



ARTICLE

DIGITAL SERVICES ACT: ZALANDO AND AMAZON CONTEST THEIR QUALIFICATION AS VERY LARGE ONLINE PLATFORMS

Competition, Retail and Consumer Law | 28/07/23 |



On June 27, 2023, and July 5, 2023, respectively, the German online commerce company, Zalando, and Amazon filed separate lawsuits before the **Court of Justice of the European Union**. The lawsuits aimed to challenge the decisions of the European Commission, which categorized them as **very large online platforms** under Article 33 of the Digital Services Act.

Zalando disputes the classification, asserting that it does not meet the criteria for such categorization and does not pose a systemic risk in terms of disseminating illegal content. The company also argues that the European Commission misunderstood the criterion of the number of users and failed to take into account Zalando's **retail-oriented** business model. Moreover, Zalando accuses the European Commission of lacking transparency and coherence in the decision-making process that led to its inclusion on this list (Case T-348/23: Zalando vs. Commission).

On the other hand, Amazon contends that the Digital Services Act was designed to address systemic risks posed by very large companies primarily reliant on advertising revenue and involved in disseminating speeches and information. Amazon claims that this description does not apply to its operations, as the majority of its revenues come from **retail activities**. Furthermore, Amazon argues that it is not the largest retailer in the European countries where it operates, thus leading to an unfair situation (Case T-367/23 - Amazon Services Europe vs. Commission).
