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# Independent Practitioner's Assurance Report on Zalando SE's compliance with the Digital Services Act

Independent practitioner's assurance report concerning Regulation (EU) 2022/2065, the Digital Services Act (DSA)

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## 1. Independent practitioner's assurance report

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### *Scope*

Deloitte GmbH Wirtschaftsprüfungsgesellschaft (hereafter 'we', 'Deloitte' or 'independent practitioner') have been engaged by Zalando SE (hereafter 'Zalando' or 'audited provider') to perform a 'reasonable assurance engagement,' as defined by International Standards on Assurance Engagements, to evaluate Zalando management's statement that the systems and processes implemented to comply with Regulation (EU) 2022/2065 of the European Parliament and of the Council (the "Act" or "DSA") (its "Statement") and to opine in accordance with Article 37 of the Act on the systems and manual processes in place (collectively the "Subject Matter") regarding their compliance with each applicable obligation and commitment, and overall, referred to in Article 37 (1) (a) of the Act (the "Specified Requirements") during the period from 05/01/2024 through 04/30/2025 (the "Examination Period"). Unless referenced otherwise, each applicable obligation and commitment is defined at the Sub-Article level.

Other than as described in the preceding paragraph, which sets out the scope of our engagement, we did not perform assurance procedures on the audited service's compliance with codes of conduct and crisis protocols (referred to in Article 37 (1) (b) of the Act) because the requirement for the audited service to comply with such Articles did not exist during the Examination Period, and accordingly, we do not express an opinion on this information.

We are also not responsible for the audited provider's interpretations of, or compliance with, laws, statutes, and regulations (outside of the Specified Requirements) applicable to Zalando in the jurisdictions within which Zalando operates. Accordingly, we do not express an opinion or other form of assurance on the audited provider's compliance or legal determinations.

The information included in Annex 2, has not been subjected to the procedures applied in our engagement and, accordingly, we express no opinion on it.

### *Zalando's responsibilities*

The management of the audited service is responsible for:

- Determining the applicability of each of the DSA obligation and commitments during the Examination Period.
- The audited service's compliance with the Specified requirements, by designing, implementing, and maintaining the audited service's system and manual processes (and related controls) in place to comply with the Act.
- Selecting the Specified Requirements and making interpretations of any compliance requirements that have varying interpretations and developing benchmarks, as needed, to implement the Specified Requirements.
- Evaluating and monitoring the audited service's compliance with the Specified Requirements.
- Implementing specific measures to address audit findings from previous audit and continuous monitoring of implemented measures.
- Its Statement of compliance with the Specified Requirements and having a reasonable basis for its Statement.
- Preparing and submitting the audit implementation report referred to in Article 37 (6) of the DSA that shall be drawn up in accordance with the template in Annex II of the Delegated Act.

This responsibility includes establishing and maintaining processes and procedures, maintaining adequate records and documentation, and making estimates that are relevant to the preparation of its Statement.

Zalando's management is responsible for the evaluation of the Subject Matter in relation to the Specified Requirements and for determining compliance. Zalando is also responsible for selecting the Specified requirements, and for the Subject Matter being in compliance with the Specified Requirements, in all material respects. Zalando has been designated by the European Commission as being the designated provider of the audited service.

### 1.1. Our independence and quality management

We have complied with the International Ethics Standards Board for Accountants International Code of Ethics for Professional Accountants (including International Independence Standards), which includes independence and other requirements founded on fundamental principles of integrity, objectivity, professional competence and due care, confidentiality and professional behaviour, that are at least as demanding as the applicable provisions of the International Ethics Standards Board for Accountants International Code of Ethics for Professional Accountants (including International Independence Standards).

We apply the International Standard on Quality Management 1 (ISQM) and accordingly maintain a comprehensive system of quality management including documented policies and procedures regarding compliance with ethical requirements, professional standards, and applicable legal and regulatory requirements.

*Deloitte's responsibilities*

Our responsibility is to:

- Plan and perform our procedures to obtain reasonable assurance about whether, in all material respects, Zalando complies with each of the Specified Requirements,
- Form an independent opinion on whether Zalando is in compliance with the Specified Requirements based on the procedures we have performed and the evidence we have obtained, and
- Express our opinion to the audited provider.

We conducted our engagement in accordance with the International Standard for Assurance Engagements other than Audits or reviews of historical financial information ('ISAE 3000 (Revised)'), and the Commission Delegated Act (EU) supplementing Regulation (EU) 2022/2065 of the European Parliament and of the Council, by laying down rules on the performance of audits for very large online platforms and very large online search engines ("Delegated Act") dated 10/20/2023 and the terms of reference for this engagement as agreed with Zalando on 01/13/2025 and attached as Annex 7. Those standards require that we plan and perform our engagement to obtain reasonable assurance about whether, in all material respects, the Subject Matter is in compliance with the Specified Requirements, and to issue a report. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risk of material misstatement, whether due to fraud or error.

### 1.2. Description of procedures performed

Our work to assess the audited service's compliance with the Specified Requirements during the Examination Period included:

- Obtaining an understanding of the characteristics of the services provided by the audited provider, including changes to the characteristics since the previous audit;
- Evaluating the appropriateness of the Specified Requirements applied and their consistent application, including evaluating the reasonableness of estimates made by the audited provider;
- Obtaining an understanding of the systems and processes implemented to comply with the DSA, including obtaining an understanding of the internal control environment relevant to our assurance engagement. But not for the purpose of expressing an opinion on the effectiveness of the audited provider's internal controls;
- Evaluating the appropriateness of implemented measures by the audited provider to address audit findings from previous audit;

- Identifying and assessing the risks whether Zalando's management statement of the compliance with the Specified Requirements is incomplete and inaccurate, whether due to fraud or error, and designing and performing further assurance procedures responsive to those risks, and;
- Obtaining assurance evidence that is sufficient and appropriate to provide a basis for our opinion. We collected evidence between 02/26/2025 and 08/06/2025.

The specific test procedures we performed, along with the nature, timing, and results of those tests are listed in the accompanying Annex 1, including for each applicable obligation:

audit opinion; audit criteria, materiality thresholds, procedures, methodologies, and results; overview and description of information relied upon as audit evidence; explanation of how the reasonable level of assurance was achieved; notable changes to the systems and functionalities audited; identification of any specific element which could not be audited (if applicable) or audit conclusion not reached; and other relevant observations and findings.

Additionally, our summary of audit risk analysis pursuant to Article 9 of the Delegated Act, including assessment of inherent, control and detection risk for each obligation is included in Annex 4.

Furthermore, our attestation that the auditing organization complies with the obligations laid down in Article 37 (3), point (a), (b), and (c) is included in Annex 5.

We believe that the evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### 1.3. Inherent limitations

The services in the digital sector and the types of practices relating to these services can change quickly and to a significant extent. Therefore, projections of any evaluation to future periods are subject to the risk that Zalando's compliance with the Specified Requirements may become inadequate because of changes in conditions or that the degree of compliance with the policies or procedures may deteriorate.

The Subject Matter is subject to measurement uncertainties resulting from limitations inherent in the nature of and the methods used in determining such systems and processes implemented to comply with the Specified Requirements. The selection of different but acceptable measurement techniques can result in materially different measurements. The precision of different measurement techniques may also vary.

Our assurance engagement was limited to performing audit procedures on those aspects of Zalando's algorithmic systems relevant to comply with the Specified Requirements. This did not include all of the algorithmic systems that Zalando operate, nor all aspects of the algorithmic systems for which we performed audit procedures. Algorithms may also not always operate consistently or at an appropriate level of precision to achieve their intended purpose. We do not express an opinion or any other form of assurance on the design, operation and monitoring of the algorithmic systems except on those aspects of Zalando's algorithmic systems relevant to comply with the Specified Requirements.

Risk assessment, including the identification of systemic risks, is a judgmental process. It is also often conducted at a point in time and cannot always anticipate risks arising from new or unprecedented events for which there is little or no historical information.

### 1.4. Emphasis of Matter

We obtained a list of DSA-related controls and performed a design assessment of internal controls addressing DSA Obligations but were unable to rely on the operating effectiveness of those controls. In close alignment with Zalando, we decided to alternatively perform substantive audit procedures in order to derive an audit opinion on DSA compliance with reasonable assurance. During the performance of our audit procedures, it was noted that Zalando is continuously working towards the improvement of design and effectiveness of DSA-related controls.

Substantially all of the data relevant to the DSA represents non-financial data that is stored and processed in multiple non-financial systems and databases. During the performance of audit procedures we have identified DSA obligations

that relied on IT-systems and tools. Considering a risk-based approach, for relevant IT-systems and tools, an evaluation of general information technology controls (GITCs) was performed. These controls covered various aspects of the IT control environment, including access management, change management and operations. Given the non-financial nature of such data we were, in some cases, nevertheless unable to identify alternative reciprocal data sets that could form a basis for substantive audit procedures to obtain reasonable assurance over the completeness of the data.

In the DSA Audit Implementation Report, submitted to the Bundesnetzagentur (BNetzA) as respective Digital Services Coordinator (DSC) in September 2024, Zalando outlined to implement all recommendations raised during the previous audit. By performing our audit procedures, it was noted that Zalando implemented the recommendations or is continuously working on the implementation of these. One of the key initiatives undertaken by Zalando is the implementation of a unified Notice & Action (N&A) ticketing system. The goal of this solution is to replace the previously used fragmented, spreadsheet-based system with a centralized, scalable, and automated platform that integrates seamlessly with Zalando's internal workflows and DSA regulatory requirements. The solution was implemented as of July 2025 and will be subject to audit procedures in the subsequent Examination Period.

### 1.5. Other Matters

Content on the audited service – in the form of product details on the Product Detail Page (PDP) – is either generated by Zalando or by Partners according to the requirements and guidelines provided by Zalando. Content provided via the Partner Program undergoes a moderation process and is ultimately published and uploaded to the audited service by Zalando. In December 2024 Zalando introduced the "Ratings and Reviews" function on the platform. This function provides the opportunity to introduce product ratings and reviews. There are two types of reviews:

1. syndicated reviews obtained via a third-party moderator and
2. organic reviews, collected from Zalando customers.

Both types of Ratings and Reviews undergo a moderation process by Zalando.

The DSA generally refers to the term "user". For the audited service, it is helpful to differentiate this term into the following user groups:

1. Partners (or traders): According to Zalando, these are registered partners/traders and can be understood as content providers in the sense of the DSA.
2. Users: According to Zalando, these are individuals accessing and browsing the audited service and individuals creating ratings and reviews published on Zalando' platform.

The DSA imposes measures to increase transparency (for both user groups) by providing transparency information in the terms & conditions. As Zalando's terms & conditions are purchasing terms & conditions, which apply solely to users who buy a product, Zalando implemented an additional way to increase transparency for all users, including persons who are just browsing the audited service, by highlighting e.g. recommender systems directly on the user interface with an (i) symbol. By clicking on the (i) symbol, the user is informed about the underlying parameters used to display recommendations. This includes general parameters such as location, article information or personalized parameters like preferences, orders, or browsing activities.

### 1.6. Audit Opinion

The audit opinion for compliance with the audited obligations referred to in Article 37(1), point (a) of the Act is to be phrased as Positive, Positive with comments, or Negative. Based on the conclusions for each obligation and commitment, the auditing organization is required to include an overall audit opinion.

#### *Basis for Qualified Opinion*

By performing the defined audit procedures for each obligation and commitment, we derived the following conclusions:

- Zalando complied with 71 of the Specified Requirements throughout the Examination Period. These are indicated with a Positive conclusion in Annex 1. Thereof 2 Specified Requirements were commented.
- Zalando partially complied with 4 of the Specified Requirements throughout the Examination Period. These are indicated with a Negative conclusion in Annex 1.
- Zalando did not comply with 0 of the Specified Requirements throughout the Examination Period.
- For 19 of the Specified Requirements there were no occurrences identified throughout the Examination Period. These are indicated in Annex 1 as Disclaimer. For the majority of these Specified Requirements, we could identify implemented processes and guidelines generally suitable to meet the compliance requirements in case of future occurrences.
- Certain Specified Requirements either did not exist or were not applicable to Zalando during the Examination Period. These are indicated as out-of-scope obligations in Annex 2.

For the following Articles we have reached a 'negative' audit conclusion:

- Article 15 (1) (Transparency reporting obligations for providers of intermediary services)
- Article 16 (5) (Notice and action mechanisms)
- Article 16 (6) (Notice and action mechanisms)
- Article 24 (5) (Transparency reporting obligations for providers of online platforms)

Please refer to Annex 1 for more details.

As described above, Zalando has already implemented a unified Notice & Action (N&A) ticketing system in July 2025. This solution aims to increase automation in Notice and Action mechanisms and thus further increase accuracy in the process as well as in the Transparency Reporting numbers. The solution will be subject to the audit procedure in the subsequent Examination Period.

*Negative Opinion*

In our opinion, except for the four cases of partial non-compliance described above and in Annex 1, Zalando complied with the applicable obligations set out in Chapter III of the DSA during the Examination Period, in all material respects.

Following Article 8 (6) point (c) of the Delegated Act, the audit opinion shall be negative if *"the auditing organization reached a 'negative' audit conclusion for at least one audited obligation or commitment".* Therefore, we conclude a 'negative' overall audit opinion following Article 8 of the Delegated Act.

### 1.7. Conclusions on each applicable individual commitment and obligation

For conclusions on each obligation and commitment, see Annex 1.

### 1.8. Restricted Users and purpose

This report is intended solely for the information and use of Zalando, and for the information of the European Commission and the applicable Digital Services Coordinator of establishment as mandated under DSA Article 42 (4), (collectively, the "Specified Parties") for assessing the entities' compliance with the Specified Requirements, and is not intended to be, and should not be, used by anyone other than these Specified Parties or for other purposes. Mandatory publication duties of Zalando in accordance with Article 42 (4) remain unaffected.

Deloitte.

Berlin, 08/14/2025

Deloitte GmbH
Wirtschaftsprüfungsgesellschaft

Dr. Ljuba Kerschhofer-Wallner

Martin Ritter

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## 2. Annexes to the Independent Practitioner's Assurance Report

Annex 1 – The specific test procedures we performed, along with the nature, timing, and results of those tests

Annex 2 – Obligations that are out of scope

Annex 3 – Template for the audit report referred to in Article 6 of Delegated Act Section A: General Information

Annex 4 – Documents relating to the audit risk analysis

Annex 5 – Documents attesting that the auditing organisation complies with the obligations laid down in Article 37 (3), point (a), (b), and (c)

Annex 6 – Definitions

Annex 7 – Statement of Work between Zalando and Deloitte Wirtschaftsprüfungsgesellschaft

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## Annex 1 – The specific test procedures we performed, along with the nature, timing, and results of those tests[1]

Appendix 1 of the Independent Accountant's Report for Zalando offers a detailed analysis of compliance with the DSA requirements. This section provides stakeholders with comprehensive insights into the obligations and commitments under Article 37(1)(a) of European Union Regulation 2022/2065, collectively referred to as "Specified Requirements."

### *Audit Criteria Composition*

The audit criteria for this examination consist of two primary elements: the specific requirements outlined by the DSA and the benchmarks and definitions provided by Zalando. This dual approach aids in interpreting the regulatory text for Zalando and is detailed in the tables within Appendix 1.

### *Sampling Approach*

A robust sampling methodology is employed that aligns with underlying standards (e.g. ISAE3000, IAASB, IDW), facilitating effective control testing without the necessity to examine every item in a population. Sample sizes are determined based on factors such as population size, risk of control failure, and the auditor's assessment of the tolerable rate of deviation. This approach provides a reasonable basis for conclusions about the population. Both statistical and nonstatistical sampling methods are utilized. Statistical sampling uses mathematical models for sample size determination and result evaluation, enhancing objectivity. Nonstatistical sampling relies on auditor judgment, leveraging experience and understanding of control operations. The results are evaluated to confirm that the sample is representative of the population and that controls are operating effectively.

### *Procedures for Control Testing and Substantive Testing*

In accordance with the DSA, sufficient testing is conducted to confirm that digital platforms comply with transparency and accountability requirements. This involves two main types of testing: control testing and substantive testing.

### *Control Testing*

Control testing is an audit procedure designed to evaluate the operating effectiveness of controls in place to comply with the Specified Requirements.

### *Substantive Testing*

Substantive testing is an audit procedure designed to detect material misstatements, which can include testing of details (e.g. transactions, disclosures, algorithm systems).

These procedures help confirm that digital platforms meet DSA obligations, promoting transparency and accountability in the digital services sector. We reached reasonable assurance through the performance of these controls and substantive testing procedures.

### *Materiality*

The concept of materiality guides our areas of focus on those elements which, if omitted or misstated, could influence the decisions of the recipients of our report. In considering materiality, we apply professional judgement utilizing qualitative and quantitative techniques and analysis.

Materiality is considered in the following aspects of the assurance engagement:

- Zalando´s user interface offers various types of functionalities. As part of our risk assessment and planning procedures and in developing our plan for further testing, we consider where the risk of material non-compliance may occur and where further procedures should be performed. In making this determination we consider the materiality at obligation level.

[1] Note, this Annex covers both the specific test procedures we performed, along with the nature, timing, and extent of those tests, along with the appendix referred to in the Delegated Act entitled “Documentation and results of any tests performed by the auditing organisation, including as regards algorithmic systems of the audited provider”.

- Assessing whether the audited provider has complied with the obligations often involves attribute testing (e.g. was a compliance activity performed in line with the audit criteria, or was it not performed appropriately), which is described in more detail under the header 'Sampling Approach' above. In designing the sampling methodology, the auditor considers the materiality threshold, which in case of attribute testing, translates into defining a tolerable rate of deviation that would still allow the auditor to conclude the audit criteria were materially met. In some cases we may conclude that, given the nature of the obligation, no materiality should be applied in our testing.
- When performing substantive procedures to assess the audited provider's compliance with the audit criteria that involve numeric disclosures (e.g. transparency report disclosures), the materiality is typically defined as a tolerable rate of error in the reported number. The amount by which a reported number is allowed to deviate from the audited number and still conclude it is materially correct is a matter of judgement and based on both quantitative and qualitative criteria. Where relevant, our judgement considers the combination of any deviations identified in attribute testing together with those quantitative deviations identified in the numeric disclosures. Our quantitative error tolerance has typically been set between 3% and 5% of the reported number. Qualitative assessments may result in setting a lower error percentage than determined solely on the basis of a quantitative assessment.
- In evaluating compliance at the individual obligation level, we evaluate whether the outcome of our procedures and any exceptions or errors noted in our testing, affect our conclusion that the audited provider has materially complied with the obligation.

*Allocation of Responsibilities*

The following table outlines the allocation of responsibilities for the various components within Appendix 1:

| Component | Responsibility |
|---|---|
| Audit criteria | Zalando SE |
| Summary of controls and processes | Zalando SE |
| Materiality threshold | Deloitte GmbH Wirtschaftsprüfungsgesellschaft |
| Procedures and information relied upon | Deloitte GmbH Wirtschaftsprüfungsgesellschaft |
| Conclusion on compliance | Deloitte GmbH Wirtschaftsprüfungsgesellschaft |
| Recommendations | Deloitte GmbH Wirtschaftsprüfungsgesellschaft |

This introduction provides a structured framework for understanding Zalando's compliance with the DSA, detailing the audit's scope, methodology, and division of responsibilities.

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Section 1 - Provisions applicable to all providers of intermediary services

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 11.1 (Points of contact for Member States' authorities, the Commission and the Board) | 1) The provider has a process defined to determine and inform the responsible individuals that contains e.g. a role description, representatives and an escalation plan.<br>2) The provider has designated a central contact point for communication with authorities. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inquired responsible individuals from Zalando and obtained the information that Zalando designated several responsible individuals for handling communications from authorities using a centralised e-mail address. Inspected the relevant process description and verified that responsible individuals for processing incoming communication from authorities were designated and outlined in the process description. Furthermore, inspected that the determined e-mail address for the designated contact point for authorities is "authorities-dsa@zalando.de".
4. Inspected the process description and verified that Zalando has appointed individuals with a legal background to process notifications from authorities. From the process description it was verified that a process was defined for handling and processing incoming e-mails. Obtained the information that incoming mails are automatically forwarded to the personal e-mail of the designated individuals for further processing.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 11.1 (Points of contact for Member States' authorities, the Commission and the Board) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 11.2 (Points of contact for Member States' authorities, the Commission and the Board) | 1) The provider has published the information for the determination of the contact point.<br>2) The information on contact point determination and communication is easily accessible for authorities on all interfaces. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando's German website and iOS app, to verify that the information of the determined contact point is published on the interfaces. The interfaces are managed centrally by Zalando's headquarter in Germany. Therefore, the German website and iOS app were selected for the performance of audit procedures. Hereafter, this explanation applies to all specified requirements where audit procedures were performed for Zalando's interfaces. Verified that information related to the contact point is stated in the imprint. The available information contains the link to the e-mail address designated for the contact point, which is "authorities-dsa@zalando.de".
4. Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition of "easily identifiable" as following:
   "Following the E-Commerce Directive (Directive 2000/31/EC) and respective guidance on the interpretation of German transposition laws which use similar terms ("clearly identifiable" and "easily accessible"), we interpret "easily identifiable" to mean effectively visually perceptible and located in a conspicuous place which is easy to find without having to search for a long time. Since contact information is generally located in the imprint/about us section of a website/app, this is a conspicuous place for the information on the point of contact." Performed an accessibility assessment of Zalando's German website and iOS app and assessed that the published contact point information and communication are easily accessible for authorities on the interfaces by navigating through the website and the app. The accessibility assessment involved the ease with which the information could be located. Inspected that for all pages of the website. The contact details of the contact point for authorities can be accessed via the 'Imprint' in the footer of the website. Contact details are published on the imprint page. In the iOS app, the contact details of the contact point for the authorities can be accessed via the user account page in the menu item "About us". Verified that Zalando has published the same e-mail address as determined in the process documentation on the interfaces. Verified that the published information is easy to identify on the interfaces according to Zalando´s internal definition.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 11.2 (Points of contact for Member States' authorities, the Commission and the Board) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
| --- | --- |
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

<table>
<tr><td>Obligation:<br>11.3 (Points of contact for Member States' authorities, the Commission and the Board)</td><td>Audit criteria:<br>1) The information referred to in article 11 paragraph 2 (A11.P2) specifies the language that may be used.<br>2) Communication with the contact point shall be possible in a language understood by as many citizens of the union as possible and in the official language of the head office or registered office of the legal representative.</td><td>Materiality threshold:<br>No materiality - Due to the nature of the obligation, no materiality threshold has been applied.</td></tr>
<tr><td colspan="3">Audit procedures, results and information relied upon:<br>1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.<br>2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.<br>3. Inspected Zalando's German website and iOS app, to verify that the language used for communication is specified. Verified that in the imprint the respective information is published and it is indicated that communication with the contact point is possible in German and English language.<br>4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.<br>Changes to the audit procedures during the audit:<br>No changes occurred to the audit procedures during the audit.<br>Conclusion:<br>In our opinion, Zalando complied with the specified requirements of 11.3 (Points of contact for Member States' authorities, the Commission and the Board) during the examination period, in all material respects.</td></tr>
<tr><td colspan="2">Recommendations on specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required.</td><td>Recommended timeframe to implement specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required.</td></tr>
</table>

