Amazon Submission to the European Commission Survey on "Understanding How Digital Rules Work Together" Response to Question 9 – July 2025

Amazon welcomes the European Commission's (**EC**) consultation in preparation of its report to the European Parliament, the Council, and the European Economic and Social Committee on the application of Article 33 of the Digital Services Act (**DSA**) and its interaction with other legal acts. We remain fully committed to constructive engagement with the European Commission and appreciate the opportunity to contribute to this important discussion.

This statement sets out Amazon's response to Question 9 of the Commission's survey and is submitted for those purposes only.

1. Promote Clear Competences and Oversight

Amazon supports the DSA's objective of centralized enforcement for very large online platforms (**VLOPs**) and very large online search engines (**VLOSEs**). However, we are increasingly concerned by the emergence of overlapping and inconsistent enforcement actions across different authorities.

1.1 Fragmented Enforcement Undermines Legal Certainty

Despite the DSA's framework for centralized supervision, we observe parallel investigations into VLOP compliance by the EC, multiple Digital Services Coordinators (**DSCs**), national courts, and other regulatory bodies. For instance, overlapping enforcement concerning Articles 27 and 38 is underway both at the EU and national court level, posing a risk of conflicting interpretations.

This fragmentation is exacerbated by:

- The involvement of various Commission directorates and Member State authorities beyond DSCs;
- Private enforcement actions that proceed independently of or prior to regulatory determinations;
- The interpretation and application of legal instruments cross-referenced in the DSA, particularly the General Data Protection Regulation **(GDPR)**, by authorities lacking competence under the GDPR framework.

The last point is especially problematic. Both the DSA and legislation interacting with the DSA include references to the GDPR—for instance, in the context of systemic risk analysis, advertising transparency, or recommender systems. These references are increasingly being interpreted and applied by authorities that are not data protection regulators and thus lack the competence assigned under the GDPR. This risks bypassing the carefully structured cooperation and consistency mechanisms of the GDPR (Articles 60–66), including the lead supervisory authority model established under Articles 55–56. In doing so, it undermines regulatory coherence and legal certainty for supervised platforms operating across the EU.

This diffusion of interpretative authority leads to inconsistent application of data protection standards and creates overlapping, and potentially conflicting, obligations that regulated entities must navigate across different forums. It also erodes the principle of purpose limitation—where data protection enforcement is meant to serve a distinct and specialized regulatory purpose—by expanding GDPR interpretation into areas where it may not have been intended to dominate.

1.2 Inconsistencies with Other EU Frameworks

Unlike the DSA, other frameworks such as competition law[1], state aid law[2], and the Digital Markets Act (**DMA**)[3] provide mechanisms for regulatory coordination, including the EC's ability to intervene in national proceedings. The DSA currently lacks such safeguards, leading to enforcement that is less coherent and more prone to divergence.

We encourage the EC to consider adopting coordination mechanisms applicable to the DSA that are similar to those under Articles 63–65 GDPR to reduce the risk of fragmented enforcement and improve legal clarity.

1 Article 15 Regulation (EC) No. 1/2003.

2 Article 29 Regulation (EU) 2015/1589.

3 Article 39 of the Digital Markets Act

2. Clarify the Interplay Between Legal Acts

The regulatory obligations imposed on online intermediaries are becoming increasingly interdependent, resulting in overlaps, redundancies, and legal uncertainty.

A notable example is the potential overlap between the DSA's systemic risk obligations and the requirements of the Artificial Intelligence Act—particularly where generative AI technologies are integrated into intermediary services. These duplicative obligations increase compliance burden without commensurate gains in regulatory effectiveness. They also risk stifling innovation through over-regulation.

In addition, references to other legislation, such as the GDPR, are often embedded in ways that do not provide sufficient legal clarity on how obligations should be interpreted across regimes. This creates challenges for platforms in determining which authority's interpretation prevails, particularly where different regulatory logics—such as data protection versus platform integrity—are at play.

To address this, we urge the Commission to:

- Conduct a holistic, proportionality-based assessment of how EU digital rules interact;
- Ensure obligations are considered within the context of the broader framework;
- Promote coherence by avoiding regulatory silos and duplicative reporting.

3. Tailor Regulation to Business Models

For digital regulation to be effective, its scope and obligations must be appropriately tailored to the specific business models of online platforms.

While the DSA draws a useful distinction between VLOPs and VLOSEs, this categorization does not fully reflect the operational diversity among platforms. A one-size-fits-all approach risks applying ill-fitting rules to platforms with fundamentally different structures, functions, and risks.

We recommend that future regulatory instruments:

- Recognize the diversity of online intermediary business models;
- Calibrate obligations more narrowly to the functions and risks associated with each business model;
- Avoid imposing unnecessary burdens that do not serve the regulatory objective.

Such tailoring would help avoid overregulation, reduce compliance costs, and ensure that regulation remains effective and future-proof.

4. Enhance Procedural Safeguards

The current regulatory framework for online intermediaries lacks essential procedural protections, which are critical given the far-reaching implications of enforcement actions.

In contrast to other areas of EU law—such as competition proceedings, where the position of a hearing officer has existed since 1982—the DSA does not currently provide for similar safeguards. The absence of such mechanisms undermines the right to due process, as protected by the EU Charter of Fundamental Rights , the European Convention on Human Rights and in the case law of the European Court of Justice.

We urge the Commission to consider:

- Introducing an independent hearing officer role within DSA enforcement;
- Embedding procedural safeguards that ensure effective and fair oversight;
- Aligning procedural protections with those in established EU legal frameworks.

5. Conclusion

Amazon supports the Commission's goal of building a safe, predictable, and trustworthy online environment. Achieving this objective depends on a regulatory framework that is consistent, coordinated, and proportionate.

To that end, we respectfully recommend:

- Strengthening coordination and clarifying competences across regulators;
- Addressing overlapping legal requirements, particularly involving GDPR references;
- Tailoring rules to the diversity of platform business models;
- Embedding robust procedural safeguards.

Without these improvements, fragmented enforcement will continue to jeopardize the DSA's core objectives and create unnecessary burdens for compliant platforms.