Internet infrastructure companies, the i2Coalition is a global organization that supports and represents the companies that build and maintain the infrastructure of the Internet. Our members include cloud providers, data centers, web hosting companies, domain registries and registrars, IXPs, CDNs, network protection services, and other foundational Internet enterprises. We appreciate the opportunity to provide our comments on the DSA.

We believe that it is important, during this stage of the legislative process, to provide general feedback on the proposed act, rather than line-edits to the language. As our comments will show, we are generally pleased with the overall direction and shape of the DSA, however, we are deeply invested in regulatory clarity, which allows our members to operate without fear of errant interpretation threatening their work. This requires a firm and thorough understanding of the mechanisms of the Internet technical stack broadly, and of the types of companies that operate within it.

Beyond the general notes below, we have produced some educational materials, and are making ourselves available to further engage and educate on these issues. Any future language should have clarity about how the DSA applies, not just abstractly, but to real companies functioning within the Internet Ecosystem. Our [video explainer on the Internet infrastructure](#) describes the wide range of services, tools and companies that are the pathways for the rest of the Internet. A [second document shows the Internet layers and how Internet infrastructure supports our current economy](#).

The Continuation of Landmark E-Commerce Directive Concepts

We are pleased to see the continuation of several concepts from the E-Commerce Directive. We believe that maintaining the liability exemption for mere conduit, caching and hosting is a necessary step in reforming legislation that deals with Internet intermediaries. As well, we are in support of the ban on general monitoring obligation that has also been carried over from the E-Commerce Directive. We also welcome the recognition that “services establishing and facilitating the underlying logical architecture and proper functioning of the Internet”, such as

DNS services and content delivery networks, can benefit from liability protections under the DSA, which would bring about further legal clarity for providers of these types of services.

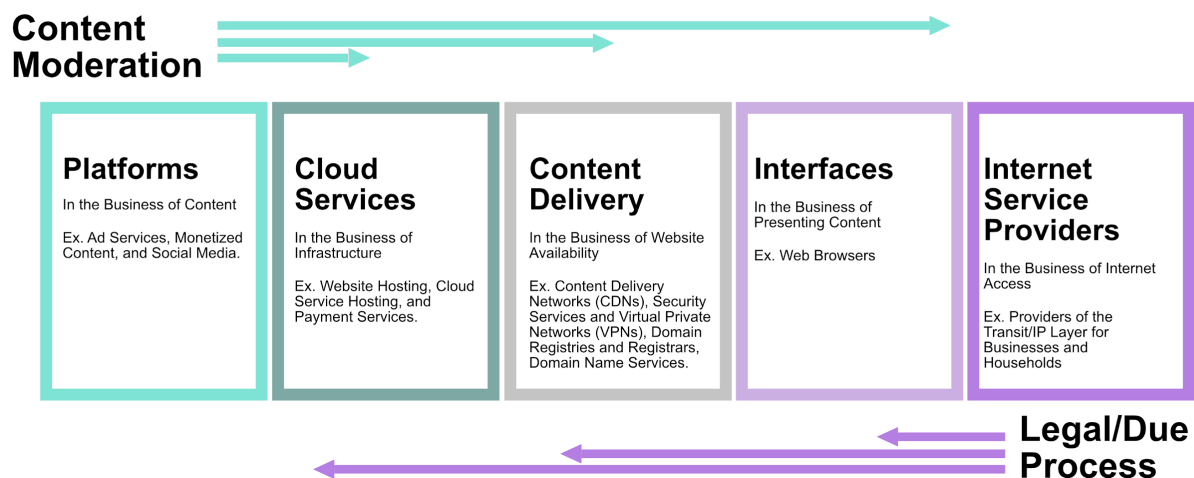
Regulatory Innovation for the Future of the Internet

As stated in our comments in 2020, the DSA “has the opportunity to shape the next stage of digital regulation in a way that does not inhibit the functioning of the Internet, but allows it to grow and fulfill its potential”. With i2Coalition’s membership being infrastructure companies, we welcome the asymmetric regulation approach from the Commission, as it makes clear that while the spotlight may be on platforms and on specific platforms in particular, liability legislation affects a wide range of other organizations as well. We believe that spelling out the responsibilities at each level, as the DSA breaks it down into intermediaries, platforms and very large online platforms, is crucial in allowing each stakeholder group to properly adhere to the regulation. Similarly, we support the harmonization of regulation across the European single market.

The Importance of Regulatory Clarity

Conversely, we would welcome a clarification and perhaps stronger distinction between what can and cannot be construed as an online platform. Our specific concern is that certain Internet infrastructure intermediaries, such as a cloud storage service, a web hosting service, or cloud infrastructure service, may end up inadvertently being defined as a platform. A clear distinction should be made for instances where the selection and presentation of content is entirely determined by content providers using the hosting service (mere hosting); or where the presentation of content is determined by the service provider, using content selected by the service provider from amongst content uploaded by different content providers (online platforms).

The Degree to Which Content Moderation and Official Rulings Apply to Each Segment of the Technology Stack



We look forward to engaging with policymakers interested in learning more about the infrastructure, how our members operate within the layers of the Internet, and most importantly, deeply discuss and workshop language based its potential application to specific companies in the infrastructure stack, if enacted.

We appreciate the opportunity to provide our comments at the beginning stages of the EU legislative process, and look forward to being involved further in the discussion of the DSA package.

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