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 12.1 (Points of contact for recipients of the service) | 1) The provider has designated a central contact point for communication with the users.<br>2) Communication with the contact point enables direct and fast communication by digital channels and in a user-friendly manner.<br>3) The user is free to choose the medium of communication.<br>4) The communication mediums include telephone numbers, e-mail addresses, electronic contact forms, chatbots or instant messaging.<br>5) The means of communication are not based solely on automated instruments.<br>6) The provider has provided sufficient staff to be able to process user requests quickly. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inquired responsible individuals from Zalando and obtained the information that Zalando designated "The Customer Care" (CuCa) department as the central contact point for users. Inspected the organisational charts and verified that responsible individuals for processing incoming communication for recipients of the service were designated and outlined in the organisational charts.
4. Inspected the organisational chart and verified that the Customer Care department consists of the Real Time Management and Product Management departments and inspected related organisational charts. Verified that the designated contact point CuCa is appropriate in terms of capacities at that point in time and knowledge for handling DSA inquiries. Inspected the organisational charts and verified that they detail the structure and staffing levels within the Product Management and Real Time Management departments, highlighting the adequate number of employees assigned to handle user inquiries and DSA-related questions efficiently. Obtained Zalando's "DSA Knowledge Article" published in Salesforce to provide training to employees on handling DSA cases. Verified that Zalando ensured that the departments involved are well-equipped to manage user inquiries efficiently. Verified that the employees received information about the legal background, reporting, customer journey and work instructions for DSA cases through the publishment in Sales Force.
5. Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition of "user-friendly" as following: Communication in a user-friendly manner is assured by the user being able to choose between multiple means of communication (e.g. email, phone, chat) which all enable the consumer to directly communicate with Zalando without any technical hindrance and also directly with humans and not solely with bots". Performed an accessibility assessment of Zalando´s German website and iOS app and assessed that the designated contact point enables direct and fast communication by digital channels and in a user-friendly manner by navigating through the website and the app. Inspected that on the interfaces, a selection for which topic help is needed can be accessed via the button "Help" and "Frequently asked questions (FAQ)". If the FAQ section cannot provide sufficient help, the user has the possibility to ask for more help, which is considered as user-friendly according to Zalando´s internal definition. Determined that the customer help section on the interfaces is primarily for non-DSA-related questions, but if the user reaches out to the CuCa department via the communication channels, they are also responsible to handle the DSA issue.
6. Inspected Zalando's German website and IOS app, to verify that the communication methods for users to interact with the CuCa department are shown and include different mediums. Verified that there are

| | |
|---|---|
| three communication methods. Determined the available communication methods: telephone number, e-mail address via contact formular and chatbot. Furthermore, verified that the timeframes during which these communication methods are available are specified.<br>7. Verified during the accessibility assessment that communication methods are not based solely on automated instruments. Users can contact Zalando regarding DSA-related topics also via telephone and e-mail support in addition to chatbot services.<br>8. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.<br>**Changes to the audit procedures during the audit:**<br>No changes occurred to the audit procedures during the audit.<br>**Conclusion:**<br>In our opinion, Zalando complied with the specified requirements of 12.1 (Points of contact for recipients of the service) during the examination period, in all material respects. | |
| **Recommendations on specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. | **Recommended timeframe to implement specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 12.2 (Points of contact for recipients of the service) | 1) The provider has published the information necessary for users to easily identify and communicate with the contact point.<br>2) The information for identifying and communicating with the contact point is easily accessible on all interfaces. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition of "easily identifiable" as following: "Following the E-Commerce Directive (Directive 2000/31/EC) and respective guidance on the interpretation of German transposition laws which use similar terms ("clearly identifiable" and "easily accessible"), we interpret "easily identifiable" to mean effectively visually perceptible and located in a conspicuous place which is easy to find without having to search for a long time. Since contact information is generally located in the imprint/about us section of a website/app, this is a conspicuous place for the information on the point of contact".
4. Inspected Zalando's German website and iOS app, to verify that Zalando published the central contact point for users on the interfaces and that the communication point for users is easily to identify. Verified that the published information is easy to identify in the FAQ section to communicate with the contact point for communication with users on the interfaces according to Zalando´s internal definition.
5. Performed an accessibility assessment of Zalando's German website and iOS app and assessed that the published information of the contact point for communication with users is easily accessible for users on the interfaces by navigating through the website and the app. The accessibility assessment involved the ease with which the information could be located.
6. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 12.2 (Points of contact for recipients of the service) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 14.1 (Terms and conditions) | 1) The provider has a process defined to update the terms and conditions when the processes change and the responsible individuals for the process are informed.<br>2) The provider has included in its terms and conditions information on any restrictions on the information provided by users that they impose in connection with the use of the service and its right to terminate the use of the service.<br>3) The information includes details of all policies, procedures, measures and tools used to moderate content, including algorithmic decision-making and human review, as well as the rules of procedures for their internal complaints management system.<br>4) The information is written in clear, simple, understandable, user-friendly and unambiguous language.<br>5) The information is made publicly available in an easily accessible and machine-readable form on all interfaces. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inquired responsible individuals from Zalando and obtained the information that according to Zalando's business model, there are three cases for those terms and conditions are defined: the Partner terms and conditions (Platform Rules, applicable for partners that sell products via Zalando Platform), Ratings & Reviews terms and conditions (applicable for customers that publish ratings and reviews via Zalando´s Platform) and the Purchase terms and conditions (applicable for customers that purchase product via Zalando Platform). Obtained the information, that Zalando defines the Platform Rules and terms and conditions for Ratings & Reviews as relevant cases for the application of 14.1, as partners can provide information (e.g. product content) and users can provide information (e.g. ratings and reviews for products) on Zalando's platform. Inspected the Partner Agreement and verified that in section 1.4 Zalando refers to Appendix 2. Appendix 2 refers to the freely accessible Platform Rules. Inspected Zalando´s Platform Rules and verified that in section 4.2 Zalando included the information on any restriction for partners that they impose in connection with the use of the service and Zalando's right to terminate the use of the service. Verified in section 4.2.3 that Zalando informs the partner regarding the possibility to correct their errors. Additionally inspected the Ratings & Reviews terms and conditions and verified that in section 3 "Review Guidelines", Zalando has provided the information on any restrictions on the information provided by users that they impose in connection with the use of the service and its right to terminate the use of the service.
4. Inspected the Partner Agreement and verified that in section 1.4 Zalando refers to Appendix 2. Appendix 2 refers to the freely accessible Platform Rules. Inspected Zalando´s Platform Rules and verified that in section 4.2 Zalando linked the Image and Content Guidelines, where the requirements for successful partnership are listed. Additionally inspected the Ratings & Reviews terms and conditions and verified that in section 3 "Review Guidelines", Zalando has provided the information on Content Guidelines, where the requirements for the content of reviews are listed.
5. Inspected the Partner Agreement and verified that in section 1.4 Zalando refers to Appendix 2. Appendix 2 refers to the freely accessible Platform Rules. Inspected Zalando´s Platform Rules and verified that in section 9 "Internal complaint handling" Zalando enables the trader to submit complaints through the

internal complaint management system. Partners have the option to either chat with an expert from the Partner care support team or contact Zalando via the request form to submit the issue, after logging in the Zalando Partner University. Additionally inspected the Ratings & Reviews terms and conditions and verified that in section 5 "Reporting reviews" Zalando provide information that Zalando enables the users to report reviews through the internal complaint management system. If the review is not compliant with applicable laws or Zalando's internal policies, it is deleted and the reviewer has the right to contest the decision within 6 months of being informed of the decision.

6. Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition of clear, simple, understandable, user-friendly and unambiguous language as following:
"These terms are complementary and do not necessarily have a stand-alone meaning in EU legislation (e.g. the Unfair Contract Terms Directive,93/13/EEC; "UCTD"). All combined, these terms describe the principle of transparency and fairness established by the UCTD. This means that terms and conditions must be formally and grammatically intelligible, easy to read/understand and an average consumer must be able to determine rights and obligations without the respective provisions being open to more than one interpretation. These principles are interpreted and further determined by plenty of national and EU case law on a case-by-case basis.
Plain and intelligible: These terms are used in combination throughout EU legislation and constitute the principle of transparency for terms and conditions. In accordance with the European Court of Justice, this requirement must be understood as requiring not only that the term in question must be formally and grammatically intelligible to the consumer, but also that an average consumer, who is reasonably well informed and reasonably observant and circumspect, is in a position to understand the specific functioning of that term and thus evaluate, on the basis of clear, intelligible criteria, the potentially significant consequences of such a term for his or her obligations.
Clear and unambiguous: The combined term "clear and unambiguous" is often used as a synonym for "plain and intelligible" in the context of determining whether a provision in terms and conditions is valid under the UCTD and respective national transposition laws. It means that the provision must be drafted in a way that it is easy to understand for the average consumer (incl. in terms of grammar). Further, provisions in terms and conditions must be drafted in a way that they are not open to more than one interpretation.
User-friendly: "User-friendly" emphasises the principle of transparency. Terms and conditions must be formally structured in a way that users find the content they are looking for in predictable places and conclusive sections (e.g. all provisions regarding termination rights are at one place and not separated in different sections and different places of the terms and conditions).
Compared the information in the Platform Rules and terms and conditions for Ratings & Reviews to the list of internal definitions and verified that the information is clear, simple, understandable, user-friendly and in unambiguous language according to Zalando´s internal definition.
7. Inspected Zalando´s Platform Rules and verified that these are publicly available via Zalando´s Partner University. Additionally inspected Ratings & Reviews terms and conditions and verified that these are publicly available via Zalando´s Platform. Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition "machine-readable format" as following:
"Under consideration of Recital 21 of Directive 2013/37/EU, a document should be considered to be in a machine-readable format if it is in a file format that is structured in such a way that software applications can easily identify, recognise and extract specific data from it. We therefore consider formats which are intended to be read by machines (e.g. XML) as well as formats which machines are able to read (e.g. PDF) as "machine-readable format" for the purposes of DSA compliance."
Compared the format of Zalando´s Platform Rules and Ratings & Reviews terms and conditions to the list of internal definitions and verified that both terms and conditions are in a machine-readable format according to Zalando´s internal definition.
8. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

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| Changes to the audit procedures during the audit:<br>No changes occurred to the audit procedures during the audit.<br>Conclusion:<br>In our opinion, Zalando complied with the specified requirements of 14.1 (Terms and conditions) during the examination period, in all material respects. | |
| Recommendations on specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required. | Recommended timeframe to implement specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 14.2 (Terms and conditions) | 1) The provider has a process defined to inform all users of significant changes to the terms and conditions and the responsible individuals for the process are informed.<br>2) The provider has defined and documented when changes to the terms and conditions are considered as significant.<br>3) The provider informs users in an appropriate manner of any significant changes to the terms and conditions, e.g. if the rules for the information permitted in the service are changed or changes that may have a direct impact on the users' ability to use the service. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Obtained the information, that Zalando defines the Platform Rules, Ratings & Reviews terms and conditions and customer terms and conditions as relevant case for the application of 14.2 as all versions of terms and conditions can be subject to significant changes. Zalando defines significant changes as modifications that limit or restrict Zalando specific policies/ ordering processes that existing customers have been used to when ordering at Zalando or/ and that are being prominently advertised.
4. Received the list of significant changes during the audit period 05/01/2024-04/30/2025 and verified in a written statement by Zalando, that only one change was considered as significant and this was inspected in the customer terms and conditions. This change was considered significant as it concerns a major particularity of the Zalando service, that was also prominently highlighted / advertised before. The return policy was changed from 100 days to 30 days. Inspected the respective mail communication and verified that customers have received upfront information about the change via email.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 14.2 (Terms and conditions) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 14.4 (Terms and conditions) | 1) The provider acts diligently, objectively and reasonably when applying the restrictions in paragraph 1.<br>2) The provider takes into account the rights and legitimate interests of all parties involved as well as the fundamental rights of users enshrined in the Charter of Fundamental Rights of the European Union (e.g. freedom of expression, freedom and pluralism of the media and other fundamental rights and freedoms) when applying and enforcing the restrictions set out in paragraph 1. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received the list of statements of reasons to any affected recipients of the service for the examination period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
   Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition of "diligently", "objectively" and "reasonably" as following:
   Diligent [manner] means that restrictions are applied and enforced based on all available information; where a decision cannot be made solely based on the information at hand, it is required to obtain additional information; where new information emerges in the course of the process of applying and enforcing restrictions, it needs to be taken into account. Objective [manner] means non-discriminatory (as below), non-arbitrary (as below) and solely based on provable facts. Proportionate [manner]: As a general legal principle particularly under German Public Law which can also be found in EU case law, proportionality means that there needs to be a legitimate reason, restrictions must be suitable, required and reasonable. "Reasonable" means that they must consider the gravity of the grounds which gave rise to the restrictions and balance the mutual interests. Compared the provided case summary to the list of internal definitions and verified that the restrictions on the information provided by users were applied diligently, objectively and reasonably according to Zalando´s internal definition.
5. Inspected the provided case summaries from the processed notices and verified that fundamental rights were not affected by the restriction.
6. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 14.4 (Terms and conditions) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 14.5 (Terms and conditions) | 1) The provider provides the user with a compact, easily accessible and machine-readable (e.g. XML, CSV) summary of the terms and conditions, including the available legal remedies and mechanisms.<br>2) The summary of the terms and conditions is made available in clear and unambiguous language.<br>3) The summary of the terms and conditions contains the main elements of the information obligations and the possibility to easily opt out of optional clauses.<br>4) The content of the summary of the terms and conditions is in line with the full version. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received the list of markets where Zalando offered their service during the examination period 05/01/2024-04/30/2025 and selected a sample according to the determined sample size methodology. Obtained the information, that Zalando defines the Customer terms and conditions as relevant case for the application of 14.5, due to the size of the long version of the Customer terms and conditions.
4. For selected samples the following procedures were carried out:
   Inspected the Customer terms and conditions of Zalando website and verified that Zalando provided users with a summary of the terms and conditions, including the available legal remedies and mechanisms.
   Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition of compact, easily accessible and machine-readable as following:
   "Under consideration of Recital 21 of Directive 2013/37/EU, a document should be considered to be in a machine-readable format if it is in a file format that is structured in such a way that software applications can easily identify, recognise and extract specific data from it. We therefore consider formats which are intended to be read by machines (e.g. XML) as well as formats which machines are able to read (e.g. PDF) as "machine-readable format" for the purposes of DSA-compliance."
   These terms are used in combination throughout EU legislation and constitute the principle of transparency for terms and conditions. In accordance with the European Court of Justice, this requirement must be understood as requiring not only that the term in question must be formally and grammatically intelligible to the consumer, but also that an average consumer, who is reasonably well informed and reasonably observant and circumspect, is in a position to understand the specific functioning of that term and thus evaluate, on the basis of clear, intelligible criteria, the potentially significant consequences of such a term for his or her obligations.
   The combined term "clear and unambiguous" is often used as a synonym for "plain and intelligible" in the context of determining whether a provision in terms and conditions is valid under the UCTD and respective national transposition laws. It means that the provision must be drafted in a way that it is easy to understand for the average consumer (incl. in terms of grammar). Further, provisions in terms and conditions must be drafted in a way that they are not open to more than one interpretation. User-friendly emphasises the principle of transparency. Terms and conditions must be formally structured in a way that users find the content they are looking for in predictable places and conclusive sections (e.g. all provisions regarding termination rights are at one place and not separated in different sections and different places of the terms and conditions).
   Following the E-Commerce Directive (Directive 2000/31/EC) and respective guidance on the

interpretation of German transposition laws which use similar terms (“clearly identifiable” and “easily accessible”), we interpret “easily identifiable” to mean effectively visually perceptible and located in a conspicuous place which is easy to find without having to search for a long time".
Compared the summary of the terms and conditions to the list of internal definitions and verified that the summary is "compact", "easily accessible" and "machine-readable format" according to Zalando´s internal definition.

5. Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition of "clear and unambiguous language" as following:
"The combined term “clear and unambiguous” is often used as a synonym for “plain and intelligible” in the context of determining whether a provision in terms and conditions is valid under the UCTD and respective national transposition laws. It means that the provision must be drafted in a way that it is easy to understand for the average consumer (incl. in terms of grammar). Further, provisions in terms and conditions must be drafted in a way that they are not open to more than one interpretation."
Compared the summary of the terms and conditions to the list of internal definitions and verified that the summary is in a "clear and unambiguous language" according to Zalando´s internal definition.
6. Inspected Zalando´s summary of Customer terms and conditions and verified that the summary contains information as the right of cancellation and voluntary right of return. Inspected Zalando´s terms and conditions and did not identify optional clauses, therefore there is no information about possibility to opt out of optional clauses in the summary.
7. Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition of "machine-readable format" as following:
8. "Under consideration of Recital 21 of Directive 2013/37/EU, a document should be considered to be in a machine readable format if it is in a file format that is structured in such a way that software applications can easily identify, recognise and extract specific data from it. We therefore consider formats which are intended to be read by machines (e.g. XML) as well as formats which machines are able to read (e.g. PDF) as “machine-readable format” for the purposes of DSA-compliance."
9. Compared the summary of the terms and conditions to the list of internal definitions and verified that the summary is in a "machine-readable format" according to Zalando´s internal definition.
10. Inspected the full version of Zalando´s Customer terms and conditions and compared it to the content in the machine-readable summary of the terms and conditions. Verified that the content of the machine-readable summary of the terms and conditions correspond to the full version.
11. Made inquiries at the end of the audit period with Zalando’s management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

Changes to the audit procedures during the audit:
Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

Conclusion:
In our opinion, Zalando complied with the specified requirements of 14.5 (Terms and conditions) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 14.6 (Terms and conditions) | 1) The provider has published its terms and conditions and the summary pursuant to Art. 14 (5) in all official languages of all member States in which the service is offered. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received a list of markets where Zalando offered its service during the audit period 05/01/2024-04/30/2025. Obtained the information, that Zalando defines the Platform Rules, Rating & reviews terms and conditions and Customer terms and conditions as relevant case for the application of 14.6, as all versions of terms and conditions are published in all official languages of all member states.
4. Inspected the respective Zalando website, to verify that the Platform Rules, Rating & reviews terms and conditions and Customer terms and conditions are published in the official language of the respective member state in which Zalando offers its service. Verified that these are published in the official language of the respective member state (Austrian, Belgian, Croatian, Czech, Danish, Estonian, Finnish, French, German, Hungarian, Irish (English), Italian, Latvian, Lithuanian, Polish, Romanian, Slovak, Slovene, Spanish, Swedish, Norwegian, Dutch, Luxembourgian (French)).
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 14.6 (Terms and conditions) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 15.1 (Transparency reporting obligations for providers of intermediary services) | 1) The provider has a process defined to collect the information required for the transparency reporting in accordance with Art.15 lit.a-e, e.g. containing role description, representatives, escalation plan, templates and the responsible individuals for the process are informed.<br>2) The provider makes a report on the moderation of content publicly available once a year.<br>3) The report is made available on all interfaces in a machine-readable form and in an easily accessible, clear and comprehensible manner.<br>4) The transparency report contains the following:<br>4.1) Information on the number of orders received from Member States' authorities including orders issued in accordance with articles 9 and 10.<br>4.2.) The information on the orders is classified according to the type of illegal content concerned, the Member State issuing the order and the median time taken to inform the authority issuing the order or the other authorities specified in the order of the receipt of the order and to comply with the order.<br>4.2) Information on the number of notifications made in accordance with article 16.<br>4.2.1) The number of reports is broken down by the type of suspected illegal content concerned and the number of reports submitted by trusted whistleblowers.<br>4.2.2) The report includes information on all actions taken in response to the reports, distinguishing whether this was done on a legal basis or in accordance with the provider's terms and conditions, the number of reports processed exclusively by automated means and the median time until action was taken.<br>4.3) Information on content moderation carried out on the provider's own initiative.<br>4.3.1) The self-initiated moderation disclosure includes information on the use of automated tools, the measures taken to train and support those responsible for moderating content, the number and type of measures taken that affect the availability, discoverability and accessibility of information provided by users, and the ability of users to provide such information through the service and other relevant limitations of the service.<br>4.3.2) The self-initiated moderation information breaks down the reported information by the type of illegal content or violation of the service provider's terms and conditions, the method used to detect it and the type of restriction applied.<br>4.4) Information on the number of complaints received in accordance with the terms and conditions on internal complaint management systems and article 20. | Materiality considerations are driven by both our sampling methodology and assessment of quantitative disclosures. |

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| | 4.5) The information on the complaints includes information on the basis of the complaints, the decisions taken on the complaints, the time taken to reach a decision and the number of cases in which the decision was reversed.<br>5) The report contains information on the use of automated means for content moderation.<br>6) The information on the use of automated means includes a qualitative description, specifying the precise purposes, accuracy indicators and potential error rate of the automated means used to fulfil these purposes and the safeguards applied. | |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando´s German website and iOS app, to verify that Zalando has published a transparency report at least once a year. Inspected the imprint and verified that at the bottom of the page there are four transparency reports linked that can be accessed. Downloaded the linked transparency report and verified that two transparency reports were published, dated 10/2024 and 04/2025.
4. Inspected the imprint page of Zalando´s German website and iOS app, to verify that Zalando has made the reports available in a machine-readable form and in an easily accessible, clear and comprehensible manner. Downloaded both of the transparency reports available and verified that the reports are both published as Portable Document Format (PDF). In both documents the text can be searched, marked and copied, thus qualifying the document as machine-readable. Searched for the term "IP Infringements", to verify whether the transparency reports are searchable and verified they can be found on page 5 of the transparency reports. Verified that the reports are available via the Webpage and the App by clicking on the link and further verified that the reports are easily accessible. Verified that the reports are written in an understandable language, clearly structured and with a total length of ten pages overall clear and comprehensible.
5. Inspected the imprint page of Zalando´s German website and iOS app, to verify that the report contains information on the number of orders received from Member States' authorities including orders issued. Downloaded both of the transparency reports available. Verified that the reports contain the numbers of the orders received from Member States' authorities including orders issued, which was zero in October and April each.
6. Inspected the imprint page of Zalando´s German website and iOS app, to verify that the report contains information on the numbers of orders broken down by the type of illegal content concerned, the Member State issuing the order and the median time taken to inform the authority issuing the order or the other authorities specified in the order of the receipt of the order and to comply with the order. Downloaded both of the transparency reports available and verified that the report contains the numbers of orders broken down by the type of illegal content concerned, the Member State issuing the order and the median time taken to inform the authority issuing the order or the other authorities specified in the order of the receipt of the order and to comply with the order. Verified that the numbers of orders were zero in October and April each.
7. Inspected the imprint page of Zalando´s German website and iOS app, to verify that the report contains information on the number of notifications made in accordance with established content reporting mechanisms. Downloaded both of the transparency reports available and verified that the report contains the number of notifications made in accordance with established content reporting mechanisms, which was 731 in October and 1287 in April. Inspected the process description for creating the transparency

report, the number of notices received is made up of all notices that do not have the status "Close - SPAM/ Prank/ Incomplete" and has been processed by an expert team responsible for DSA-relevant notices. Following the determined methodology, the published numbers cannot be verified with the data basis provided. This results in a potentially incorrect representation in the published transparency report. Zalando reported more notices and actions, that potentially should have been reported.

8. Inspected the imprint page of Zalando´s German website and iOS app, to verify that the report contains information on the number of notifications broken down by the type of suspected illegal content concerned and the number of reports submitted by trusted whistleblowers. Downloaded both of the transparency reports available and verified that the report contains number of notifications broken down by the type of suspected illegal content concerned and the number of reports submitted by trusted whistleblowers, which was zero in October and April each.
9. Inspected the imprint page of Zalando´s German website and iOS app, to verify that the report contains information on all actions taken in response to the reports, distinguishing whether this was done on a legal basis or in accordance with Zalando's terms and conditions. Downloaded both of the transparency reports available and verified that the report contains the number of notifications made in accordance with established content reporting mechanisms, which was zero action based on law and 621 actions taken based on terms and conditions in October and zero action based on law and 933 actions taken based on terms and conditions in April. Inspected the process description for creating the transparency report and verified that the number of actions taken based on a legal basis on setting specific filters in the obtained spreadsheet, which is used as a data basis for determining the transparency report numbers. Following the determined methodology, the published numbers cannot be verified with the data basis provided. This results in a potentially incorrect representation in the published transparency report. Zalando reported more notices and actions, that potentially should have been reported.
10. Inspected the imprint page of Zalando's German website and iOS app, to verify that the report contains information on the number of reports processed exclusively by automated means and the median time until action was taken. Downloaded both of the transparency reports available and verified that the report states "Zalando does not rely on automated means for (post-publication) content moderation." Therefore, no further audit procedures beyond the previously mentioned were performed.
11. Inspected the imprint page of Zalando's German website and iOS app, to verify that the report contains information on content moderation carried out on the provider's own initiative. Downloaded both of the transparency reports available and verified that the report contains information on content moderation carried out on the provider's own initiative, which was zero actions taken pursuant on own-initiative moderation in October and April each.
12. Inspected the imprint page of Zalando's German website and iOS app, to verify that the report contains information on the number of complaints received accordance with the terms and conditions on internal complaint management systems. Downloaded both of the transparency reports available and verified that the report contains information on the number of complaints received accordance with the terms and conditions on internal complaint management systems, which was 11 in October and 9 in April.
13. Inspected the imprint page of Zalando's German website and iOS app, to verify that the report contains information on the basis of the complaints, the decisions taken on the complaints, the time taken to reach a decision. Downloaded both of the transparency reports available and verified that the report contains information on the basis of the complaints as well as the decisions taken on the complaints. The basis of complaints was 11 times "Substantiative Complaint in Illegality/ Incompatibility" in October and 9 times in April, which were the only reason for complaints. The median time to reach a decision was 13 days in October and 21 days in April. Following the determined methodology, the published numbers cannot be verified with the data basis provided. This results in a potentially incorrect representation in the published transparency report.
14. Inspected the imprint page of Zalando's German website and iOS app, to verify that the report contains information on the number of cases in which the decision was reversed. Downloaded both of the transparency reports available and verified that the report contains the number of cases in which the decision was reversed, which was 4 times in October and 3 times in April.

15. Inspected the imprint page of Zalando's German website and iOS app, to verify that the report contains information on the number of reports processed exclusively by automated means and the median time until action was taken. Downloaded both of the transparency reports available and verified that the report states "Zalando does not rely on automated means for (post-publication) content moderation.", which leads to the consequence to not audit the obligation on the processing of notifications with automated means.
16. Inspected the imprint page of Zalando's German website and iOS app, to verify whether the report was carried out on Zalando's own initiative. Downloaded and reviewed both of the transparency reports available and verified that the report states that it was carried out to fulfil the obligations of the Digital Services Act. Therefore, no further audit procedures beyond the previously mentioned were performed.
17. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

Changes to the audit procedures during the audit:

No changes occurred to the audit procedures during the audit.

Conclusion:

In our opinion, Zalando did not comply with the specified requirements of 15.1 (Transparency reporting obligations for providers of intermediary services) during the examination period, in all material respects.

The published number of notifications and number of notices, actions taken on a legal basis and the median time of processing in the transparency report, cannot be verified following the determined methodology and with the data basis provided. Zalando reported more notices and actions, that potentially should have been reported.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| Management should consider to closely monitor the go-live of the new N&A ticketing system to promptly address any potential issues while ensuring all old notices are processed for a smooth transition. Furthermore management should consider to conduct a structured migration and regular sanity checks to maintain system integrity and data consistency. Additionally, management should consider to use the comprehensive databasis for the next transparency report to guarantee accurate reporting. | After evaluating the overall risk situation and its impact on the defined systemic risks, as well as considering the observed robustness of the associated processes, we recommend addressing this measure within three months of receiving the Independent Practitioner's Assurance Report. This does not affect the obligation to respond in accordance with Article 37(6). |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 16.1 (Notice and action mechanisms) | 1) The provider has a process defined to determine and inform the responsible individuals, e.g. containing role description, representatives and escalation plan.<br>2) The provider has designated a role in the organization for processing the notifications.<br>3) The provider has established a mechanism by which persons or organizations can report the existence of individual information that the reporting person considers to be illegal content.<br>4) The content reporting mechanism is easily accessible on all interfaces, user-friendly and allows electronic communication. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 01/05/2024-04/30/2025.
3. Inquired responsible individuals from Zalando and obtained the information that Zalando designated several responsible individuals as a central contact point for processing the notifications. Obtained the information that Zalando distributed the responsibility for processing notifications via this contact point among six different expert teams. Inspected the relevant process description and verified that expert teams are assigned and distributed based on the category of the reason of the notification.
4. Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition of "illegal content" as following: "Content or products are considered illegal in case the content, or the products obviously infringe third party rights or statutory law. Third party rights are intellectual property rights (e.g. trademarks or copyrights) or personal rights. An infringement exists if the asserted right exists (e.g. it is based on a registered trademark, or the existence of a copyright has been confirmed by a court) and if it is clear that the asserted right has been infringed (e.g. an identical or highly similar term is used for identical goods for which a registered trademark is protected or a product is sold which is almost identical (in all key aspects) to a product which is protected by copyrights). A statutory law infringement exists if the product or the content constitutes a violation against the law because it has a material defect that constitutes a breach of mandatory requirements; e.g. a violation of the restricted limit values for certain substances as defined in the REACH Regulation (EC 1907/2006)". Inspected Zalando's German website and iOS app, to verify that Zalando established a mechanism by which individuals can report the existence of information that the reporting person considers to be illegal content. Verified that Zalando implemented a notice mechanism on every product detail page by implementing a flag with the description "Report a legal concern". With this functionality users are able to report concerns related to a specific product.
5. Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition of "easily accessible" and "user-friendly" as following: "Following the E-Commerce Directive (Directive2000/31/EC) and respective guidance on the interpretation of German transposition laws which use similar terms ("clearly identifiable" and "easily accessible"), we interpret "easily identifiable" to mean effectively visually perceptible and located in a conspicuous place which is easy to find without having to search for a long time. Performed an accessibility assessment of Zalando's German website and iOS app and assessed that the notice mechanism is easily accessible one the interfaces by navigating through the website and the app. The accessibility assessment involved the ease with which the mechanism could be located.
6. Conducted a walkthrough of the implemented notice mechanism. Verified that the mechanism allows electronic communication. Inspected that the notice mechanism is an online formular wherein the user can navigate through different categories and is able to report a legal concern.

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| 7. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.<br><br>**Changes to the audit procedures during the audit:**<br>Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.<br>**Conclusion:**<br>In our opinion, Zalando complied with the specified requirements of 16.1 (Notice and action mechanisms) during the examination period, in all material respects. | |
| **Recommendations on specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. | **Recommended timeframe to implement specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 16.2 (Notice and action mechanisms) | 1) The content reporting mechanism allows the submission of notifications that are sufficiently precise and sufficiently substantiated to enable the provider to make a diligent informed decision compatible with freedom of expression and information.<br>2) The content reporting mechanism includes the following:<br>2.1) The possibility of a sufficiently reasoned explanation of why the reporting person considers the information in question to be illegal content.<br>2.2) The possibility to clearly indicate the exact electronic location of this information, such as the precise URL address(es), or, where necessary, further information relevant to the nature of the content and the specific type of hosting service to identify the illegal content.<br>2.3) The possibility to provide the name and email address of the reporting person, unless the information is deemed to relate to an offense referred to in articles 3 to 7 of Directive 2011/93/EU on the prevention of sexual abuse and sexual exploitation of children and child pornography.<br>2.4) Information on the option to provide a statement that the reporting person has a good faith belief that the information and disclosures contained in the report are accurate and complete. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 01/05/2024-04/30/2025.
3. Conducted a walkthrough of the implemented notice mechanism. Verified that the mechanism allows the submission of notifications that are sufficiently precise and sufficiently substantiated to enable Zalando to make a diligent informed decision. Verified that the mechanism provides various criteria and sub criteria for selection and the possibility to add further information in a free text field.
4. Conducted a walkthrough of the implemented notice mechanism. Verified that the mechanism allows the possibility of a reasoned explanation of why the reporting person considers the information in question to be illegal content. Verified that the mechanism provides various criteria and sub criteria for selection and the possibility to add further information in a free text field.
5. Conducted a walkthrough of the implemented notice mechanism. Verified that the mechanism allows the possibility to clearly indicate the exact electronic location of the reported information. Verified that Zalando implemented the notice mechanism on the product detail page by implementing a flag with the description "Report a legal concern". Verified that once a notice is submitted, the precise URL address of the reported information is submitted for further internal processing.
6. Conducted a walkthrough of the implemented notice mechanism. Verified that the mechanism allows the possibility to provide the name and email address of the reporting person. Verified that contact details can be added at the last step before submitting the notice.
7. Conducted a walkthrough of the implemented notice mechanism. Verified that the mechanism required the confirmation that the reporting person has a good faith belief that the information and disclosures contained in the report are accurate and complete before submitting the notice.

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| 8. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.<br><br>**Changes to the audit procedures during the audit:**<br>Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.<br>**Conclusion:**<br>In our opinion, Zalando complied with the specified requirements of 16.2 (Notice and action mechanisms) during the examination period, in all material respects. | |
| **Recommendations on specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. | **Recommended timeframe to implement specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 16.4 (Notice and action mechanisms) | 1) The provider sends the reporting person a confirmation of receipt without undue delay. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received the list of notices received via the notice and action mechanism during the examination period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
   Obtained supporting documentation related to the notices and verified that a confirmation of receipt was send to the notifier.
5. Obtained supporting documentation related to the notices and verified that a confirmation of receipt was send to the notifier automatically and without undue delay.
6. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 16.4 (Notice and action mechanisms) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 16.5 (Notice and action mechanisms) | 1) The provider informs the reporting person without undue delay of the decision regarding the reported information.<br>2) In the notification of the decision, the provider informs the reporting person of the possible legal remedies against the decision.<br>3) If the provider has decided on a restriction, the provider documents the subsequent implementation of the restriction. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received the list of notices received via the notice and action mechanism during the examination period 05/01/2024-04/30/2025 and selected a sample according to the determined sample size methodology.
4. For selected samples the following procedures were carried out:
5. Obtained the relevant process description and inspected that Zalando defined an internal benchmark for the maximum time frame of regular notifiers for processing notices and informing the reporting person about the decision taken of 30 business days. Verified that the selected sample contains five notices, which do not meet the defined benchmark. This indicates delayed response to notifiers about decisions taken.
6. Obtained supporting documentation related to the notices and verified that Zalando's response notification contains information on the possibility of appealing against this decision.
7. Obtained supporting documentation related to the notices and verified that the selected sample contains three notices, for which the restriction was not implemented as documented in the decision-making process and subsequently communicated to the notifies. This indicates an incorrect response to notifiers about decisions taken or a potentially incorrect implementation of restrictions. Furthermore, for one sample the documented decision could not be verified, due to a change of status of the respective product.
8. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando did not comply with the specified requirements of 16.5 (Notice and action mechanisms) during the examination period, in all material respects.

The selected sample contains five notices for which the defined benchmark was not met. This resulted in delayed response to notifiers about decisions taken.

Additionally, the selected sample contains three notices, for which the communicated restriction was not implemented and one notice, where the documented decision could not be verified. This indicates an incorrect response to notifies about decisions taken or an potentially incorrect implementation of restrictions.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
| --- | --- |
| Management should consider to further strengthen the established processes to meet the defined internal benchmark for the maximum time frame and to ensure the correct implementation of the communicated restriction, e.g. by increasing the level of automation and/or allocation of further resources to processing notices. | After evaluating the overall risk situation and its impact on the defined systemic risks, as well as considering the observed robustness of the associated processes, we recommend addressing this measure within three months of receiving the Independent Practitioner's Assurance Report. This does not affect the obligation to respond in accordance with Article 37(6). |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 16.6 (Notice and action mechanisms) | 1) The provider processes all notifications it receives as part of the content reporting mechanism.<br>2) The decision on the notice is made in a timely, diligent, non-arbitrary and objective manner on the information reported.<br>3) If automated means are used within the decision-making process the provider informs the notifying person in the decision notification that automated means are used in the decision-making process.<br>4) The decision-making process carried out have been performed and documented in a comprehensible and transparent manner. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received the list of notices received via the notice and action mechanism during the examination period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
   Obtained supporting documentation related to the notices and verified that Zalando processed received notifications.
5. Obtained the relevant process description and inspected that Zalando defined an internal benchmark for the maximum time frame of regular notifiers for processing notices and informing the reporting person about the decision taken of 30 business days. Verified that the selected sample contains five notices, which do not meet the defined benchmark. This indicates delayed response to notifiers about decisions taken.
6. Obtained supporting documentation related to the notices and verified that no automated means are used within the decision-making process and therefore no information about automated means are required to be included in the decision notification.
7. Obtained supporting documentation related to the notices and verified that from the selected samples for one notice, the carried out decision-making process for reaching a specific decision was not documented in a comprehensible and transparent manner.
8. Obtained the spreadsheet used for processing the notices containing received notices during the examination period 05/01/2024-04/30/2025. Obtained relevant process descriptions indicating the methodology for e.g. how to define notices as DSA relevant and how to process notices. Performed an analysis of the obtained worksheet and re-performed the defined methodology. Identified inconsistencies in the application of the methodology, resulting in an inconsistent classification of notices into "DSA relevant" or "not DSA relevant". Performed an analysis of the completeness and accuracy of the spreadsheet. Identified that the worksheet contains several indicators for an overall lack of completeness and accuracy, such as empty fields or error messages. Performed an analysis of the correct transmission of relevant notices to the Commission via API. Identified cases where transmission to Commission was not performed or was not processed correctly, as indicated by error messages or empty fields.
9. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

Changes to the audit procedures during the audit:

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

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| Conclusion:<br>In our opinion, Zalando did not comply with the specified requirements of 16.6 (Notice and action mechanisms) during the examination period, in all material respects.<br><br>The selected sample contains five notices for which the defined benchmark was not met.<br><br>Additionally, for one notice, the carried out decision-making process for reaching a specific decision was not documented in a comprehensible and transparent manner. Further, the overall set up of the worksheet used for process notifications lacks in an inconsistent application of Zalando's defined methodology, resulting in an inconsistent classification of notices. Additionally, the worksheet contains several indicators for an overall lack of completeness and accuracy, such as empty fields or error messages. Observed incorrect transmission of relevant notices to the Commission via API. Identified cases where transmission to Commission was not performed or was not processed correctly. | |
| Recommendations on specific measures:<br>Management should consider to further strengthen the established processes to meet the defined an internal benchmark for the maximum time frame, e.g. by increasing the level of automation and/or allocation of further resources to processing notices.<br><br>Management should consider to increase the documentation standard for the decision-making process on received notifications to be more comprehensible and transparent.<br><br>Management should consider to closely monitor the go-live of the new N&A ticketing system to promptly address any potential issues while ensuring all old notices are processed for a smooth transition. Furthermore management should consider to conduct a structured migration and regular sanity checks to maintain system integrity and data consistency. Additionally, management should consider to monitor the auccrate transmission of relevant notices to the Commission by implementing preventive and detective controls. | Recommended timeframe to implement specific measures:<br>After evaluating the overall risk situation and its impact on the defined systemic risks, as well as considering the observed robustness of the associated processes, we recommend addressing this measure within three months of receiving the Independent Practitioner's Assurance Report. This does not affect the obligation to respond in accordance with Article 37(6). |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 17.1 (Statement of reasons) | 1) The provider has a process in place to inform the affected users under the conditions of art. 17 para. 1 and that the information contain the mandatory information of art. 17 para. 3 and 4 and the responsible individuals for the process are informed.<br>2) The provider provides the user affected by a restriction with a clear and specific justification for restrictions imposed on the grounds that the information provided by the user is illegal content or incompatible with their terms of use. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received the list of statement of reasons to any affected recipients of the service during the examination period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
5. Inspected the provided case summaries, including the statement of reasons, from the processed notices and verified that Zalando provided the user affected by a restriction with a clear and specific justification for restrictions imposed on the grounds that the information provided by the user is illegal content or incompatible with their terms of use.
6. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 17.1 (Statement of reasons) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 17.2 (Statement of reasons) | 1) If electronic contact details of the affected user are known, the provider informs the affected user, at the latest from the time of the effectiveness of the restriction, of the reasons for this restriction in accordance with article 17 paragraph 1. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received the list of statement of reasons to any affected recipients of the service during the examination period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
   Inspected the provided case summaries, including the statement of reasons, from the processed notices and verified that Zalando informed the users about the restriction on the day of the decision.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 17.2 (Statement of reasons) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 17.3 (Statement of reasons) | 1) The statement of reasons for the restriction includes:<br>1.1) Information on whether the decision concerns either the removal of the information, the disabling of access to the information, the downgrading of the information or the restriction of the display of the information or the suspension or termination of payments in relation to that information, or whether the decision imposes other measures referred to in paragraph 1 in relation to the information.<br>1.2) If the decision has any territorial scope, information on the territorial scope of the decision and the duration of its validity.<br>2) The statement of reasons for the restriction includes information on the facts and circumstances on which the decision is based, whether the decision was taken following a notification under article 16 or following a voluntary own-initiative inquiry, where applicable, and, where strictly necessary, the identity of the notifying person.<br>3) The statement of reasons for the restriction includes information on whether automated means were used for decision-making, including information on whether the decision was taken in relation to content identified or determined by automated means.<br>4) If the decision concerns allegedly illegal content, the statement of reasons for the restriction includes a reference to the legal basis and an explanation of why the information is considered to be illegal content on that basis.<br>5) If the decision is based on the alleged incompatibility of the information with the hosting service provider's terms and conditions, the statement of reasons for the restriction includes a reference to the relevant contractual provision and an explanation of why the information is considered incompatible with it.<br>6) The statement of reasons for the restriction includes clear and user-friendly information on the legal remedies available to the user against the measure, internal complaint management procedures, out-of-court dispute resolution and judicial remedies.<br>7) If the provider has made a decision based on a notification, the provider will only transmit the identity of the reporting person if the information is necessary to determine the illegality of the content. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.

3. Received the list of statement of reasons to any affected recipients of the service during the examination period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
   Inspected the provided case summaries, including the statement of reasons, from the processed notices and verified that Zalando´s decision concerns the removal or amendment of the information.
5. Inspected the provided case summaries, including the statement of reasons, from the processed notices and verified that the statement of reasons for the restriction includes details about the application of the restriction (web shop and respective markets).
6. Inspected the provided case summaries, including the statement of reasons, from the processed notices and verified that the statement of reasons for the restriction includes the duration of its validity.
7. Inspected the provided case summaries, including the statement of reasons, from the processed notices and verified that the statement of reasons for the restriction includes information on the facts and circumstances on which the decision is based, whether the decision was taken following a notification or following a voluntary own-initiative inquiry.
8. Inspected the provided case summaries, including the statement of reasons, from the processed notices and verified that Zalando does not transmit the identity of the reporting person.
9. Inspected the provided case summaries, including the statement of reasons, from the processed notices and verified that Zalando does not make automated decisions. Therefore, no further information is included.
10. Inspected the provided case summaries, including the statement of reasons, from the processed notices and verified that the statement of reasons includes references to the relevant contractual provisions and an explanation of why the information is considered incompatible with Zalando´s terms and conditions.
11. Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition of "easily accessible" and "user-friendly" as following: "Following the E-Commerce Directive (Directive2000/31/EC) and respective guidance on the interpretation of German transposition laws which use similar terms (“clearly identifiable” and “easily accessible”), we interpret “easily identifiable” to mean effectively visually perceptible and located in a conspicuous place which is easy to find without having to search for a long time". Compared the statement of reason with Zalando´s list of definitions and verified that the statement of reasons for the restriction includes a linking to Zalando's Partner University (ZPU) where the legal remedies to the user against the measure, internal complaint management procedures, out-of-court dispute resolution and judicial remedies are available. This linking is considered as clear and user-friendly information on the legal remedies. However, it could not be verified that the legal remedies are directly available in the statement of reasons.
12. Made inquiries at the end of the audit period with Zalando’s management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

Changes to the audit procedures during the audit:

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

Conclusion:

In our opinion, Zalando did comply with the specified requirements of 17.3 (Statement of reasons) during the examination period, in all material respects.

It was identified that the statement of reasons for the restriction include a linking to Zalando's Partner University (ZPU) where the legal remedies to the user against the measure, internal complaint management procedures, out-of-court dispute resolution and judicial remedies are available. However, it could not be verified that the legal remedies are directly available in the statement of reasons.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
| --- | --- |
| Management should consider to include the legal remedies to the user against the measure, internal complaint management procedures, out-of-court dispute resolution and judicial remedies are available directly into the statement of reason. | After evaluating the overall risk situation and its impact on the defined systemic risks, as well as considering the observed robustness of the associated processes, we recommend addressing this measure within six weeks of receiving the Independent Practitioner's Assurance Report. This does not affect the obligation to respond in accordance with Article 37(6). |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 17.4 (Statement of reasons) | 1) The statement of reasons and information provided to the user concerned is clear and easy to understand.<br>2) The information is as accurate and specific as reasonably possible in the circumstances.<br>3) The information provides sufficient information to enable the user reasonably to exercise effectively the remedies referred to in paragraph 3(f). | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received the list of statement of reasons to any affected recipients of the service during the examination period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
   Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition of "clear" and "easy to understands" as following: "These terms are used in combination throughout EU legislation and constitute the principle of transparency for terms and conditions. In accordance with the European Court of Justice, this requirement must be understood as requiring not only that the term in question must be formally and grammatically intelligible to the consumer, but also that an average consumer, who is reasonably well informed and reasonably observant and circumspect, is in a position to understand the specific functioning of that term and thus evaluate, on the basis of clear, intelligible criteria, the potentially significant consequences of such a term for his or her obligations. The combined term "clear and unambiguous" is often used as a synonym for "plain and intelligible" in the context of determining whether a provision in terms and conditions is valid under the UCTD and respective national transposition laws. It means that the provision must be drafted in a way that it is easy to understand for the average consumer (incl. in terms of grammar). Further, provisions in terms and conditions must be drafted in a way that they are not open to more than one interpretation."
   Compared the provided case summaries, including the statement of reasons, from the processed notices to the list of internal definitions to verify that the statement of reasons and information provided to the user concerned is "clear" and "easy to understand". Inspected the provided case summaries from the processed notices and verified that the statement of reasons and information provided to the user concerned is clear and easy to understand.
5. Inspected the provided case summaries, including the statement of reasons, from the processed notices and verified that the information provides sufficient information to enable the user reasonably to exercise effectively the remedies. However, it could not be verified that the legal remedies are directly available in the statement of reasons.
6. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

Changes to the audit procedures during the audit:

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

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|---|---|
| Conclusion:<br>In our opinion, Zalando did comply with the specified requirements of 17.4 (Statement of reasons) during the examination period, in all material respects. It was identified that the statement of reasons for the restriction include a linking to Zalando's Partner University (ZPU) where the legal remedies to the user against the measure, internal complaint management procedures, out-of-court dispute resolution and judicial remedies are available. However, it could not be verified that the legal remedies are directly available in the statement of reasons. | |
| Recommendations on specific measures:<br>Management should consider to include the legal remedies to the user against the measure, internal complaint management procedures, out-of-court dispute resolution and judicial remedies are available directly into the statement of reason. | Recommended timeframe to implement specific measures:<br>After evaluating the overall risk situation and its impact on the defined systemic risks, as well as considering the observed robustness of the associated processes, we recommend addressing this measure within six weeks of receiving the Independent Practitioner's Assurance Report. This does not affect the obligation to respond in accordance with Article 37(6). |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 18.1 (Notification of suspicions of criminal offences) | 1) The provider has a process defined to inform the concerned law enforcement regarding criminal offences that contains e.g. a role description, representatives, an escalation plan, and the responsible individuals for the process are informed.<br>2) If the provider becomes aware of information that gives rise to a suspicion that a criminal offence has been, is being or may be committed that poses a threat to the life or safety of a person or persons, the provider immediately reports the suspicion to the law enforcement or judicial authorities of the Member State concerned.<br>3) The provider makes all available and relevant information available to the law enforcement and judicial authorities.<br>3.1) The notification contains the respective content and the time at which the content was published, including the time zone.<br>3.2) The notification shall contain an explanation of the infringement.<br>3.3) The notification contains the information required to locate and identify the user in question.<br>4.1) The provider takes into account Directive 2011/36 EU on preventing and combating trafficking human beings, Directive 2011/93 on combating the sexual abuse and sexual exploitation of children and child pornography and Directive 2017/541 on combating terrorism when assessing whether the information relates to a criminal offence.<br>4.2) The provider takes into account other applicable provisions of Union and national law on the protection of individuals' rights and freedoms when assessing whether the information relates to a criminal offence. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Conducted a walkthrough of the process in place for identifying information giving rise to a suspicion that a criminal offence involving a threat to the life or safety of a person or persons has taken place, is taking place or is likely to take place. Obtained the information that the notices processed within the notice and action mechanism are considered as major source of potential suspicions of criminal offences. During the interview, it was observed that Zalando implemented the recommended measure from last year's audit during 08/2024. The worksheet used for processing notices now provides the possibility to indicate whether a notice provides a suspicion of criminal offence. In the potential case of a suspicion of a criminal offence, the respective notice is processed according to the defined notice and action process and marked as closed if the reason for reporting is determined as unfounded. Inspected the related policy and verified that responsible individuals are instructed to write an e-mail to the Compliance Department with further details. Further it was observed that the whistleblowing management system, which is used, as the

ticketing system for the Compliance Department now provides the capability to mark a ticket/ case as "DSA relevant" for processing and monitoring purposes. According to information provided in a written statement by Zalando, there were no occurrences where Zalando became aware of information that gives rise to the suspicion that a criminal offence has been, is being or may be committed during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.

4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 18.1 (Notification of suspicions of criminal offences) during the examination period, in all material respects. Management implemented the recommended measures, adjustment of the worksheet and ticket system, to address last year's finding in August 2024. Meaning that the implemented measures were not available throughout the whole examination period 05/01/2024-04/30/2025.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – It could be verified that management implemented the suggested measures from last year audit in August 2024. No further recommendation on specific measures required. | N/A – It could be verified that specific measures were implemented. No further recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 18.2 (Notification of suspicions of criminal offences) | 1) The provider has a process defined to inform the concerned law enforcement authority at its place of establishment if the relevant Member State cannot be identified and the responsible individuals for the process are informed.<br>2) If the provider cannot identify the Member State concerned with sufficient certainty, the provider informs the law enforcement authorities of the Member State in which the provider is established of the suspicion of a criminal offence. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. According to information provided in a written statement by Zalando, there were no occurrences where Zalando became aware of information that gives rise to the suspicion that a criminal offence has been, is being or may be committed during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 18.2 (Notification of suspicions of criminal offences) during the examination period. According to information provided in a written statement by Zalando, there were no occurrences where Zalando became aware of information that gives rise to the suspicion that a criminal offence has been, is being or may be committed during the examination period 05/01/2024-04/30/2025. By performing our audit procedures, we found evidence in form of policies and processes which indicate a compliant handling of this matter in the case of future occurrences. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 18.2 (Notification of suspicions of criminal offences). No recommendation on specific measures required. | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 18.2 (Notification of suspicions of criminal offences). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 20.1 (Internal complaint-handling system) | 1) The provider has implemented an internal complaints management system.<br>2) The provider grants users, including reporting person access to an internal complaints management system for submitting complaints against the provider's decision after receipt of the notification or against decisions to restrict services.<br>3) The access to the complaints management is guaranteed for at least six months after the decision.<br>4) The complaints management system enables the electronic and free-of-charge submission of complaints. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Conducted a walkthrough of the process in place for establishing access to a complaint management system. Obtained the information that with every decision notification to a notifier, issued in the course of the notice and action mechanism, where Zalando decided to not impose a restriction, there is a link included named "Contest this decision" which opens a Google Form. Observed that the ID of the original notice is pre-populated in the form and the form enables the possibility for the notifier to provide an explanation for challenging the previous decision.
4. Obtained the information that access to the complaints management system is technically not restricted to a certain timeframe. Conducted a walkthrough of the process in place for establishing access to a complaint management system. Verified that access to the complaints management is still possible six months after the decision, considering the day on which the user is informed of the decision as the start of the six-month period.
5. Obtained the information that access to the complaints management system enables the electronic and free-of-charge submission of complaints. Conducted a walkthrough of the process in place for establishing access to a complaint management system. Verified that access to the complaints management is electronic and free-of-charge.
6. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 20.1 (Internal complaint-handling system) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 20.2 (Internal complaint-handling system) | 1) The provider considers the day on which the user is informed of the decision as the start of the six-month period. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received a list of imposed restrictions during the examination period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
   Inspected the reporting documentation and verified that Zalando grants users, including reporting person, access to an internal complaints management system for submitting complaints against the provider´s decision after receipt of the notification or against decisions to restrict services.
5. Inspected the reporting documentation and verified that the access to the complaints management is enabled for at least six months after the decision, considering the day on which the user is informed of the decision as the start of the six-month period.
6. Inspected the reporting documentation and verified that by clicking on the link with the access to the complaints management, a Google Form opens and enables the electronic and free-of-charge submission of complaints.
7. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 20.2 (Internal complaint-handling system) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 20.3 (Internal complaint-handling system) | 1) The complaint management system is easily accessible and user-friendly on all interfaces.<br>2) The complaints management system enables and facilitates the submission of sufficiently precise and adequately substantiated complaints. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Conducted a walkthrough of the process in place for establishing access to a complaint management system. Obtained the information that with every decision notification to a notifier, issued in the course of the notice and action mechanism, where Zalando decided to not impose a restriction, there is a link included named "Contest this decision" which opens a Google Form. Observed that the ID of the original notice is automatically populated in the form and the form enables the possibility for the notifier to provide an explanation for challenging the previous decision. Observed that the complaint management system can be accessed via the e-mail from the decision notification.
4. Conducted a walkthrough of the process in place for establishing access to a complaint management system. Observed that the Google Form enables the possibility for the notifier to provide an explanation for challenging the previous decision in a free text field and therefore to submit sufficiently precise and adequately substantiated complaints.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 20.3 (Internal complaint-handling system) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 20.4 (Internal complaint-handling system) | 1) The provider processes complaints in a timely, non-discriminatory, diligent and non-arbitrary manner.<br>2) The provider immediately revokes its decision of restriction if a complaint contains sufficient grounds for the assumption that the decision not to act on a notification is unfounded.<br>3) The provider immediately revokes its restriction decision if a complaint contains sufficient grounds to assume that the information to which the complaint relates is neither illegal nor in breach of the terms and conditions.<br>4) The provider immediately revokes its decision of restriction if a complaint contains sufficient grounds to believe that the complainant's behaviour does not justify suspension or termination of the service or closure of the account. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received a list of complaints submitted through the provider´s internal complaint-handling system during the examination 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
   Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition of in a "timely manner" as following:
   "Timely [manner] is a term that needs to be interpreted relative to the underlying situation: it means that notices/ complaints need to be processed as soon as practically feasible considering (i) the risk associated with the potential illegality of the content (the higher the risk the sooner the case needs to be dealt with) and (ii) the individual actions and investigations required in order to diligently assess the case (e.g., collecting feedback from partners or sending items to the laboratory). It requires that the teams deciding on the cases are appropriately staffed". Compared the provided case summaries of the complaints to the list of internal definitions and verified that the complaints were processed in a "timely manner" according to Zalando´s internal definition.
5. Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition of in a "non-discriminatory", "diligent" and "non-arbitrary manner" as following:
   "Non-discriminatory [manner] means that decisions shall not be made based on characteristics of the individual notifier or the affected content provider but that all notifiers and content providers receive equal treatment. Diligent [manner] means that all notices/ complaints must be reviewed based on all available information; where a decision cannot be made solely based on the information provided by the notifier/ complainant it is required to obtain additional information, e.g., by requesting feedback from the content provider (whose content has been reported); where new information emerges in the course of the case handling process it needs to be taken into account. Non-arbitrary manner [e.g., of handling of complaints] means that all notices/ complaints must be decided objectively, based on transparent and verifiable grounds; it means that a set of uniform standards on similar and any unequal treatment is justified by reasonable and factual grounds". Compared the provided case summaries of the complaints to the list of internal definitions and verified that the complaints were processed in a "non-discriminatory", "diligent" and "non-arbitrary manner" according to Zalando´s internal definition.

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| 6. Inspected Zalando´s case summaries and verified that Zalando did act on all listed notifications and no notification was unfounded.<br>7. Inspected Zalando´s case summaries and verified that the selected complaints were all substantiated and followed up by Zalando. Therefore it was not necessary to revoke a restriction decision.<br>8. Inspected Zalando´s case summaries and verified that the complainant´s behaviour justified the change of article master data and the deactivation of articles. Therefore it was not necessary to revoke a restriction decision.<br>9. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.<br>**Changes to the audit procedures during the audit:**<br>No changes occurred to the audit procedures during the audit.<br>**Conclusion:**<br>In our opinion, Zalando complied with the specified requirements of 20.4 (Internal complaint-handling system) during the examination period, in all material respects. |

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|---|---|
| **Recommendations on specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. | **Recommended timeframe to implement specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 20.5 (Internal complaint-handling system) | 1) The provider has a process defined to inform the complainant of the decision without delay, e.g. containing templates for the grounds of the decision and the responsible individuals for the process are informed.<br>2) The provider immediately informs the complainant of the reasoned decision it has taken.<br>3) When informing the complainant of the decision, the provider will inform the complainant of the possibility of out-of-court dispute resolution in accordance with art. 21 and of other available legal remedies. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received a list of complaints submitted through the Zalando´s internal complaint-handling system during the examination period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
5. Inspected the case summaries and verified that Zalando informed each complainant about the reasoned decision that has been taken. Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition of "without undue delay" as follows:
6. "Without undue delay means as soon as possible." Compared case summaries to the list of internal definitions and verified that the complaints were provided without undue delay according to Zalando´s internal definition.
7. Inspected the case summaries and verified that in the reasoned decision the information of the possibility of the out-of-court dispute resolution was provided to the reporting person.
8. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 20.5 (Internal complaint-handling system) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 20.6 (Internal complaint-handling system) | 1) Decisions on complaints are made under the supervision of appropriately qualified personnel and not solely by automated means.<br>2) The provider has designated qualified personnel to make decisions on complaints. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received a list of complaints submitted through the Zalando´s internal complaint-handling system during the examination period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
   Inquired responsible individuals from Zalando and obtained the information that complaints are processed only by designated responsible individuals. Inspected the case summaries and verified that each complaint was processed by designated responsible individuals and not by automated means.
5. Obtained a summary of qualifications, outlining information such as position, professional experience and accomplished DSA trainings for each responsible individual involved in the processing of complaints. Verified that these individuals involved in the processing of the complaints are qualified to make decisions on complaints.
6. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 20.6 (Internal complaint-handling system) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 21.1 (Out-of-court dispute settlement) | 1) The provider has a process defined that governs cooperation with the dispute resolution body and the responsible individuals for the process are informed.<br>2) The provider provides information about the possibility of using an out-of-court dispute resolution body in a clear and user-friendly form on all interfaces. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando's templates for decision notification to notifiers and to affected persons under article 20, to verify that the information about the possibility to use an out-of-court settlement body is provided in a clear and user-friendly form. Verified, that Zalando provides every notifier or affected person with the information, that there is the possibility to choose an out-of-court settlement body.
4. Inspected Zalando's German website and iOS app, to verify that the information of the possibility to approach an out-of-court settlement body against to challenge Zalando's decisions is published on the interfaces. Verified that information related to the contact point is stated in the FAQ section of the page and in the summary of the terms and conditions. The available information contains the information, that decisions on notices can be challenged with any out-of-court settlement body.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 21.1 (Out-of-court dispute settlement) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 21.2 (Out-of-court dispute settlement) | 1) The provider cooperates in good faith with the out-of-court dispute resolution body to resolve the dispute. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inquired responsible individuals from Zalando and obtained the information that Zalando designated several responsible individuals for handling communications from out-of-court dispute settlement bodies using a centralised e-mail address. Inspected the relevant process description and verified that responsible individuals for processing incoming communication from out-of-court dispute settlement bodies were designated and outlined in the process description. Furthermore, inspected that the determined e-mail address for the out-of-court dispute settlement bodies is "dsa-dispute-settlement-bodies@zalando.de". Further verified, that Zalando regularly screens the Commissions website on newly appointed out-of-court dispute settlement bodies. According to information provided in a written statement by Zalando, there were no contacts with an out-of-court dispute settlements body during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 21.2 (Out-of-court dispute settlement) during the examination period. According to information provided in a written statement by Zalando, there were no contacts with an out-of-court dispute settlements body during the examination period 05/01/2024-04/30/2025. By performing our audit procedures, we found evidence in form of policies and processes which indicate a compliant handling of this matter in the case of future occurrences. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 21.2 (Out-of-court dispute settlement). No recommendation on specific measures required. | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 21.2 (Out-of-court dispute settlement). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 21.5 (Out-of-court dispute settlement) | 1) If the out-of-court dispute resolution body decides in favour of the user, the provider pays all fees charged by the out-of-court dispute resolution body and reimburses the user, including the person or entity, for all other reasonable costs paid by the user in connection with the dispute resolution. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. According to information provided in a written statement by Zalando, there were no contacts with an out-of-court dispute settlements body during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 21.5 (Out-of-court dispute settlement) during the examination period. According to information provided in a written statement by Zalando, there were no contacts with an out-of-court dispute settlements body during the examination period 05/01/2024-04/30/2025. By performing our audit procedures, we found evidence in form of policies and processes which indicate a compliant handling of this matter in the case of future occurrences. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 21.5 (Out-of-court dispute settlement). No recommendation on specific measures required. | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 21.5 (Out-of-court dispute settlement). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 22.1 (Trusted flaggers) | 1) The provider has a process defined with technical and organisational measures to prioritise reports from trusted flaggers and the responsible individuals for the process are informed.<br>2) The provider has taken the necessary technical and organisational measures to ensure that reports submitted by trusted flaggers via a reporting channel are given priority, processed immediately and a decision is made. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Conducted a walkthrough of the process in place for ensuring that reports submitted by trusted flaggers via the defined reporting channel (notice and action mechanism) are given priority and are immediately processed. Obtained the information that Zalando defined the standard maximum time frame for regular notifiers as 30 business days and for trusted flaggers as 15 business days as an internal benchmark to meet the specified requirement. Inspected the relevant process description and verified that the time frames are outlined in the process description. Observed that Zalando has implemented a technical process to identify incoming notices from trusted flaggers, by automatically analysing whether the notice is coming from an e-mail-address of an official trusted flagger. In this case, the notice due date is automatically set to 15 days starting from the day the notice is submitted. Further observed, the respective notice is automatically marked as "high priority". Verified, that Zalando regularly screens the Commissions website on newly appointed trusted flaggers. Further verified, that the e-mail-addresses are technically linked to the relevant notice and action system. There was no notices by a trusted flagger during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.
4. Inspected the process description and technical measures to verify that Zalando has taken the necessary organisational measures to ensure that a decision is made for reports submitted by trusted flaggers. Observed that notices from trusted flaggers are prioritised automatically based on the defined shorter maximum time frame.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 22.1 (Trusted flaggers) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 22.6 (Trusted flaggers) | 1) The provider has defined a process to inform the Commission when a trusted flagger has submitted a significant number of insufficiently precise, inaccurate or insufficiently substantiated reports and the responsible individuals for the process are informed.<br>2) The provider transmits to the Digital Services Coordinator or the body that has granted the status to a trusted flagger all information indicating that the latter has submitted a significant number of insufficiently precise, inaccurate or insufficiently substantiated reports.<br>3) The provider provides the necessary explanations and evidence together with the information. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received the list of notices received via the notice and action mechanism during the examination period 05/01/2024-04/30/2025 and identified that there was no notice submitted by a trusted flagger. Therefore, no further audit procedures beyond the previously mentioned were performed.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 22.6 (Trusted flaggers) during the examination period. There was no notices by a trusted flagger during the end of the examination period 05/01/2024-04/30/2025. By performing our audit procedures, we found evidence in form of policies and processes which indicate a compliant handling of this matter in the case of future occurrences. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 22.6 (Trusted flaggers). No recommendation on specific measures required. | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 22.6 (Trusted flaggers). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 23.1 (Measures and protection against misuse) | 1) The provider has defined a process that leads to the blocking of traders who frequently and obviously provide illegal content/products/services after prior warning, e.g. containing the documentation and the responsible individuals for the process are informed.<br>2) The provider suspends the provision of services for traders who frequently and obviously provide illegal content.<br>3) The provider gives the affected trader a warning before the services are suspended.<br>4) The warning contains the reasons for the possible suspension and the possible legal remedies against the provider's decision.<br>5) The services are suspended for a reasonable period of time. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. According to information provided in a written statement by Zalando, there were no occurrences where Zalando became aware of partners or users that frequently and obviously provided illegal content during the examination period 05/01/2024-04/30/2025.Therefore, no further audit procedures beyond the previously mentioned were performed.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 23.1 (Measures and protection against misuse) during the examination period. According to information provided in a written statement by Zalando, there were no occurrences where Zalando became aware of users submitting unfounded reports or complaints during the examination period 05/01/2024-04/30/2025. By performing our audit procedures, we found evidence in form of policies and processes which indicate a compliant handling of this matter in the case of future occurrences. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
| --- | --- |
| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 23.1 (Measures and protection against misuse). No recommendation on specific measures required. | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 23.1 (Measures and protection against misuse). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 23.2 (Measures and protection against misuse) | 1) The provider has defined a process which, after prior warning, leads to the blocking of reporting persons who submit frequent and obviously unfounded reports or complaints and the responsible individuals for the process are informed.<br>2) The provider suspends the processing of reports and complaints from persons who frequently submit obviously unfounded reports or complaints.<br>3) The provider gives the affected user a warning before the processing of reports and complaints is suspended.<br>4) The processing of reports and complaints is suspended for a reasonable period of time. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. According to information provided in a written statement by Zalando, there were no occurrences where Zalando became aware of notifiers submitting unfounded reports or complaints during the examination period 05/01/2024-04/30/2025.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 23.2 (Measures and protection against misuse) during the examination period. According to information provided in a written statement by Zalando, there were no occurrences where Zalando became aware of users that frequently and obviously provided illegal content during the examination period 05/01/2024-04/30/2025. By performing our audit procedures, we found evidence in form of policies and processes which indicate a compliant handling of this matter in the case of future occurrences. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 23.2 (Measures and protection against misuse). No recommendation on specific measures required. | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 23.2 (Measures and protection against misuse). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 23.3 (Measures and protection against misuse) | 1) The provider has a process to check that the requirements of art. 23 (3) are met when deciding on the suspension in accordance with art. 23 (1) and (2) and the responsible individuals for the process are informed.<br>2) When deciding on suspension of the provision of services or the processing of reports and complaints, the provider assesses on a case-by-case basis whether the reporting person is involved in misuse.<br>2.1) The assessment is carried out promptly, carefully and objectively.<br>2.2) In the assessment, the provider takes into account all relevant facts and circumstances that are apparent from the information available to it.<br>2.3) In particular, the provider takes into account the absolute number of obviously illegal content or obviously unfounded reports or complaints that were provided or submitted within a certain period of time.<br>2.4) In particular, the provider takes into account the relative proportion of obviously illegal content in relation to the total number of individual items of information provided in a given period or reports made within a given period.<br>2.5) In particular, the provider takes into account the severity of the cases of misuse, including the type of illegal content, and their consequences.<br>2.6) In particular, the provider takes into account the intentions pursued by the reporting person, insofar as these intentions can be determined. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. According to information provided in a written statement by Zalando, there were no occurrences where Zalando suspended the provision of services or issued processing of reports and complaints during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

Changes to the audit procedures during the audit:

No changes occurred to the audit procedures during the audit.

Conclusion:

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 23.3 (Measures and protection against misuse) during the examination period. According to information provided in a written statement by Zalando, there were no occurrences where Zalando became aware of suspensions of the provision of services or issuing of processing of reports and complaints during the examination period 05/01/2024-04/30/2025. By performing our audit procedures, we found evidence in form

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| of policies and processes which indicate a compliant handling of this matter in the case of future occurrences. Therefore, no further audit procedures beyond the previously mentioned were performed. | |
| Recommendations on specific measures:<br>N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 23.3 (Measures and protection against misuse). No recommendation on specific measures required. | Recommended timeframe to implement specific measures:<br>N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 23.3 (Measures and protection against misuse). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 23.4 (Measures and protection against misuse) | 1) The provider has set out its rules for dealing with misuse clearly and in detail in its terms and conditions.<br>2) The provider has given examples of facts and circumstances that it takes into account when assessing whether a certain behaviour constitutes abusive use and examples of the duration of the suspension. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected the German summary of Customer terms and conditions and Zalando´s Partner Agreement on Zalando´s Platform University for partners and verified that Zalando has set out its rules for dealing with misuse clearly both for users of the Zalando´s interfaces (website and app) and partners (traders) using the platform. Verified that the terms and conditions and the partner agreement set out the evaluation criteria used to assess misuse, the procedure and the consequences in the event of a misuse.
4. Inspected the German summary of Customer terms and conditions and Zalando´s Partner Agreement on Zalando´s Platform University for partners and verified that Zalando takes into account the absolute number of clearly unfounded reports or complaints, the relative proportion of unfounded reports and complaints in the total number of reports and complaints, the severity of the case of abuse and the intentions of the reporting party. Verified that Zalando described that it issues warnings before blocking and informs the reporter or provider of the duration of the block.
5. Inspected the document "Prevention of Misuse" where Zalando sets out the rules, including examples of the duration of the suspension, in the chapter 'Suspension Criteria and Periods'. The rules apply to users, but also to content providers who try to misuse the platform. Verified that Zalando had included examples of the duration of the suspension in its rules.
6. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando did comply with the specified requirements of 23.4 (Measures and protection against misuse) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
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| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 24.1 (Transparency reporting obligations for providers of online platforms) | 1) The transparency report includes:<br>1.1) Information on the number of disputes submitted to out-of-court dispute resolution bodies, the results of dispute resolution and the duration of mediation until the conclusion of the dispute resolution proceedings, as well as the proportion of disputes in which the online platform providers have implemented the decisions of the body.<br>1.2) The Information on the number of suspensions pursuant to article 23.<br>1.3) The information on the number of suspensions differentiates between suspensions due to manifestly illegal content, due to the submission of manifestly unfounded reports and due to the submission of manifestly unfounded complaints. | Materiality considerations are driven by both our sampling methodology and assessment of quantitative disclosures. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando's German website and iOS app, to verify that the transparency reports contain information on the number of disputes submitted to out-of-court dispute resolution bodies, the results of dispute resolution and the duration of mediation until the conclusion of the dispute resolution proceedings, as well as the proportion of disputes in which the online platform providers have implemented the decisions of the body. Downloaded the both transparency reports available and verified that the reports contain the numbers on out-of-court disputes, which was zero in October and April each.
4. Inspected Zalando's German website and iOS app, to verify that the transparency reports contain information on the number of suspensions. Downloaded both transparency reports available and verified that the reports contain the number of suspensions, which was zero in October and April each.
5. Inspected Zalando's German website and iOS app, to verify that the information on the number of suspensions differentiates between suspensions due to manifestly illegal content, due to the submission of manifestly unfounded reports and due to the submission of manifestly unfounded complaints. Downloaded the both transparency reports available and verified that the information on the number of suspensions differentiates between suspensions due to manifestly illegal content, due to the submission of manifestly unfounded reports and due to the submission of manifestly unfounded complaints, which was zero in October and April each.
6. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 24.1 (Transparency reporting obligations for providers of online platforms) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
| --- | --- |
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 24.2 (Transparency reporting obligations for providers of online platforms) | 1) The provider has defined a process to determine the number of users every six months, e.g. containing role description, representative and escalation plan and the responsible individuals for the process are informed.<br>2) The provider has published information on the average monthly number of active users in the Union for all interfaces by February 17th 2023.<br>3) The provider has published a new number of monthly active users in the Union at least every six months after February 17th 2023.<br>4) The publication takes place in a publicly accessible area of all interfaces.<br>5) The provider calculates the number of users as an average of the previous six months and in accordance with the method of the delegated act for the calculation referred to in article 33(3).<br>6) The number of users is determined and calculated using a comprehensible methodology based on plausible assumptions. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando's German website and iOS app, to verify that Zalando has published the information on the average monthly number of active users. Verified that the information related to the user numbers is stated in the imprint.
4. Inspected Zalando's German website and iOS app, to verify that Zalando has published the information on the average monthly number of active users. Downloaded both transparency reports available an d verified that Zalando has published a new number of monthly active users with the publishing of the transparency reports.
5. Inspected Zalando's German website and iOS app, to verify that the publication takes place in a publicly accessible area of all interfaces. Verified that the publication is accessible via the footer of the German Webpage or the "About us" page of the iOS app and is therefore publicly available.
6. Verified that the methodology used to calculate the numbers of the average monthly users uses different factors and is based on two different approaches. For the determination of the overall numbers, Zalando uses the Numbers from Google Analytic which are deducted by various factors:
   - cookie IDs from the same customers recognized and merged on multiple devices
   - bouncers (visitors who were on the platform maximum for 10 seconds or less)
   - all Cookie ID´s that are coming from Switzerland, Great Britain and Norway
   - a flat rate of visitors that have presumably only access to Zalando from places outside of listed EU countries.

   This number is then enriched by Opt-out users, which is the final number to be published. The second approach facilitates the argumentation of Zalando that only the partner program is applicable to the scope of the DSA. Therefore the determined number explained above is deducted using the gmv of the partner program. This number is published on the website too, but is not the number taken into account by the Commission.

| | |
|---|---|
| 7. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.<br>**Changes to the audit procedures during the audit:**<br>Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.<br><br>**Conclusion:**<br>In our opinion, Zalando complied with the specified requirements of 24.2 (Transparency reporting obligations for providers of online platforms) during the examination period, in all material respects. | |
| **Recommendations on specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. | **Recommended timeframe to implement specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 24.3 (Transparency reporting obligations for providers of online platforms) | 1) The provider has defined a process to transmit the user numbers to the Digital Services Coordinator and the Commission and the responsible individuals for the process are informed.<br>2) The provider provides the number of users to the Digital Services Coordinator at the place of establishment and to the Commission immediately upon request. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. There was no request by the German Federal Network Agency (Bundesnetzagentur) as the responsible German Digital Services Coordinator (hereafter DSC). Therefore, no further audit procedures beyond the previously mentioned were performed.
4. There was no request by the Commission on the provision of the user numbers. Therefore, no further audit procedures beyond the previously mentioned were performed.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 24.3 (Transparency reporting obligations for providers of online platforms) during the examination period. Due to the fact that neither the German Federal Network Agency (Bundesnetzagentur) or the Commission did not request the provision of the user numbers. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 24.3 (Transparency reporting obligations for providers of online platforms). | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 24.3 (Transparency reporting obligations for providers of online platforms). |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 24.5 (Transparency reporting obligations for providers of online platforms) | 1) The provider has defined a process to immediately transmit information about suspensions of services to the Commission in accordance with art. 17 (1) and the responsible individuals for the process are informed.<br>2) The provider immediately submits to the Commission the moderation decisions on the removal of content or the restriction of availability or access to information with the respective justification in accordance with art. 17 for listing in a database.<br>3) The transmission takes place in a format specified by the Commission and compatible with the API interface of the transparency database and (if possible) without undue delay.<br>4) The provider transmits the decisions without personal data (acc. to GDPR). | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received the list of statement of reasons to any affected recipients of the service (moderation decisions) during the examination period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
5. Inspected the DSA Transparency Database and the "Search Statements of reasons" mechanism of the Commission. This mechanism provided access to moderation decisions submitted during the last six months. Verified that from the selected samples for 8 moderation decision, an API transmission number is indicated but was not found via the search mechanism. Those moderation decisions fall under the respective timeframe and should be accessible via the search mechanism. Further, it was verified that from the selected samples 2 moderation decisions should have been transmitted to the Commission according to Zalando's defined methodology, but in the obtained worksheet no details on transmission (e.g. API ID) to the Commission are indicated. This results in a potentially incorrect publication of moderation decisions in the DSA Transparency Database for these cases.
6. Inspected the DSA Transparency Database and the "Search Statements of reasons" mechanism of the Commission. Verified that from the selected samples for 8 moderation decision, an API transmission number is indicated but was not found via the search mechanism. Those moderation decisions fall under the respective timeframe of six months and should me accessible via the search mechanism. As the moderation decisions could not be accessed via the search mechanisms, a timely transmission could not be verified. Therefore, no further audit procedures beyond the previously mentioned were performed.
7. Inspected Zalando's overall mechanism and technical setup for transmitting a moderation decision to the DSA Transparency Database. Verified that the mechanisms is constructed to transmit moderation decisions without personal data.
8. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

Changes to the audit procedures during the audit:

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

<table>
<tr><td colspan="2">Conclusion:<br>In our opinion, Zalando did not comply with the specified requirements of 24.5 (Transparency reporting obligations for providers of online platforms) during the examination period, in all material respects.<br>For 8 moderation decision an API transmission number is indicated but was not found via the "Search Statements of reasons” mechanism in of the DSA Transparency Database. Those moderation decisions fall under the respective timeframe and should me accessible via the search mechanism. Additionally, from the selected samples 2 moderation decisions should have been transmitted to the Commission according to Zalando's defined methodology, but in the obtained worksheet no details on transmission (e.g. API ID) to the Commission are indicated.</td></tr>
<tr><td>Recommendations on specific measures:<br>Management should consider to further strengthen the established processes, e.g. by increasing the level of automation and/or the implementation of preventive and detective controls on the transmitted moderation decisions. Further, management should consider to establish a system to further monitor the timely transmission of moderation decisions.</td><td>Recommended timeframe to implement specific measures:<br>After evaluating the overall risk situation and its impact on the defined systemic risks, as well as considering the observed robustness of the associated processes, we recommend addressing this measure within three months of receiving the Independent Practitioner’s Assurance Report. This does not affect the obligation to respond in accordance with Article 37(6).</td></tr>
</table>

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 25.1 (Online Interface design and organisation) | 1) The provider has designed, organised and operated all interfaces in such a way that the user is not deceived, manipulated or otherwise significantly impaired or hindered in his ability to make free and informed decisions.<br>2) The provider does not use exploitative design patterns on all interfaces that are intended to entice users to take actions that may not be in the user's interest and where the choices are presented in a non-neutral way, e.g. through visual, acoustic or other more prominent elements when the user is asked to make a choice.<br>2.1) The provider does not use practices on all interfaces that consist of repeatedly asking a user to make a selection when this selection has already been made.<br>2.2) The provider does not use any practices on all interfaces that consist of making the procedure for cancellation. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence. Additionally performed live system walkthrough on an example of technical evidence of a visual change to the user and verified that all interfaces (website, iOS App, Android App) are managed centrally.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando's German website and iOS app, to verify that Zalando's interfaces are designed, organised and operated in such a way that the user is not deceived or manipulated. Selected as an example the free shipping option on items below the minimum order value (29,90 EUR) on the product detail page of the article. Verified that on the product detail page of the article it is stated clearly that shipping is only free for orders over 29,90 EUR.
4. Inspected Zalando's German website and iOS app, to verify that the user is not significantly impaired or hindered in his ability to make free and informed decisions. Selected as an example the free shipping option on items below the minimum order value (29,90 EUR) on the product detail page of the article. Verified that the user can freely decide if a shipping fee of 4,90 EUR is appropriate.
5. Inspected Zalando's German website and iOS app, to verify that Zalando does not use exploitative design patterns on interfaces that are intended to entice users to take actions that may not be in the user's interest. Selected as an example the login fields on the interfaces. Verified that the login fields are all reasonably equal weight and no field entices the user to take actions that may not be in the user's interest.
6. Inspected Zalando's German website and iOS app, to verify that the choices are presented in a neutral way and not, e.g. through visual, acoustic or other more prominent elements when the user is asked to make a choice on the interfaces. Selected as an example the login fields on the interfaces. Verified that the login fields are all reasonably equal weight and no choice is much more prominent.
7. Inspected Zalando's German website and iOS app, to verify that Zalando does not use practices on the interfaces that consist of making the procedure for cancellation of the service significantly more complicated than the corresponding registration. Selected as an example the newsletter subscription on the interfaces. Verified that the cancellation of the subscription is as easy as the registration of it. Navigated through the interfaces and documented the cancellation of the subscription via screenshots of the website. Key process steps identified were the registration via website or app and subsequently the cancellation of the subscription.

8. Inspected Zalando's German website and iOS app, to verify that Zalando does not use any practices on the interfaces that make it disproportionately difficult to cancel purchases or log out of the online platform. Selected as an example the log out option on the interfaces. Verified that the log out is not difficult. Verified that the log out of the account is made on the German website and iOS app via the account settings. Navigated through the interfaces and documented the log out via screenshots of the website.
9. Inspected Zalando's German website and iOS app, to verify that Zalando does not use practices on the interfaces that consist of disproportionately influencing the user's decision-making through default settings that are very difficult to change. Selected as an example the login fields on the interfaces. Verified that the login fields are reasonably equal weight and no choice is much more prominent. Verified that the user is not influenced in the decision of choosing a login option.
10. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 25.1 (Online interface design and organisation) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 25.2 (Online Interface design and organisation) | 1) The provider differentiates in the design, organization and operation between the prohibition in para. 1 and practices that fall under Directive 2005/29/EC or the GDPR. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando's DSA Deceptive Patterns review and verified that no additional deceptive patterns were identified that fall under the GDPR.
4. Inspected Zalando´s German website and iOS app, to verify that deceptive patterns that fall under the GDPR as Consent Banner, are not resolved by the DSA requirements but instead by the GDPR. Audit performance included, but was not limited to the inspection of the consent banners on the interfaces. Verified that the fields for choosing the privacy preferences are all equal weight but the "that´s ok" option is clearly more evident than the others. We verified that this is not a dark pattern according to DSA.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 25.2 (Online interface design and organisation) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 26.1 (Advertising on online platforms) | 1) The provider informs the user to whom advertising is displayed that the information is advertising and provides the information with highlighted labels.<br>2) The provider presents to the user to whom the advertisement is displayed the person or legal entity in whose name the advertisement is displayed.<br>3) If the natural or legal person who has paid for the advertisement is not the person in whose name the advertisement is displayed, the provider presents the natural or legal person who has paid for the advertisement to the user to whom the advertisement is displayed.<br>4) The provider provides the user to whom the advertisement is displayed with meaningful information about the most important parameters for determining the users to whom the advertisement is displayed and how these parameters can be changed under certain circumstances.<br>5) The provider provides the user to whom the advertisement is displayed with a meaningful explanation of the underlying logic and indicates when profiling is used.<br>6) The explanation includes information about the method used to display the advertisement (e.g. contextual advertising or another type of advertisement) and information about the main profiling criteria used.<br>7) The information about the parameters is directly and easily accessible via the advertisement on all interfaces.<br>8) The provider presents the information for each individual advertisement in a clear, precise and unambiguous manner and in real time. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando´s German website and iOS app, to verify that Zalando informs the user to whom advertising is displayed that this information is advertisement and provided the information with highlighted labels. Verified that sponsored content is presented with an icon next to the respective product or campaign with the label "Sponsored".
4. Inspected Zalando´s German website and iOS app, to verify that Zalando displayed to the user the natural or legal person on whose behalf the advertisement is presented or the legal person who has paid for the advertisement. Verified that the information about the specific sponsored content contains the name of the natural or legal person on whose behalf the advertisement is presented or who has paid for the advertisement. This information is accessible via the label "Sponsored".
5. Inspected Zalando´s German website and iOS app, to verify that Zalando provided the user to whom the advertisement is displayed with meaningful information about the most important parameters for determining the users to whom the advertisement is displayed and how these parameters can be changed

under certain circumstances. Verified that the information about the specific sponsored content contains the most important parameters. This information is accessible via the label "Sponsored".

6. Inspected Zalando´s German website and iOS app, to verify that Zalando provided the user to whom the advertisement is displayed with a meaningful explanation of the underlying logic and indicates when profiling is used. Verified that the information about the specific sponsored content contains the explanation of the underlying logic and indicates when profiling is used. This information is accessible via the label "Sponsored".
7. Inspected Zalando´s German website and iOS app, to verify that Zalando included information about the method used to display the advertisement (e.g. contextual advertising or another type of advertisement) and information about the main profiling criteria used. Verified that the information about the specific sponsored content contains the method used to display the advertisement and main profiling criteria used. This information is accessible via the label "Sponsored".
8. Inspected Zalando´s German website and iOS app, to verify that information about the parameters is directly and easily accessible via the advertisement. Verified that the information about the parameters is accessible via the label "Sponsored" and "manage preferences".
9. Inspected Zalando´s German website and iOS app, to verify that Zalando presents the information for each individual advertisement in real time. Verified that the information on sponsored content is presented to the user in real time, once it is uploaded from the advertisement system to the interfaces.
10. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

Changes to the audit procedures during the audit:

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

Conclusion:

In our opinion, Zalando complied with the specified requirements of 26.1 (Advertising on online platforms) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 26.3 (Advertising on online platforms) | 1) The provider does not display any advertising based on profiling in accordance with art. 4 No. 4 GDPR using special categories of personal data in accordance with art. 9 para. 1 GDPR. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inquired responsible individuals from Zalando and obtained the information that Zalando does not display any advertising based on profiling in accordance with art. 4 No. 4 GDPR using special categories of personal data in accordance with art. 9 para. 1 GDPR. According to art. 4 No. 4 GDPR the following are considered as special categories of personal data: data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation. Obtained the whitelist for allowable targeting criteria used for profiling in the advertisement systems and verified that none of the special categories of personal data are included in the obtained whitelist. Further, we conducted a walkthrough of the creation of a user account in order to determine the user data that is collected by Zalando. Verified that none of the special categories of personal data are requested in the course of the user account creation.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 26.3 (Advertising on online platforms) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 27.1 (Recommender system transparency) | 1) The provider has set out in its terms and conditions in clear and understandable language the most important parameters that it uses in its recommendation systems when it uses recommendation systems.<br>2) The provider has set out in its terms and conditions all options for users to change or influence the parameters of the recommendation systems. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando´s German Customer published terms and conditions, to verify that Zalando set out in its terms and conditions the most important parameters that it uses in its recommendation systems when it uses recommendation systems in clear and understandable language. Verified that parameters are stated in the terms and conditions. According to the terms and conditions the most important parameters are: the country, article information, selection of filters and sorting (favoured size, popularity of items, preferences, purchases and browsing activities). The parameters that influence the display of products on the catalogue page are: popularity, time of the introduction of the article, current sales campaigns and price. Verified that Zalando´s Customer terms and conditions are managed centrally and the information is available in all terms and conditions.
4. Inspected Zalando´s German published Customer terms and conditions, to verify that Zalando has set out in its terms and conditions all options for users to change or influence the parameters of the recommendation systems. Verified that an option for users to change or influence the parameters of the recommendation systems is stated in the terms and conditions. The option is to manage the preferences for the recommendation systems via the "i" icon on the product catalogue page. Verified that the user can receive additional information for profiling within the section "My Account". Verified that Zalando´s terms and conditions are managed centrally and the information is available in all terms and conditions.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 27.1 (Recommender system transparency) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 27.2 (Recommender system transparency) | 1) As part of the information on the recommendation systems, the provider explains to the user why certain information is suggested to the user.<br>2) The explanation contains the criteria that are most important for determining the information that is proposed to the user.<br>3) The explanation includes the reasons for the relative importance of these parameters. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando´s German published terms and conditions, to verify that Zalando explained to the user why certain information is suggested to the user. Verified that Zalando explained to the user why certain information is suggested to the user. Inspected Zalando´s German website and app and verified that Zalando explained to the user that the usage of the parameters is needed in order to make the search easier.
4. Inspected Zalando´s German published terms and conditions, to verify that the explanation contained the criteria that are most important for determining the information that is proposed to the user. Verified that the explanation contained the criteria that are most important for determining the information that is proposed to the user like e.g. country, item information, selections, popular actions, preferences, purchases, browsing activity and sizing information.
5. Inspected Zalando´s German published terms and conditions valid during the examination period 05/01/2024-02/20/2025, to verify that the explanation included the reasons for the relative importance of these parameters. It was observed that Zalando implemented the recommended measures from last year's audit during 02/2025. Verified that Zalando updated their terms and conditions for users and explained to the user the explicit reasons or assumptions why certain information is suggested to the user containing the criteria that are most important for determining the information that is proposed to the user.
6. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 27.2 (Recommender system transparency) during the examination period, in all material respects. Management implemented the recommended measures, update of the terms and conditions, to address last year's finding in February 2025. Meaning that the implemented measures were not available throughout the whole examination period 05/01/2024-04/30/2025.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – It could be verified that management implemented the suggested measures from last year audit in February 2025. No further recommendation on specific measures required. | N/A – It could be verified that specific measures were implemented. No further recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 27.3 (Recommender system transparency) | 1) The provider makes available a function that enables the user to select and change his preferred option from several recommendation systems at any time.<br>2) The function for selecting and changing the recommendation systems is directly and easily accessible on all interfaces from the section containing the information on recommendation systems. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Performed an accessibility assessment of Zalando´s German website and iOS app and assessed that a function, which enables users to select and change their preferred option from several recommendation systems at any time, is available. Inspected that by clicking on the "i" icon users can see the recent recommendation settings. Verified that by clicking on the button "Manage preferences" users can select and change their preferred option from centrally managed recommendation systems at any time.
4. Inspected Zalando´s list of internal definitions and verified that Zalando considers the definition of "easily accessible" as following: "Following the E-Commerce Directive (Directive2000/31/EC) and respective guidance on the interpretation of German transposition laws which use similar terms ("clearly identifiable" and "easily accessible"), we interpret "easily identifiable" to mean effectively visually perceptible and located in a conspicuous place which is easy to find without having to search for a long time.
5. Performed an accessibility assessment of Zalando´s German website and iOS app and assessed that the function for selecting and changing the recommendation systems is "easily accessible", according to Zalando´s internal definition, from the section containing the information on recommendation systems, above the selected category.
6. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 27.3 (Recommender system transparency) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 28.1 (Online protection of minors) | 1) A process is defined to determine appropriate and proportionate measures and the responsible individuals are informed, e.g. review process, representatives and escalation plan.<br>2) The provider takes appropriate and proportionate measures to ensure a high level of privacy, security and protection of minors within its service. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inquired responsible individuals from Zalando and obtained the information that Zalando implemented several measures to ensure privacy, security and protection of minors within its service. Inspected the relevant process descriptions and guidelines and verified that Zalando outlined several measures for the protection of minors. Obtained the guidelines that outline the work with children for creating content to be displayed on Zalando's interfaces. Determined that Zalando specified rules that regulates the use, creation and verification of content containing minor models. Further, obtained the information that Zalando restricts it's service for minors by restricting the creation of an user account to the age of 16 and the possibility to purchase products to the age of 18. Conducted walkthrough of the creation of a user account in order to determine the user data that is collected by Zalando. Inspected that the birthdate is not a mandatory information in the creation of a user account. Obtained the process description of the CuCa department for the event of a purchase through a minor user. Verified that Zalando implemented a process for handling cases, where a legal guardian of a minor reports an illegitimate purchase. In this case, purchase can be returned and the respective user account is deactivated.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 28.1 (Online protection of minors) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 28.2 (Online protection of minors) | 1) The provider has defined a process to ensure that no advertising is displayed on the basis of profiling using personal data of minors and the responsible individuals for the process are informed.<br>2) The provider does not display any advertising on all interfaces based on profiling in accordance with art. 4 No. 4 GDPR using the user's personal data if it has sufficient certainty that the user is a minor. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inquired responsible individuals from Zalando and obtained the information that Zalando does not display advertising on their interfaces based on profiling to minor users. Obtained the allowlist for targeting criteria, that represents the targeting criteria that can technically be used in the course of setting up a target audience for advertisement in the advertisement/ marketing tools in place. Verified that targeting is not allowed to minors by indicating "Age (18+)" as allowable targeting criteria. Further, obtained technical documentation for setting up target audience groups. Verified that minors were not added to a targeting group during the examination period 05/01/2024-04/30/2025.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 28.2 (Online protection of minors) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 30.1 (Traceability of traders) | 1) The provider has defined a process for only admitting new traders to the interfaces once the mandatory information pursuant to art. 30 para. 1 has been provided, e.g. containing role description, representatives and escalation plan and the responsible individuals for the process are informed.<br>2) The provider only allows traders to use the platform once it has received the following information from the business owner:<br>2.1) name, address, telephone number and e-mail address of the trader;<br>2.2) a copy of the identity document of the trader or other electronic identification within the meaning of article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council(40), (40)Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73). L 277/60 EN Official Journal of the European Union 27.10.2022.;<br>2.3) the payment account details of the trader;<br>2.4) if the trader is registered in a trade register or similar public register, the trade register in which it is registered and its trade register number or an equivalent identifier used in that register<br>2.5) the trader's self-certification in which the business owner undertakes to offer only products or services that comply with the applicable provisions of Union law. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando´s Partner University to verify that Zalando only allows traders to use the interfaces once it has received the following information from the business owner:
   - name, address, telephone number and e-mail address of the trader;
   - European Parliament and of the Council(40), (40)Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73). L 277/60 EN Official Journal of the European Union 27.10.2022.;
   - the payment account details of the trader;
   - if the trader is registered in a trade register or similar public register, the trade register in which it is registered and its trade register number or an equivalent identifier used in that register
   - the trader's self-certification in which the business owner undertakes to offer only products or services that comply with the applicable provisions of Union law.

| | |
|---|---|
| Verified that partners have to submit the above mentioned information via the master data sheet and answering the Know-Your-Customer (KYC) questionnaire directly in the Zalando Partner University (ZPU) prior receiving access to the interfaces.<br>4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.<br>**Changes to the audit procedures during the audit:**<br>No changes occurred to the audit procedures during the audit.<br>**Conclusion:**<br>In our opinion, Zalando complied with the specified requirements of 30.1 (Traceability of traders) during the examination period, in all material respects. | |
| **Recommendations on specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. | **Recommended timeframe to implement specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 30.2 (Traceability of traders) | 1) The provider has defined a process to verify the information submitted by the traders within the scope of art. 30 para. 2 before the trader is admitted to the platform and the responsible individuals for the process are informed.<br>2) The provider is checking the information received from the trader to the best of its ability for reliability and completeness.<br>3) When checking the information, the provider shall use freely accessible official online databases, in particular national commercial registers and the VAT information exchange system.<br>4) When checking the information, the provider requests evidence from reliable sources from the trader, such as copies of identity documents, certified payment account statements, company certificates or extracts from the commercial register.<br>5) The provider requests the transmission of information from traders who already use the platform by 17.01.2025.<br>6) The provider suspends the provision of services to the trader if the information is not provided within the deadline. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received a list of onboarded partners in the examination period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
   Inspected Zalando´s Partner University and verified that Zalando received the previously described trader information via the KYC questionnaire as well as via the master data sheet. Verified that Zalando obtained the register excerpt of the onboarded partner from the commercial register and verified in the Platform Rules, that the partner will not receive access to the platform, if the data is incorrect or incomplete.
5. Inspected the received supporting documents for the selected samples and verified that Zalando checked the information about the onboarded partner through a register excerpt from the commercial register.
6. Inspected the received supporting documents for the selected samples and verified that Zalando received the register excerpts from the commercial registers for each selected onboarded partner.
7. Verified that the provider suspended the provision of services to the trader, if the information has not been provided within the deadline.
8. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

Changes to the audit procedures during the audit:

No changes occurred to the audit procedures during the audit.

Conclusion:

In our opinion, Zalando complied with the specified requirements of 30.2 (Traceability of traders) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
| --- | --- |
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 30.3 (Traceability of traders) | 1) The provider immediately requests the trader to remedy the situation if it has sufficient evidence or reason to believe that individual information provided by the trader is incorrect, incomplete or not up to date.<br>2) The provider suspends the provision of services to the trader without undue delay if the trader fails to correct or complete the information. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received a list of traders whose use of the service is suspended due to missing or incorrect information for the examination period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
5. Inspected the provided documents regarding the "Know-Your-Customer (KYC)" process for each sample and verified that the channels of the trader were already offline. The Partner Care Team contacted the traders during the regular KYC review, to give the partner another chance to remedy the situation.
6. The system via which partners are activated and deactivated on the Zalando platform is called Merchant Profile cockpit. In this system, each partner has one or more merchant profiles which have the Merchant ID as a unique identifier. This merchant ID is also linked to the partner account in Salesforce. The obtained report displayed the deactivation/offboarding history of each of the partners. Inspected provided screenshots of a Merchant Profile report and verified that the partners were part of the regular "Know-Your-Customer (KYC)" request. Verified that the channels of the trader were already deactivated during the KYC review.
7. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 30.3 (Traceability of traders) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 30.4 (Traceability of traders) | 1) The provider allows traders whose use of the services has been suspended due to missing or incorrect information to submit a complaint in accordance with Article 20 via the complaints management and/or in accordance with Article 21 via the dispute resolution body. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received a list of traders whose use of the service is suspended due to missing or incorrect information for the examination period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
   Inspected the Partner Agreement of a suspended trader and verified that in section 1.4 Zalando refers to Appendix 2. Appendix 2 refers to the freely accessible Platform Rules. Inspected Zalando´s Platform Rules and verified that in section 9 "Internal complaint handling" Zalando enables the trader to submit complaints through the internal complaint management system. Partners have the option to either chat with an expert from the Partner care support team or contact Zalando via the request form to submit the issue, after logging in the Zalando Partner University.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 30.4 (Traceability of traders) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 30.5 (Traceability of traders) | 1) The provider has defined a process for securing, storing and deleting traders' information six months after termination of the contractual relationship and the responsible individuals for the process are informed.<br>2) The provider stores the information about the trader for a period of six months after the termination of the contractual relationship with the trader concerned.<br>3) The provider deletes the information six months after the end of the contractual relationship. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected the retention requirements and verified that, in accordance with §8 paragraph 4 of the GwG, Zalando is obligated to retain the information about the contractual partners for five years.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 30.5 (Traceability of traders) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 30.6 (Traceability of traders) | 1) The provider has defined a process whereby the traders information is only disclosed to third parties if there is an obligation to disclose it under applicable law, e.g. containing role description, representatives and escalation plan and the responsible individuals for the process are informed.<br>2) The provider only discloses the traders information to third parties if it is obliged to do so under applicable law, including the orders referred to in article 10 and the orders issued by the competent authorities of the Member States or the Commission for the performance of their tasks under this Regulation. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inquired responsible individuals from Zalando and obtained the information that Zalando only discloses trader´s information to third parties in compliance with legal obligations under following national legal requirements, such as "Minimum Requirements for Risk Management (MaRisk)", External Audit and "Anti-Money-Laundering Act (AML)".
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 30.6 (Traceability of traders) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 30.7 (Traceability of traders) | 1) The provider has defined a process to ensure that the information about the trader pursuant to art. 30 para. 1 lit. a, d and e is visible to the user on the product page and the responsible individuals for the process are informed.<br>2) The provider makes the information of the trader available to users in a clear, easily accessible and comprehensible manner on all interfaces.<br>3) The information is available on all interfaces of the platform on which the information about the product or service is provided. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Performed an accessibility assessment of Zalando´s Partner University and assessed that Zalando provides and retrieves information for traders and consumers. Inspected Zalando´s Partner University and verified that the Zalando Partner University is freely accessible on Zalando's website. Verified that necessary information is published on the Zalando Partner University. Verified that necessary information is clearly provided and accessible for both traders and customers.
4. Performed an accessibility assessment of Zalando´s German website and verified that the trader has to submit information about the product or service through Zalando´s Partner University. Performed an accessibility assessment on Zalando´s German website and iOS app. Audit performance included, but was not limited to the inspection of an exemplary product to verify that the name of the partner is published next to the article. Verified that the name of the partner is published next to the article.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 30.7 (Traceability of traders) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 31.1 (Compliance by design) | 1) The provider has designed and organized all interfaces in such a way that traders can comply with their obligations regarding pre-contractual information, conformity and product safety information under applicable union law.<br>2) The provider enables traders to provide information on the name, address, telephone number and e-mail address of the economic operator within the meaning of article 3(13) of Regulation (EU) 2019/1020 and other Union legislation.<br>3) The provider enables the trader to comply in particular with Articles 6 and 8 of Directive 2011/83, Article 7 of Directive 2005/29, Articles 5 and 6 of Directive 2000/31 and Article 3 of Directive 98/6. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando´s Partner University to verify that Zalando has designed and organized its online interface so that the trader can provide information necessary to clearly and unambiguously identify the products or services offered or advertised via the Zalando Partner University, that is freely accessible on Zalando´s website. Performed an accessibility assessment of Zalando´s German website and assessed that this setup ensures that the product and service details are clearly provided and accessible for efficient identification for the traders via Zalando´s Partner University.
4. Inspected Zalando´s Partner University to verify that Zalando has designed and organized the interfaces so that traders can provide information on the name, address, telephone number and e-mail address of the economic operator within the meaning of article 3(13) of Regulation (EU) 2019/1020 and other Union legislation in the Master data sheet. Performed an accessibility assessment of Zalando´s German website and assessed that the trader has to submit above mentioned data through Zalando´s Partner University and documented via screenshots. Verified on an exemplary product, that the partner details are published.
5. Inspected Zalando´s Partner University to verify that Zalando enabled the trader to comply in particular with Articles 6 and 8 of Directive 2011/83, Article 7 of Directive 2005/29, Articles 5 and 6 of Directive 2000/31 and Article 3 of Directive 98/6. Performed an accessibility assessment of Zalando´s German website and assessed that Zalando enabled the trader to comply in particular with Articles 6 and 8 of Directive 2011/83, Article 7 of Directive 2005/29, Articles 5 and 6 of Directive 2000/31 and Article 3 of Directive 98/6 via the Master data sheet. Verified that the trader has to provide the main characteristics of the product, the name of the trader, the geographic address, the details of the trader with electronic mail address, the register where the trader is registered, the selling price in acc. to Articles 6 and 8 of Directive 2011/83, Articles 5 and 6 of Directive 2000/31, Directive 2005/29, Article 3 of Directive 98/6. Verified on an exemplary product, that the partner details are published.
6. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

Changes to the audit procedures during the audit:

No changes occurred to the audit procedures during the audit.

| | |
|---|---|
| Conclusion:<br>In our opinion, Zalando complied with the specified requirements of 31.1 (Compliance by design) during the examination period, in all material respects. | |
| Recommendations on specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required. | Recommended timeframe to implement specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 31.2 (Compliance by design) | 1) The provider has designed and organized all interfaces in such a way that traders can provide information necessary to clearly and unambiguously identify the products or services offered or advertised.<br>2) The provider has designed and organized all interfaces in such a way that traders can provide a sign to identify the trader, such as the brand, symbol or logo.<br>3) The provider has designed and organized all interfaces in such a way that, where required, traders can provide information relating to labelling and marking in accordance with the provisions of applicable Union law on product safety and product conformity. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando´s Partner University and verified that Zalando has designed and organized the interfaces so that traders can provide information necessary to clearly and unambiguously identify the products or services offered or advertised. Verified that Zalando´s Partner University is freely accessible on Zalando´s website. Inspected Zalando´s German website and IOS app and verified that this setup ensures that product and service details are clearly provided and accessible for efficient identification for the traders on through Zalando´s Partner University on Zalando´s website. Verified that Zalando has appropriately established and communicated the requirements for product and service identification, providing a structured and efficient framework for traders to follow.
4. Inspected Zalando´s Partner University and verified that Zalando has designed and organized the interfaces so that traders can provide an identifying sign, such as a brand name, symbol, or logo. Performed an accessibility assessment of Zalando´s Partner University and assessed that following article master data has to be provided through Zalando´s Partner University:
   - Zalando internal seasons
   - Silhouettes
   - Categories
   - Size chart
   - Technical partner invitation
   - Brand name/ logo
   - Shipment carrier.

   Inspected Zalando´s German website and IOS app and verified that the information mentioned above are implemented on the product detail page.
5. Inspected Zalando´s Partner University and verified that Zalando has designed and organized the interfaces, where required, so that when assessing Zalando's Partner University, traders must fulfil a questionnaire with information relating to labelling and marking in accordance with the provisions of applicable Union law on product safety and product conformity. Verified that for traders this information submission is necessary and the provider is required to provide detailed information to ensure compliance with these regulations.
6. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

<table>
<tr><td colspan="2">Changes to the audit procedures during the audit:<br>No changes occurred to the audit procedures during the audit.<br>Conclusion:<br>In our opinion, Zalando complied with the specified requirements of 31.2 (Compliance by design) during the examination period, in all material respects.</td></tr>
<tr><td>Recommendations on specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required.</td><td>Recommended timeframe to implement specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required.</td></tr>
</table>

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 31.3 (Compliance by design) | 1) The provider has defined a process whereby traders are only admitted to all interfaces after they have provided the mandatory information in accordance with art. 31, e.g. containing role description, representatives and escalation plan and the responsible individuals for the process are informed.<br>2) The provider assesses to the best of its ability whether traders have provided the product identification information before traders are allowed to offer products.<br>3) The provider randomly checks in an official, freely accessible database or interface whether the products that the trader offers on the platform have been classified as illegal.<br>4) The online interface for providing and retrieving the information is easily accessible for traders and consumers. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected the Manual "Introduction to partner article creation" and verified that this process generally enables articles to meet the required content standards before being fully onboarded.
4. Inspected a sample of one and the provided supporting documents and verified that Zalando has external reviewers to review if a product offered by the potential partner is illegal. Additionally inspected a sample of one and the provided documents and verified that Zalando performs checks for illegal and unsafe products in RAPEX database as well as quality checks during the article creation process.
5. Performed an accessibility assessment of Zalando´s Partner University and verified that Zalando provides and retrieves information for traders and consumers via the Zalando Partner University, which is freely accessible on Zalando's website. Verified that necessary information is clearly provided and accessible for both, traders and consumers, and documented via screenshots.
6. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 31.3 (Compliance by design) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
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| 32.1 (Right to information) | 1) The provider has defined a process whereby consumers who have purchased the product in the last six months are informed of the illegality with the mandatory information in accordance with art. 32 (1).<br>2)The information about the illegality of a product is published on the online interface if not all contact details of the users concerned are available e.g. containing role description, representatives, escalation plan and templates and the responsible individuals for the process are informed.<br>3) The provider informs consumers who have purchased illegal products or illegal services that the product or service was illegal, if the provider has the contact details.<br>4) The information on the illegality of a product or service contains information on the fact that the product or service is illegal.<br>5) The information on the illegality of a product or service contains information on the identity of the trader.<br>6) The information on the illegality of a product or service contains relevant legal remedies.<br>7) The provider informs all users of the illegality of a product or service who have purchased the product or service in question in the six months prior to the date on which the provider became aware of the illegality. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received a list of identified illegal products or illegal services for the audit period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
5. Inspected provided supporting documentation and verified, that Zalando informed the consumer that the product was illegal via product safety notification mail.
6. Inspected provided supporting documentation and verified, that the product safety notification mail contains the information that the product was illegal.
7. Inspected provided supporting documentation and verified, that the information on the illegality of the product contains information on the identity of the trader.
8. Inspected provided supporting documentation and verified, that the information on the illegality of the product contains relevant legal remedies.
9. Inspected provided supporting documentation and verified that the provider informs all consumers of the illegality of a product or service who have purchased the product or service in question in the six months prior to the date on which the provider became aware of the illegality.
10. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

Changes to the audit procedures during the audit:

No changes occurred to the audit procedures during the audit.

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| Conclusion:<br>In our opinion, Zalando complied with the specified requirements of 32.1 (Right to information) during the examination period, in all material respects. | |
| Recommendations on specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required. | Recommended timeframe to implement specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
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| 32.2 (Right to information) | 1) If the contact details of all consumers concerned are not available, the provider makes the information about the illegality of a product or service, the identity of the trader and the relevant remedies publicly and easily accessible on all interfaces. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received a list of identified illegal products or illegal services for the audit period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
   Inspected provided supporting documentation for the selected samples in specified requirement 32.1 and verified that all contact details of all consumers concerned were available. Therefore, no further audit procedures beyond the previously mentioned were performed.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 32.2 (Right to information) during the examination period. Inspected provided supporting documentation for the selected samples in specified requirement 32.1 and verified that all contact details of all consumers concerned were available. By performing our audit procedures, we found evidence in form of policies and processes which indicate a compliant handling of this matter in the case of future occurrences. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
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| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 32.2 (Right to information). No recommendation on specific measures required. | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with the specified requirements of 32.2 (Right to information). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
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| 34.1 (Risk assessment) | 1) The provider has defined a process whereby a risk assessment is also carried out (unscheduled) when functions are introduced that are likely to have a critical impact on the identified risks, e.g. containing role description, representatives, escalation plan and the responsible individuals are informed.<br>2) The provider has carefully identified, analysed and assessed all systemic risks arising from the design or operation of its service and the associated systems, including algorithmic systems, or the use of their services.<br>3) The provider has carried out the risk assessment at the start of use [08/25/2023].<br>4) The provider carries out the risk assessment at least once a year after the start of use.<br>5) The provider carries out the risk assessment before the introduction of functions that are likely to have a critical impact on the risks identified in accordance with art. 33.<br>6.1) The provider carries out the risk assessment specifically for its service and proportionate to the systemic risks, taking into account the severity and probability.<br>6.1.1) The risk assessment includes the systemic risk of the dissemination of illegal content via the service.<br>6.1.2) The provider assesses the risk of disseminating illegal content regardless of whether the information is incompatible with the terms and conditions or not.<br>6.2) The risk assessment includes the systemic risk of any actual or foreseeable adverse impact on the exercise of fundamental rights, such as the fundamental right to respect for human dignity enshrined in article 1 of the Charter, the fundamental right to respect for private and family life enshrined in article 7 of the Charter, the fundamental right to protection of personal data enshrined in article 8 of the Charter, the fundamental right to freedom of expression and information, including media freedom and pluralism, enshrined in article 11 of the Charter, the fundamental right to non-discrimination enshrined in article 21 of the Charter, the rights of the child enshrined in article 24 of the Charter and the comprehensive consumer protection enshrined in article 38 of the Charter.<br>6.2.1) When assessing the risks to children's rights, the provider considers how easy it is for minors to understand the design and operation of the service.<br>6.2.2) When assessing the risks to children's rights, the provider considers how the service may expose minors to content that may impair their health or their physical, mental or moral development.<br>6.3) The risk assessment includes the systemic risk of any actual or foreseeable adverse impact on social debate and electoral processes and public safety. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

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| | 6.4) The risk assessment includes the systemic risk of any actual or foreseeable adverse impact in relation to gender-based violence, the protection of public health and minors, and serious adverse consequences for a person's physical and mental well-being. | |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando´s risk report and risk questionnaire to verify that Zalando identified, analysed and assessed systemic risks as "Actual or foreseeable negative effect in relation to gender-based violence, the protection of public health and minors and serious negative consequences to the person's physical and mental well-being", "Actual or foreseeable negative effects for the exercise of fundamental rights" and "The dissemination of illegal content through the service" arising from the design of its partner model and the associated systems. Analysed the identified risks and verified that Zalando focused on the partner business and that the assessment covers relevant potential risks emerging from or influenced by the partner business as well as potential impacts on the customers of Zalando.
4. Inspected the mail conversation with the Commission and verified that the risk assessment was provided to the Commission without undue delay on 08/25/2024. Verified in the mail conversation that the risk assessment was carried out on 08/25/2024, at least once every year.
5. Inspected the risk report and verified that three new functions were introduced. Verified that Zalando stated in the risk report, that a preliminary risk assessments on the new functionalities "Elephants Pilot 2", "Loyalty Program" and "Ratings & Reviews" have been performed. The preliminary assessment showed that the new functionalities are not likely to have a critical impact on the exercise of fundamental rights.
6. Inspected the risk assessment and verified that the risks identified have been categorized into the four DSA categories of systemic risks. Verified that the identified risks have been assessed in the dimensions severity and probability.
7. Inspected the risk assessment and verified that the risk assessment includes the systemic risk of the dissemination of illegal content via Zalando´s partner model 16 times.
8. Inspected the risk report and verified that the risk assessment includes the systemic risk of disseminating illegal content regardless of whether the information is incompatible with the terms and conditions or not via Zalando´s partner model. Verified that Zalando considers, that the terms and conditions applied to Zalando´s partner model have no potential negative effect on the freedom of expression and neither partners nor customers are able to articulate illegal, discriminatory or harming expressions on Zalando´s interfaces.
9. Inspected the risk assessment and verified that 11 risks on "systemic risk of any actual or foreseeable adverse impact on the exercise of fundamental rights" were identified.
10. Inspected the risk report and verified that Zalando considers that due to the fact that no third party, including contracted partners, can individually and independently upload any content on the website no any relevant negative effects on civic discourse, electoral processes and public security are caused by using or buying on Zalando.
11. Inspected the risk assessment and verified that 4 risks on "systemic risk of any actual or foreseeable adverse impact in relation to gender-based violence, the protection of public health and minors, and serious adverse consequences for a person's physical and mental well-being" via Zalando´s partner model were identified.
12. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

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| Changes to the audit procedures during the audit:<br>No changes occurred to the audit procedures during the audit.<br>Conclusion:<br>In our opinion, Zalando complied with the specified requirements of 34.1 (Risk assessment) during the examination period, in all material respects. | |
| Recommendations on specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required. | Recommended timeframe to implement specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
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| 34.2 (Risk assessment) | 1) When carrying out the risk assessment, the provider takes into account whether and how the design of the recommendation systems and other relevant algorithmic systems influence the systemic risks from art. 33 para. 1.<br>1.1) When carrying out the risk assessment, the provider takes into account whether and how the content moderation systems influence the systemic risks from art. 33 para. 1.<br>1.2.1) When carrying out the risk assessment, the provider takes into account whether and how the applicable terms and conditions and their enforcement influence the systemic risks arising from art. 33 para. 1.<br>1.2.2) The provider checks whether the general terms and conditions, their enforcement are appropriate.<br>1.3) When carrying out the risk assessment, the provider takes into account whether and how the systems for the selection and display of advertising influence the systemic risks arising from art. 33 para. 1.<br>1.4) When carrying out the risk assessment, the provider takes into account whether and how the provider's data-related practices influence the systemic risks arising from art. 33 para. 1.<br>1.5) The provider checks whether the procedures for moderating content are appropriate.<br>1.6) The provider checks whether the corresponding technical tools are appropriate.<br>1.7) The provider checks whether the allocated resources are appropriate.<br>1.8) When conducting the risk assessment, the provider takes into account information that is not illegal but contributes to the identified systemic risks.<br>1.9) The provider takes into account how its service is used to disseminate or amplify misleading or deceptive content when carrying out the risk assessment.<br>1.10) If the algorithmic amplification of information contributes to the systemic risks, the provider shall take this into account when carrying out the risk assessment.<br>2) The provider analyses whether and how the risks are influenced by intentional manipulation of the service, by inauthentic use or automated exploitation of the service and by the amplification and the possibility of rapid and widespread dissemination of illegal content and information that is incompatible with the terms and conditions.<br>3) The provider takes specific regional or linguistic aspects into account when assessing the risk impact. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.

2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected the risk report and verified that Zalando took into account whether and how the design of the recommendation systems and other relevant algorithmic systems influence the systemic risks. Verified that Zalando considers that the personalised information used in the recommendation systems is aimed at making the customer experience more attractive through providing style recommendations in line with previous searches or purchases on Zalando´s website and app.
4. Inspected the risk report and verified that Zalando took into account whether and how the content moderation systems influence the systemic risks. Verified that Zalando identified the risk that illegal or inappropriate content may enter the platform due to human error and remain online longer than necessary on Zalando´s interfaces. Verified that Zalando considers that this risk applies in the unlikely event that the content moderation team is not adequately staffed or funded.
5. Inspected the risk report and verified that Zalando considers that the systemic risk of any actual or foreseeable adverse impact civic discourse, electoral processes and public security does not apply to Zalando's partner model.
6. Verified during the performance of audit procedures of specified requirements of Article 14 (Terms and conditions) that Zalando checked whether the general terms and conditions and their enforcement are appropriate. Verified that Zalando considers that their terms and conditions and their enforcement decrease and/ or avoid potential DSA systemic risks of their partner model.
7. Inspected the risk report and verified that Zalando took into account whether and how the systems for the selection and display of advertising influence the systemic risks arising. Verified that Zalando uses algorithms to show personalised advertisement content to customers in the field of fashion and beauty. Verified that only active partners that offer products for sale on Zalando´s interfaces are able to advertise on Zalando. Verified that the published advertisement content on Zalando´s interfaces is moderated and uploaded by Zalando. Verified that Zalando considers there are no systemic risks being significantly influenced by the selection and presentation of advertisements regarding partner products on Zalando´s interfaces.
8. Inspected the risk report and verified that Zalando took into account whether and how the provider's data-related practices influence the systemic risks arising. As defined by Zalando, they created a respective customer promise and designed privacy principles endorsed by the Management Board applicable to the entire Zalando Group. Verified in the risk report that Zalando implemented a "Do.Privacy.Better" strategy as a proactive approach regarding customers´ privacy needs and concerns. Verified that Zalando considers there is no additional risk specifically stemming from the partner business which is not covered by Zalando´s comprehensive data protection related measures.
9. Inspected the risk report and verified that Zalando considers that there are no additional or specific risks resulting from the content associated with Zalando´s products or offers. Verified that Zalando considers that there is no additional information that is not illegal but contributes to the identified systemic risks.
10. Inspected the risk report and verified that Zalando took into account how partner model is used to disseminate or amplify misleading or deceptive content when carrying out the risk assessment. Verified that Zalando considers they do not operate marketing campaigns that create the perception of pressure or an urgency to buy, such as manipulative or deceptive sales countdowns or manipulative marketing claims. Verified that Zalando considers that no dark pattern with potential negative implications on any of the four systemic risks were identified.
11. Inspected the risk report and verified that Zalando considers that algorithms amplification of information does not contribute to the systemic risks.
12. Inspected the risk report and verified that Zalando analyses whether and how the risks are influenced by intentional manipulation of the service, by inauthentic use or automated exploitation of the service and by the amplification and the possibility of rapid and widespread dissemination of illegal content and information that is incompatible with the terms and conditions. Verified that Zalando considers that due to the set-up of their partner model, the strict content moderation and the fact that only Zalando can publish or upload any content on their interfaces their partner model does not influence the risk of

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| disseminating illegal content due to intentional manipulation of the service or malicious acts such as account takeovers or fake accounts.<br>13. Inspected the risk report and risk questionnaire, to verify that if there are specific regional or linguistic aspects Zalando took them into accounts when assessing the risk impact. Verified that if there are specific regional or linguistic aspects Zalando took them into accounts when assessing the risk impact.<br>14. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.<br>**Changes to the audit procedures during the audit:**<br>No changes occurred to the audit procedures during the audit.<br><br>**Conclusion:**<br>In our opinion, Zalando complied with the specified requirements of 34.2 (Risk assessment) during the examination period, in all material respects. |

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| **Recommendations on specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. | **Recommended timeframe to implement specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
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| 34.3 (Risk assessment) | 1) The provider has defined a process for the risk assessment documents to be sent to the Commission and the national coordinator if required, e.g. containing role description, representatives, escalation plan and templates and the responsible individuals for the process are informed.<br>2) The provider keeps the risk assessment documents (including information on the preparation of the risk assessment, underlying data and data on the testing of the algorithmic systems) for at least three years after the risk assessment has been carried out.<br>3) The provider sends the risk assessment documents to the Commission and the coordinator at the place of establishment as required. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Obtained a screenshot of the implemented shared folder for the storage of the risk assessment. Inspected that the risk assessment, supporting documentation for preparation of the risk assessment together with underlying data is stored in the shared folder.
4. Inspected the mail conversation with the Commission regarding the submission of the risk assessment documents. Verified that Zalando provided the risk assessment document on 02/03/2025 to the Commission.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 34.3 (Risk assessment) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
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| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
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| 35.1 (Mitigation of risks) | 1) The provider has taken appropriate, proportionate and effective risk mitigation measures tailored to the specific systemic risks identified, taking particular account of the impact of such measures on fundamental rights.<br>2) When taking mitigation measures, the provider has taken into account and considered the exemplary measures from Art. 35 (1) lit. a) - k) [e.g. adaptation of the interface, adaptation of the terms and conditions, etc.].<br>3) The measures are proportionate in view of the economic performance of the provider and take into account the need to avoid unnecessary restrictions on the use of the services.<br>4) The measures take appropriate account of possible negative effects on fundamental rights. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando´s Risk Register, to verify that Zalando took appropriate, proportionate and effective risk mitigation measures tailored to the specific systemic risks identified. Verified that for each identified risk a mitigation measure divided into the classes preventive, detective and reactive exists.
   Verified that Zalando described 11 mitigation measures, differentiated in the "Reaction" part. Verified that the detection of the identified risks is covered mainly by the implementation of the notice and action mechanism and by the extension of the customer care contact point.
   These mitigation measures were performed during the audit period, as verified by specified requirements of 12 (Points of contact for recipients of the service) and 16 (Notice and action mechanisms). The mitigation measure "Continuous privacy program" is monitored under the GDPR conditions.
4. Inspected Zalando´s Risk Register, to verify that Zalando has taken into account and considered the exemplary measures from Art. 35 (1) lit. a) - k). Verified that for each identified risk a mitigation measure divided in preventive, detective and reactive measures exists. The exemplary measures taken into account are the following:
   - adapting the design,
   - features or functioning of their services, including their online interfaces,
   - adapting their terms and conditions and their enforcement,
   - adapting content moderation processes, including the speed and quality of processing notices related to specific types of illegal content and, where appropriate, the expeditious removal of, or the disabling of access to, the content notified,
   - in particular in respect of illegal hate speech or cyber violence,
   - as well as adapting any relevant decision- making processes and dedicated resources for content moderation,
   - testing and adapting their algorithmic systems, including their recommender systems,
   - adapting their advertising systems and
   - adapting targeted measures aimed at limiting or
   - adjusting the presentation of advertisements in association with the service they provide,
   - reinforcing the internal processes, resources, testing, documentation, or supervision of any of their activities
   - in particular as regards detection of systemic risk,

- initiating or adjusting cooperation with trusted flaggers in accordance with specified requirements of 22 (Trusted flaggers) and
- the implementation of the decisions of out-of-court dispute settlement bodies pursuant to specified requirements of 21 (Out-of-court dispute settlement),
- initiating or adjusting cooperation with other providers of online platforms or of online search engines through the codes of conduct and the crisis protocols referred to in specified requirements 45 (Codes of conduct) and specified requirements of 48 (Crisis protocols) respectively,
- taking awareness-raising measures and adapting their online interface in order to give recipients of the service more information,
- taking targeted measures to protect the rights of the child, including age verification and parental control tools,
- tools aimed at helping minors signal abuse or obtain support, as appropriate and ensuring that an item of information, whether it constitutes a generated or manipulated image, audio or video that appreciably resembles existing persons, objects, places or other entities or events and falsely appears to a person to be authentic or truthful is distinguishable through prominent markings when presented on their online interfaces, and,
- in addition, providing an easy to use functionality which enables recipients of the service to indicate such information.

Verified that the detection of the identified risks is covered mainly by the implementation of the notice and action mechanism and by the extension of the customer care contact point. These mitigation measures were performed during the audit period, as verified by specified requirements of 12 (Points of contact for recipients of the service) and 16 (Notice and action mechanisms). The mitigation measure "Continuous privacy program" is monitored under the GDPR conditions.

5. Performed a desk research and verified that no guidelines are issued by the Commission in cooperation with the involving measures on fundamental rights.
6. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 35.1 (Mitigation of risks) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
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| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
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| 36.1 (Crisis response mechanism) | 1) The provider has defined a process to ensure that crisis measures imposed by the Commission are implemented immediately, e.g. containing role description, representatives, escalation plan and the responsible individuals for the process are informed.<br>1.1) The provider carries out, at the request of the Commission, an assessment of whether and, if so, to what extent and how the operation and use of the service contributes or is likely to contribute significantly to a serious threat.<br>1.2) The provider identifies and, at the request of the Commission, applies targeted, effective and proportionate measures, such as measures referred to in article 35(1) or article 48(2), to prevent, eliminate or mitigate any contribution to the identified serious threat.<br>1.3) The provider provides, upon request, a report to the Commission on the exact content, implementation and qualitative and quantitative impact of the targeted measures taken and on any other issues related to the assessments or measures.<br>2) When identifying and applying measures, the provider takes due account of the severity of the serious threat, the urgency of the measures and the actual or potential impact on 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. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected the process description "Workflow_Manual Incident Handling & supporting documents" and verified that Zalando established a crisis response mechanism to provide the governance and safety necessary to restore normal service operations in case of any unplanned event and to minimize the adverse impact on both their and their partners' business and on any customer.
4. Performed a desk research and verified that the Commission did not declare a crisis during the audit period 05/01/2024-04/30/2025, and therefore, Zalando was not obliged to perform an assessment.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

Changes to the audit procedures during the audit:

No changes occurred to the audit procedures during the audit.

Conclusion:

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 36.1 (Crisis response mechanism) during the examination period. According to performed desk research the Commission did not declare a crisis during the examination period 05/01/2024-04/30/2025. By performing our audit procedures, we found evidence in form of policies and processes which

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| indicate a compliant handling of this matter in the case of future occurrences. Therefore, no further audit procedures beyond the previously mentioned were performed. | |
| Recommendations on specific measures:<br>N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 36.1 (Crisis response mechanism). No recommendation on specific measures required. | Recommended timeframe to implement specific measures:<br>N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 36.1 (Crisis response mechanism). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 37.1 (Independent audit) | 1) The provider has defined a process for it to undergo an independent audit at least once a year, e.g. containing role description, representatives, escalation plan and<br>2) The provider undergoes an independent audit to assess compliance with the obligations set out in Chapter III and the commitments made to codes of conduct and crisis protocols.<br>3) The provider has the independent audit carried out at least once a year and at its own expense.<br>4) The provider provides the auditor with access to all relevant data and premises in order to carry out the audit. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Performed the yearly audit according to specified requirements of 37 (Independent audit) and verified that Zalando provided the necessary support to carry out the independent audit and cooperated with Deloitte so that the audit was carried out effectively, efficiently and in a timely manner.
4. Performed the yearly audit according to specified requirements of 37 (Independent audit) to asses compliance with the obligations set out in Chapter III and the commitments made to codes of conduct and crisis protocols.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 37.1 (Independent audit) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 37.2 (Independent audit) | 1) The provider provides the necessary support to the organization carrying out the independent audit and cooperates with it so that it can carry out the audit effectively, efficiently and in a timely manner.<br>2) The provider grants access to all relevant data and premises.<br>3) The provider answers oral and written questions.<br>4) The provider does not interfere with, unduly influence or undermine the audit. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Performed the yearly audit according to specified requirements of 37 (Independent audit) and verified that Zalando provided the necessary support to carry out the independent audit and cooperated with Deloitte so that the audit was carried out effectively, efficiently and in a timely manner.
4. Performed the yearly audit according to specified requirements of 37 (Independent audit) and verified that Zalando provided access to the relevant data and premises via the shared data room "Deloitte Connect".
5. Performed the yearly audit according to specified requirements of 37 (Independent audit) and verified that Zalando answered oral and written questions of Deloitte.
6. Performed the yearly audit according to specified requirements of 37 (Independent audit) and verified that Zalando did not interfere with, unduly influence or undermine the performance of the audit.
7. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 37.2 (Independent audit) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 37.4 (Independent audit) | 1) The provider has obligated the body conducting the independent audit to prepare an audit report.<br>1.1) The audit report on the performance of the independent audit shall include the name, address and contact point of the provider being audited and the period covered by the audit.<br>1.2) The audit report on the performance of the independent audit contains the name and address of the body or bodies performing the audit.<br>1.3) The audit report on the performance of the independent audit contains a declaration of interest.<br>1.4) The audit report on the performance of the independent audit contains a description of the specific elements audited and the method used.<br>1.5) The audit report on the performance of the independent audit contains a description and summary of the main findings of the audit.<br>1.6) The audit report on the performance of the independent audit shall include a list of third parties consulted during the audit.<br>1.7) The audit report on the performance of the independent audit contains a statement by the auditors as to whether the audited provider has complied with the obligations and commitments, either "positive", "positive with comments" or "negative".<br>1.8) If the opinion is not "positive", the audit report on the performance of the independent audit contains operational recommendations for specific measures with regard to compliance with all obligations and commitments and the recommended time frame for this. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Performed the yearly audit according to specified requirements of 37 (Independent audit). Deloitte has conducted the independent audit and prepared the audit report.
4. Performed the yearly audit according to specified requirements of 37 (Independent audit) and included in the audit report Zalando's name, address, contact point and the period covered by the audit. The audit period stated in the audit report is 08/25/2023-04/30/2024.
5. Performed the yearly audit according to specified requirements of 37 (Independent audit) and included in the audit report a declaration of interest.
6. Performed the yearly audit according to specified requirements of 37 (Independent audit) and included a description of the specific elements audited and the methods used. In the audit report, each element is described in terms of obligation, audit criteria, materiality threshold and audit procedures.
7. Performed the yearly audit according to specified requirements of 37 (Independent audit) and included a description and summary of the main findings of the audit in the report.
8. Performed the yearly audit according to specified requirements of 37 (Independent audit) and included information on third parties consulted during the audit.

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| 9. Performed the yearly audit according to specified requirements of 37 (Independent audit) and included a statement whether Zalando has complied with the obligations and commitments, either "positive", "positive with comments" or "negative".<br>10. Performed the yearly audit according to specified requirements of 37 (Independent audit) and included for specified requirements where the audit opinion was not "positive" operational recommendations on specific measures to achieve compliance and the recommended timeframe to achieve compliance.<br>11. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.<br>**Changes to the audit procedures during the audit:**<br>No changes occurred to the audit procedures during the audit.<br>**Conclusion:**<br>In our opinion, Zalando complied with the specified requirements of 37.4 (Independent audit) during the examination period, in all material respects. | |
| **Recommendations on specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. | **Recommended timeframe to implement specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 37.6 (Independent audit) | 1) The provider has defined a process to ensure that the operational recommendations are implemented and appropriate measures are taken and recorded in an implementation report, e.g. containing role description, representatives and escalation plan and the responsible individuals for the process are informed.<br>2) The provider takes due account of the operational recommendations addressed to it and takes the necessary measures to implement them.<br>3) The provider adopts a report on the implementation of the audit findings within one month of receiving these recommendations, in which it sets out the necessary measures.<br>4) If the provider does not implement the operational recommendations the provider sets out the alternative measures it has taken to rectify any breaches identified.<br>5) The provider justifies the non-implementation of operational recommendations in the report. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando's DSA Audit findings tracker and DSA implementation report and verified that Zalando has defined a process to ensure that the operational recommendations are implemented and appropriate measures are taken and recorded in an implementation report.
4. Inspected Zalando's DSA audit findings tracker and DSA implementation report and verified that Zalando has taken due account of the operational recommendations has taken the necessary measures to implement them.
5. Inspected Zalando's DSA implementation report and verified that Zalando has adopted a report on the implementation of the audit findings within one month after receiving the recommendations, in which the necessary measures were set out. Zalando has received the audit report in August 2024 and has adopted the implementation report in September 2024.
6. Inspected Zalando's DSA implementation report and verified that it is stated in the report, that Zalando intends to implement all of the operational recommendations.
7. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 37.6 (Independent audit) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 38.1 (Recommender systems) | 1) The provider that use recommender systems provided at least one option for each of their recommender systems which is not based on profiling as defined in Article 4, point (4), of Regulation (EU) 2016/679. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando´s German website and iOS app and verified that the user can click on the "i" icon to see the recent recommendation settings. Verified that by clicking on the button "Manage preferences" the user can select one option for Zalando´s recommender systems which is not based on profiling.
4. Inspected the guideline "Guidance Recommenders" and reperformed the described process for opting out profiling. Verified which recommender systems will be hidden, when opting out of the profiling based recommender systems. Opted out the profiling based recommender systems and verified that the listed hidden recommender systems are really hidden. Documented the reperformance via screenshots of the interfaces.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 38.1 (Recommender systems) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 39.1 (Additional online advertising transparency) | 1) The provider compiles information from paragraph 2 for advertising in a specific area of all interfaces.<br>2) The provider makes the compiled information publicly accessible via application programming interfaces.<br>3) The provider makes the compiled information available for the entire period in which it has displayed an advertisement and for one year after the last advertisement.<br>4) The compiled information is accessible on all interfaces using a searchable and reliable tool that can be queried using several criteria.<br>5) The archive does not contain any personal data of the users to whom the advertisement was or could have been displayed.<br>6) The provider makes reasonable efforts to ensure that the information is accurate and complete. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inquired responsible individuals from Zalando and obtained the information that Zalando displays advertisement on their interfaces. Inspected Zalando's German website and iOS app, to verify that Zalando implemented a section "Ad Repository", where information regarding displayed advertisements is compiled. Verified that the Ad Repository is a searchable tool, which allows filtering by certain criteria such as month or targeted market.
4. Performed an accessibility assessment of Zalando´s German website and iOS app and verified that the Ad Repository can be accessed via the 'Imprint' in the footer of the website and via the 'About us' section in the app. Verified that the complied information is publicly accessible. Further, verified that Zalando provided the information as API with detailed instruction regarding implementation of the API and query construction.
5. Received the list of displayed advertisement on Zalando's interfaces during the examination period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
6. For selected samples the following procedures were carried out:
7. Verified that Zalando made the compiled information available in the Ad Repository for the entire period in which the advertisement was displayed.
8. Verified that Zalando made the compiled information available for one year after the last advertisement was displayed.
9. Verified that the archive did not contain any personal data of the users to whom the advertisement was or could have been displayed.
10. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

Deloitte.

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|---|---|
| Conclusion:<br>In our opinion, Zalando complied with the specified requirements of 39.1 (Additional online advertising transparency) during the examination period, in all material respects. | |
| Recommendations on specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required. | Recommended timeframe to implement specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 39.2 (Additional online advertising transparency) | 1) The archive contains information on the content of the advertisement, including the name of the product, service or brand and the subject of the advertisement.<br>2) The archive contains information on the natural or legal person in whose name the advertisement is displayed.<br>3) The archive contains information on the period in which the advertisement was displayed.<br>4) The archive contains information on whether the advertisement was intended to be displayed to one or more specific groups of users and, if so, which main parameters were used for this purpose, including the main parameters used to exclude one or more such specific groups, if applicable.<br>5) The archive contains information on the commercial communications published and identified on the very large online platforms referred to in article 26(2).<br>6) The archive contains information on the total number of users reached and, where applicable, aggregated figures broken down by Member State for the group or groups of users targeted by the advertisement. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Received the list of displayed advertisement on Zalando's interfaces during the examination period 05/01/2024-04/30/2025 and selected a sample according the determined sample size methodology.
4. For selected samples the following procedures were carried out:
   Verified that the respective entry in the ad repository contains information on the content and subject of the advertisement, including the name of the product, service or brand.
5. Verified that the respective entry in the ad repository contains information on the natural or legal person in whose name the advertisement is displayed.
6. Verified that the respective entry in the ad repository contains information on the period in which the advertisement was displayed.
7. Verified that the respective entry in the ad repository contains information on whether the advertisement was intended to be displayed to one or more specific groups of users.
8. Verified that the respective entry in the ad repository contains information on the total number of users reached.
9. Verified that the respective entry in the ad repository contains aggregated figures broken down by member state for the group or groups of users targeted by the advertisement.
10. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

Changes to the audit procedures during the audit:

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

Deloitte.

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|---|---|
| Conclusion:<br>In our opinion, Zalando complied with the specified requirements of 39.2 (Additional online advertising transparency) during the examination period, in all material respects. | |
| Recommendations on specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required. | Recommended timeframe to implement specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 39.3 (Additional online advertising transparency) | 1) If access to certain advertising has been removed or blocked due to suspected illegality or incompatibility with the terms and conditions the provider does not make information pursuant to para. 2 lit. a, b and c available . 2) The provider makes the information pursuant to art. 17 para. 3 or art. 9 para. 2 available in the archive if access to the advertising has been removed or blocked due to suspected illegality or incompatibility with the terms and conditions. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. According to information provided in a written statement by Zalando, there were no occurrences of removed or blocked advertising due to suspected illegality or incompatibility with the terms and conditions during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 39.3 (Additional online advertising transparency) during the examination period. According to information provided in a written statement by Zalando, there were no occurrences of advertising that has been removed or blocked due to suspected illegality or incompatibility with the terms and conditions during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 39.3 (Additional online advertising transparency). No recommendation on specific measures required. | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 39.3 (Additional online advertising transparency). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 40.1 (Data access and scrutiny) | 1) The provider has defined a process for the coordinator or the Commission to gain access to the data, e.g. containing role description, representative and escalation plan and the responsible individuals for the process are informed.<br>2) The provider grants the coordinator or the Commission access to the data required to monitor and assess compliance with the DSA upon justified request.<br>3) The provider grants access within the set deadline. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. According to information provided in a written statement by Zalando, there were no requests for data access by the Commission or DSC during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.1 (Data access and scrutiny) during the examination period. According to information provided in a written statement by Zalando, there were no requests for data access by the Commission or DSC during the examination period 05/01/2024-04/30/2025. By performing our audit procedures, we found evidence in form of policies and processes which indicate a compliant handling of this matter in the case of future occurrences. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.1 (Data access and scrutiny). No recommendation on specific measures required. | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.1 (Data access and scrutiny). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 40.3 (Data access and scrutiny) | 1) The provider explains the design, logic, functioning and testing of its algorithmic system, including its recommender systems, to the coordinator or the Commission upon request. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. According to information provided in a written statement by Zalando, there were no requests for data access by the Commission or DSC during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.3 (Data access and scrutiny) during the examination period. According to information provided in a written statement by Zalando, there were no requests for data access by the Commission or DSC during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.3 (Data access and scrutiny). No recommendation on specific measures required. | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.3 (Data access and scrutiny). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 40.4 (Data access and scrutiny) | 1) The provider has defined a process for granting approved researchers access to data and the responsible individuals for the process are informed.<br>2) At the request of the coordinator, the provider grants accredited researchers access to data for the sole purpose of conducting research that contributes to the detection, identification and understanding of systemic risks and the assessment of the adequacy, effectiveness and impact of risk mitigation measures.<br>3) The provider grants access within the period specified in the request.<br>4) If necessary through technical protection measures the provider provides appropriate access for researchers.<br>5) The provider does not deny access to data due to the consideration of business interests. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. According to information provided in a written statement by Zalando, there were no requests for data access by the during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.4 (Data access and scrutiny) during the examination period. According to information provided in a written statement by Zalando, there were no requests for data access by the DSC during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.4 (Data access and scrutiny). No recommendation on specific measures required. | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.4 (Data access and scrutiny). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 40.5 (Data access and scrutiny) | 1.1) The provider asks the coordinator to amend the request if it is unable to grant access to the requested data because it does not have access to the data.<br>1.2) The provider asks the coordinator to amend the request if it is unable to grant access to the requested data because granting access to the data would lead to significant vulnerabilities in the security of its service or in the protection of confidential information, in particular trade secrets.<br>2) The provider submits a request for modification within 15 days of receipt of the request. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. According to information provided in a written statement by Zalando, there were no requests for data access by the DSC during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.5 (Data access and scrutiny) during the examination period. According to information provided in a written statement by Zalando, there were no requests for data access by the DSC during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.5 (Data access and scrutiny). No recommendation on specific measures required. | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.5 (Data access and scrutiny). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 40.6 (Data access and scrutiny) | 1) The provider has defined a process that represents the possibility of change requests in accordance with para. 5 if the requirements of lit. a and b are met and the responsible individuals for the process are informed.<br>2) The request to amend the access request includes proposals for one or more alternatives for granting access to the requested data or to other data that are adequate and sufficient for the purposes of the request. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. According to information provided in a written statement by Zalando, there were no requests for data access by the during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.6 (Data access and scrutiny) during the examination period. According to information provided in a written statement by Zalando, there were no requests for data access by the DSC during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.6 (Data access and scrutiny). No recommendation on specific measures required. | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.6 (Data access and scrutiny). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 40.7 (Data access and scrutiny) | 1) The provider facilitates and provides access to the data through all appropriate interfaces specified in the request, including online databases or application programming interfaces. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. According to information provided in a written statement by Zalando, there were no requests for data access by the Commission or DSC during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.7 (Data access and scrutiny) during the examination period. According to information provided in a written statement by Zalando, there were no requests for data access by the Commission or DSC during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.7 (Data access and scrutiny). No recommendation on specific measures required. | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.7 (Data access and scrutiny). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 40.12 (Data access and scrutiny) | 1) The provider grants access to data immediately.<br>2) The provider grants access to data in real time provided that the data is publicly available to researchers via all interfaces.<br>3) The provider anonymizes or pseudonymizes personal data, unless this makes the research purpose impossible. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. According to information provided in a written statement by Zalando, there were no requests for data access by the during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.12 (Data access and scrutiny) during the examination period. According to information provided in a written statement by Zalando, there were no requests for data access by researchers during the examination period 05/01/2024-04/30/2025. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.12 (Data access and scrutiny). No recommendation on specific measures required. | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 40.12 (Data access and scrutiny). No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 41.1 (Compliance function) | 1) The provider has set up a Compliance Department that is independent of the operational departments.<br>2) The Compliance Department consists of one or more compliance officers.<br>3) The Compliance Department has sufficient authority, powers and resources.<br>4) The Compliance Department has access to the provider's management body to monitor compliance with the DSA. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected several organizational charts to verify that Zalando has setup the Compliance Department in such a way, that it is independent of the operational departments. Verified that the Compliance Department, led by the Head of Compliance, is directly sub united to Senior Vice President Corporate Governance /General Counsel, who is part of the extended Management Board. Verified that within Senior Vice President Corporate Governance /General Counsel subdepartments there are solely governance and legal topics, so that the Compliance Department is independent to other departments.
4. Inspected several organizational charts, to verify that Zalando has setup the Compliance Department with one or more compliance officers. Verified that the compliance organization, led by the Director of Compliance, consists out of 18 roles.
5. Inspected the document "Compliance - Mission & Mandate" to verify that Zalando has setup the Compliance Department with sufficient authority, powers and resources. Verified that the compliance mandate includes a veto right to business decisions and also in exceptional cases the right to overrule business decisions. The mandate also includes the obligation to ensure compliance with new regulations. The Compliance Department has further sufficient resources in such a way that it reports directly to the Management Board and requests its resources therefore directly from the Management Board. Furthermore, the fact that Director of Compliance has regular reporting opportunities to the Supervisory Board and the Extended Management Board generally enables the power. Inspected Management Board Meeting slides and Verified that Director of Compliance had three reporting opportunities during the audit period to the Management Board, where she provided the management with the current status of implementation and information on current statistics and events.
6. Inspected the Management Board Meeting slides, to verify that the Compliance Department has access to the Zalando´s Management Board to monitor compliance with the DSA. Verified that Director of Compliance had three reporting opportunities during the audit period to the Management Board, where she provided the management with the current status of implementation and information on current statistics and events.
7. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 41.1 (Compliance function) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
| --- | --- |
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 41.2 (Compliance function) | 1) The provider has appointed compliance officers who have the necessary professional qualifications, knowledge, experience and skills to fulfil their duties.<br>2)The provider has appointed the head of the Compliance Department in such a way that it is an independent manager who is specifically responsible for the Compliance Department.<br>3) The head of the Compliance Department reports directly to the provider's management body.<br>4) The head of the Compliance Department can raise concerns and warn the provider's management body if systematic risks or non-compliance with the DSA affect or could affect the provider.<br>5) The provider has appointed the head of the Compliance Department in such a way that he cannot be replaced without the prior consent of the provider's management body. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected the organizational chart of the Compliance Department and the curriculum vitae of Head of Compliance, to verify that the appointed compliance officers have the necessary professional qualifications, knowledge, experience and skills to fulfil their duties. Verified that the Compliance Department is led by the Head of Compliance. Head of Compliance has sufficient and necessary qualification, knowledge, experience and skills to fulfil the duties as a compliance officer regarding the obligations of the DSA. Head of Compliance is supported by a team of different experts from areas of Corporate Compliance, Foreign Trade Law and Digital and Social Commerce Compliance.
4. Inspected several organizational charts, to verify that Zalando appointed the Head of the Compliance Department in such a way that it is an independent manager who is specifically responsible for the Compliance Department. Verified that the Compliance Department, led by the Head of Compliance is a direct subdepartment to Senior Vice President Corporate Governance / General Counsel and is an independent subunit. Head of Compliance therefore is able to make her own decisions within her department without needing approval from any other person.
5. Inspected the document "Compliance - Mission & Mandate" and the Management Board Meeting slides, to verify that head of the Compliance Department can raise concerns and warn the provider's management body if systematic risks or non-compliance with the DSA affect or could affect the provider. Verified that the compliance mandate includes a veto right to business decisions and also in exceptional cases the right to overrule business decisions. The mandate also includes the obligation to ensure compliance with new regulations. The Compliance Department has further sufficient resources in such a way that it reports directly to the Management Board and requests its resources therefore directly from the Board. Furthermore, the power is ensured by the fact that Head of Compliance, has regular reporting opportunities to the Supervisory Board and the Extended Management Board. Inspected Management Board Meeting slides and verified that Head of Compliance had three reporting opportunities during the audit period to the , where she provided the management with the current status of implementation and information on current statistics and events. Therefore our results confirmed, that Head of Compliance is not only able to raise concern, but even has a veto right in regard of critical business decisions.

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| 6. Inquired during the interview performed regarding specified requirements of 42 (Compliance function) and verified that Head of Compliance can not be replaced without a prior approval by the Management Board as she is directly reporting to the Management Board. Inspected the comment made in the audit request platform by Head of Compliance confirming, that she only can be replaced with the prior approval by the Management Board.<br>7. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.<br>**Changes to the audit procedures during the audit:**<br>No changes occurred to the audit procedures during the audit.<br>**Conclusion:**<br>In our opinion, Zalando complied with the specified requirements of 41.2 (Compliance function) during the examination period, in all material respects. |

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|---|---|
| **Recommendations on specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. | **Recommended timeframe to implement specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 41.3 (Compliance function) | 1) The provider has delegated to the compliance officer the task of cooperating with the Digital Services Coordinator of establishment and with the Commission for the purposes of this regulation.<br>2) The provider has delegated to the compliance officer the task of ensuring that all risks referred to in article 34 are identified and duly reported and that appropriate, proportionate and effective mitigation measures are taken in accordance with article 35.<br>3) The provider has delegated to the compliance officer the task of organizing and overseeing the provider's activities in relation to the independent audit referred to in article 37.<br>4) The provider has delegated to the compliance officer the task of informing and advising the management and employees of the provider on the relevant obligations under this Regulation.<br>5) The provider has delegated to the compliance officer the task of monitoring the provider's compliance with its obligations under this Regulation.<br>6) The provider has delegated to the compliance officer the task of monitoring compliance with the commitments made by the provider under the codes of conduct referred to in articles 45 and 46 or the crisis protocols referred to in article 48. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inquired during the interview performed regarding specified requirements of 42 (Compliance function) that within the Zalando leadership organization specific leadership and management members topics and responsibilities are documented within so-called "Mission & Mandate" documents. Therefore within the document "Compliance | Mission & Mandate" it is described what Head of Compliance is (i) accountable for (the mission) and (ii) what she is leading in order to deliver on this mission (the mandate). Within this document the role of the "DSA Compliance Officer" is especially listed. The tasks of the DSA Compliance Officer themselves are specified in the created "DSA Compliance Playbook".
4. Inspected the document "DSA Playbook Compliance", to verify that Zalando has delegated the task of cooperating with the Digital Services Coordinator of establishment and with the Commission for the purposes of this regulation to the DSA Compliance Officer. Verified that all tasks of the DSA Compliance Officer are set out in the Playbook Compliance. The task of cooperating with the DSC and with the Commission is described within the Playbook.
5. Inspected the document "DSA Playbook Compliance", to verify that Zalando has delegated the task of organizing and overseeing the provider's activities in relation to the independent audit referred to in the specified requirements of 37 (Independent Audit) to the DSA Compliance Officer. Verified that all tasks of the DSA Compliance Officer are set out in the Playbook Compliance. The task of organizing and overseeing the provider's activities in relation to the independent audit referred to the specified requirements of 37 (Independent Audit) is described within the Playbook.

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| 6. Inspected the document "DSA Playbook Compliance", to verify that Zalando has delegated the task of cooperating with the DSC and with the Commission for the purposes of this regulation to the DSA Compliance Officer. Verified that all tasks of the DSA Compliance Officer are set out in the Playbook Compliance. The task of cooperating with the DSC and with the Commission is described within the Playbook.<br>7. Inspected the document "DSA Playbook Compliance", to verify that Zalando has delegated the task of monitoring compliance with the commitments made by the provider under the codes of conduct referred to in specified requirements of 45 (Code of Conduct) and 46 or the crisis protocols referred to in specified requirements of 48 (Crisis protocols) to the DSA Compliance Officer.<br>8. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.<br>**Changes to the audit procedures during the audit:**<br>No changes occurred to the audit procedures during the audit.<br>**Conclusion:**<br>In our opinion, Zalando complied with the specified requirements of 41.3 (Compliance function) during the examination period, in all material respects. |

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| **Recommendations on specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. | **Recommended timeframe to implement specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 41.4 (Compliance function) | 1) The provider provides the coordinator and the Commission with the name and contact details of the head of the Compliance Department. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected the document "Nomination of Compliance Officer", to verify that Zalando has designated an Official DSA Compliance Officer before the first year audit and provided the Commission and the DSC with the name and contact details of the Head of the Compliance Department. Verified that Zalando has designated the DSA Compliance Officer and provided the contact details with the Commission. The DSA Compliance Officer has not been changed for the audit period 05/01/2024-04/30/2025.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 41.4 (Compliance function) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 41.5 (Compliance function) | 1) The provider's management body is responsible for establishing, overseeing and being accountable for the implementation of the provider's governance arrangements that ensure the independence of the compliance function.<br>2) The provider's management body is responsible for the allocation of tasks within the provider's organization, the avoidance of conflicts of interest and the responsible management of systemic risks identified in accordance with article 34. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected document "DSA Playbook Compliance", to verify that Zalando is aware and has defined, that the provider´s management body is responsible for establishing, overseeing and being accountable for the implementation of the provider's governance arrangements that ensure the independence of the compliance function. Verified that Zalando has defined the management body as responsible for establishing, overseeing and being accountable for the implementation of the provider's governance arrangements that ensure the independence of the compliance function. The task is described within the Playbook.
4. Inspected document "DSA Playbook Compliance", to verify that Zalando is aware and has defined, that the provider´s management body is responsible for the allocation of tasks within the provider's organization, the avoidance of conflicts of interest and the responsible management of systemic risks identified in accordance with specified requirements of 34 (Risk assessment). Verified that Zalando has defined the management body as responsible for effort the allocation of tasks within the provider's organization, the avoidance of conflicts of interest and the responsible management of systemic risks identified in accordance with specified requirements of 34 (Risk assessment). Verified that in general the management body is responsible for the existence of an effective risk management system according to sec. 91 para. 2 AktG and sec. 321 para. 1 HGB.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 41.5 (Compliance function) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 41.6 (Compliance function) | 1) The provider's management body approves and regularly reviews the strategies and measures for addressing, managing, monitoring and mitigating the risks identified in accordance with article 34 to which the provider is or may be exposed.<br>2) The approval and review by the provider's management body takes place at least once a year. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected the document "Risk report review", to verify that Zalando's approves and regularly reviews the strategies and measures for addressing, managing, monitoring and mitigating the risks identified in accordance with specified requirements of 34 (Risk assessment) to which the provider is or may be exposed. Verified that Senior Vice President Corporate Governance/ General Counsel, has reviewed the draft version of the risk report and has made some changes and therefore was actively involved within the process of the risk assessment. After the management review, the risk report has been modified accordingly.
4. Inspected the document "Management Board Meeting slides", to verify approval and review by the provider´s management body took place at least once a year. Verified that Head of Compliance, has regular reporting opportunities to the Supervisory Board and the Extended Management Board. Verified that the Head of Compliance had three reporting opportunities during the audit period to the, where she provided the with the current status of implementation and information on current statistics and events.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 41.6 (Compliance function) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 41.7 (Compliance function) | 1) The management body of the provider provides sufficient time to review the measures related to risk management.<br>2) The provider's management body actively participates in decisions related to risk management.<br>3) The management body of the provider ensures that adequate resources are allocated to the management of the risks identified in accordance with article 34. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected the document "Risk report review", to verify that the management body of the provider provided sufficient time to review the measures related to risk management. Verified that Senior Vice President Corporate Governance/ General Counsel has reviewed the draft version of the risk report and has made some changes and therefore was actively involved within the process of the risk assessment and there provided sufficient time for the review.
4. Inspected the document "Risk report review", to verify that the provider´s management body actively participated in decisions related to risk management (e.g. meeting minutes). Verified that Senior Vice President Corporate Governance/ General Counsel has reviewed the draft version of the risk report and has made some changes and therefore was actively involved within the process of the risk assessment. After the management review, the risk report has been modified accordingly.
5. Inspected the document "Risk report review" and the organizational chart of the Compliance Department, to verify that the management body of the provider ensured that adequate resources are allocated to the management of the risks identified in the risk assessment. Verified that Senior Vice President Corporate Governance/ General Counsel, has reviewed the draft version of the risk report and has made some modifications and therefore was actively involved within the process of the risk assessment. Furthermore, the Compliance Department consists of 18 roles from different expert areas, which shows that the management body has ensured the allocation of adequate resources.
6. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 41.7 (Compliance function) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 42.1 (Transparency reporting obligations) | 1) The provider has defined a process for publishing the transparency report every six months, e.g. role description, representatives, escalation plan and the responsible individuals for the process are informed.<br>2) The provider has published the transparency report in accordance with art. 15 two months after the start of application.<br>3) The provider publishes the transparency report at least every six months. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Zalando's German website and iOS app, to verify that Zalando has published a transparency report at least once a year. Inspected the imprint and verified that at the bottom of the page, there are four links for transparency reports available. that can be accessed. Downloaded the linked transparency report and verified that two transparency reports were published, dated 10/2024 and 04/2025. Furthermore we have requested a screenshot from the content management system of the website. It is displayed, that as of the active version of 10/25/2024 and 04/25/2025 the respective links of the transparency reports were incorporated into the imprint webpage.
4. Inspected the document with screenshots of the imprint page history, to verify that Zalando has published a transparency report at least every six months. Since the first transparency report was due on 10/25/2023 the relevant six month periods during the examination period from 05/01/2024-04/30/2025 were due on 10/25/2024 and 04/24/2025. The provided screenshot shows the backend content management system, which is used by Zalando to manage all interfaces centrally. The screenshots show, that the imprint was changed on 10/25/2024 and 04/24/2025. Within the version history function of the system one is able to see the difference between the current version and the version of the page from a former date.
5. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 42.1 (Transparency reporting obligations) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 42.2 (Transparency reporting obligations) | 1) The provider has defined a process for collecting the additional information required for the transparency report in accordance with art. 42 (2) and the individuals responsible for the process are informed.<br>1.1) The provider supplements the transparency report with information on the human resources used by the provider for content moderation in relation to the service offered in the Union, broken down by each relevant official language of the Member States, including for compliance with the obligations set out in articles 16 and 22 and for compliance with the obligations set out in article 20.<br>1.2) The provider provides information in the transparency report on the qualifications and language skills of the persons carrying out the moderation and the training and support provided to such staff.<br>1.3) The provider provides in the transparency report information on the accuracy indicators and related information referred to in article 15(1)(e), broken down by each official language of the Member States.<br>2) The provider publishes the transparency report in one of the official languages of the member states. | Materiality considerations are driven by both our sampling methodology and assessment of quantitative disclosures. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected the imprint page of Zalando's German website and iOS app, to verify that the reports contain information on the human resources used by the provider for content moderation in relation to the service offered in the Union, itemized by each relevant official language of the Member States, including for compliance with the obligations set out in the articles of notice and mechanism, trusted flaggers and for compliance with the obligations set out in the articles of the internal complaint-handling system. Downloaded and reviewed both of the transparency reports available and verified that the reports include an information on the human resources used by the provider for content moderation in relation to the service offered in the Union, itemized by each relevant official language of the Member States, including for compliance with the obligations set out in the articles of notice and mechanism, trusted flaggers and for compliance with the obligations set out in the articles of the internal complaint-handling system, which was 33 part-time moderators in October and 32 part-time moderators in April. Verified that the transparency report includes information on relevant qualifications of the content moderators, relevant training and support given.
4. Inspected the imprint page of Zalando's German website and iOS app, to verify whether the report include information on the qualifications and language skills of the persons carrying out the moderation and the training and support provided to such staff. Downloaded and reviewed both of the transparency reports available and verified that the report includes information on the number of part-time 33 part-time employees for content-moderation in 2024 and 32 part-time employees in 2025.
5. Inspected the imprint page of Zalando's German website and iOS app, to verify that the reports include information on the accuracy indicators and related information referred to in article 15(1)(e), broken down by each official language of the Member States. Article 15 (1) (e) relates to the use auf automated

| | |
|---|---|
| means for the content moderation processes. Downloaded and reviewed both of the transparency reports available and verified that Zalando does not use any automated means for content moderation.<br>6. Inspected the imprint page of Zalando's German website and iOS app, to verify that the reports were published in one of the official languages of the member states. Downloaded and reviewed both of the transparency reports available and verified that the transparency reports were published in English language, which is an official language of the European Union.<br>7. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.<br>**Changes to the audit procedures during the audit:**<br>Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.<br>**Conclusion:**<br>In our opinion, Zalando complied with the specified requirements of 42.2 (Transparency reporting obligations) during the examination period, in all material respects. | |
| **Recommendations on specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. | **Recommended timeframe to implement specific measures:**<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 42.3 (Transparency reporting obligations) | 1) The provider has defined a process whereby the user figures are determined separately for each member state and that these transparency reports are published in itemized form e.g. containing role description, representatives, escalation plan and the responsible individuals for the process are informed.<br>2) The provider adds to the transparency report the average monthly number of users for each member state. | Materiality considerations are driven by both our sampling methodology and assessment of quantitative disclosures. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected the imprint page of Zalando's German website and iOS app, to verify that the reports include the average monthly number of users for each member state. Downloaded both of the transparency reports available and verified that the reports include the average monthly number of users for each member state.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.

**Conclusion:**

In our opinion, Zalando complied with the specified requirements of 42.3 (Transparency reporting obligations) during the examination period, in all material respects.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – Positive conclusion. No recommendation on specific measures required. | N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 42.4 (Transparency reporting obligations) | 1) The provider has defined a process whereby the reports pursuant to para. 4 are checked for business secrets and redacted if necessary, e.g. containing role description, representatives, escalation process and the responsible individuals for the process are informed.<br>1.1) The provider submits to the coordinator and the Commission the report on the results of the risk assessment referred to in article 34.<br>1.2) The provider provides the coordinator and the Commission with documentation on the specific remedial measures taken in accordance with article 35(1).<br>1.3) The provider submits to the coordinator and the Commission the audit report referred to in article 37(4).<br>1.4) The provider submits to the coordinator and the Commission the report on the implementation of the audit results in accordance with article 37(3).<br>1.5) The provider provides the coordinator and the Commission with information on the consultations carried out by the provider to support the risk assessments and the design of the risk mitigation measures.<br>2) The provider sends the documents to the coordinator and the Commission without delay, at the latest three months after receipt of the audit report.<br>3) The provider makes the documents publicly available. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

Audit procedures, results and information relied upon:

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected the mail conversation with the Commission and the DSC to verify, that Zalando submitted the report on the results of the risk assessment to the DSC and the Commission. We have verified that the risk assessment was provided to the Commission and the DSC on 09/02/2024.
4. Inspected the mail conversation with the Commission and the DSC to verify that Zalando submitted to the coordinator and the Commission the audit report. Verified that the audit report was provided to the Commission and the DSC on 08/25/2024.
5. Inspected the mail conversation with the Commission and the DSC to verify that Zalando submitted the report on the implementation of the audit report. Verified that the audit implementation report was provided to the Commission and the DSC on 09/22/2024.
6. Inspected the mail conversation with the Commission and the DSC to verify, that Zalando send the documents without delay. Verified that the risk report and the audit implementation were transmitted to the Commission and the DSC without undue delay.
7. Inspected the Transparency Hub of Zalando's Corporate website, to verify that the risk report, audit report and the audit implementation report were made publicly available. Inspected the page and verified, that all reports are accessible and downloadable at the latest three months after the receipt of the audit report.
8. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

| | |
|---|---|
| Changes to the audit procedures during the audit:<br>Shifted the focus of testing from controls to substantive procedures. No changes occurred to the audit procedures during the audit.<br>Conclusion:<br>In our opinion, Zalando complied with the specified requirements of 42.3 (Transparency reporting obligations) during the examination period, in all material respects. | |
| Recommendations on specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required. | Recommended timeframe to implement specific measures:<br>N/A – Positive conclusion. No recommendation on specific measures required. |

| Obligation: | Audit criteria: | Materiality threshold: |
|---|---|---|
| 42.5 (Transparency reporting obligations) | 1) If the provider considers that the publication of certain information would lead to the disclosure of confidential information of the provider or the users. the provider removes information from the publicly available reports.<br>2) If the provider is of the opinion that the publication of certain information could cause significant vulnerabilities for the security of its service, the provider removes information from the publicly accessible reports<br>3) If the provider believes that publication of certain information could harm users, the provider removes information from the publicly available reports.<br>4) The provider provides the coordinator and the Commission with the full reports where it has removed information, together with a justification for the removal of the information from the publicly available report. | No materiality - Due to the nature of the obligation, no materiality threshold has been applied. |

**Audit procedures, results and information relied upon:**

1. Performed interviews with responsible individuals from Zalando and gained an understanding on Zalando's implemented measures to establish compliance with the specified requirements during the examination period. Inquired about the implemented process, relevant policies, procedures as well as guidelines and controls in place. Identified and requested additional documentation as audit evidence.
2. Assessed whether the design of the policies and processes in place were appropriate to comply with the specified requirements during the examination period 05/01/2024-04/30/2025.
3. Inspected Transparency Hub of Zalando's Corporate website, to verify that Zalando redacted information, which its considers as the publication and disclosure of confidential information. Downloaded the linked risk report, audit report and audit implementation report and verified that Zalando published all reports in their respective unredacted version. Therefore no further audit procedures beyond the previously mentioned were performed.
4. Made inquiries at the end of the audit period with Zalando's management and confirmed that no significant changes were made to the policies, processes and controls after the interviews/ walkthroughs were performed until the end of the examination period.

**Changes to the audit procedures during the audit:**

No changes occurred to the audit procedures during the audit.

**Conclusion:**

Because of the limitation on the scope of our examination discussed in the following paragraph, the scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 42.5 (Transparency reporting obligations) during the examination period. Zalando did not redact any information within the risk report, the audit report or the audit implementation report. Therefore, no further audit procedures beyond the previously mentioned were performed.

| Recommendations on specific measures: | Recommended timeframe to implement specific measures: |
|---|---|
| N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 42.5 (Transparency reporting obligations). No recommendation on specific measures required. | N/A – The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on whether Zalando complied with specified requirements of 42.5 (Transparency reporting obligations). No recommendation on specific measures required. |

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## Annex 2 – Obligations that are out of scope

Explanation on the categories of obligations not subject to audit:

1. **Not an obligation for intermediary service providers:** These obligations are explicitly directed to parties other than ISPs (intermediary service providers).

2. **Not an obligation of a VLOP/VLOSE:** There are some obligations which are directed to micro and small enterprises, or a search engine when the provider is an ecommerce platform (and vice-versa).

3. **Conditions not precedent:** Factors external to the audited entity do not exist and therefore cannot give effect to this obligation.

4. **Not Applicable based on nature of activities:** The nature of the business model and/or operations of the platform might be such that they do not have activities which relate to the obligation.

We have reviewed management's assertion and through limited procedures have not found evidence to the contrary. We therefore do not present a conclusion in relation to these obligations.

### 1. Not an obligation for intermediary service providers

| Obligation | Management Rationale |
|---|---|
| 15.3 (Transparency reporting obligations for providers of intermediary services) | Article 15 paragraph 3 regulates the possibility for the Commission to adopt implementing acts and therefore does not contain any obligation for Zalando and is not in the scope of the audit. |
| 16.3 (Notice and action mechanisms) | Article 16 paragraph 3 has solely a declaratory effect and does not contain any obligation for Zalando to fulfil and is therefore not in scope of the audit. |
| 17.5 (Statement of reasons) | Article 17 paragraph 5 is a solely descriptive paragraph. |
| 21.3 (Out-of-court dispute settlement) | Article 21 paragraph 3 is applicable to the Digital Services Coordinators of the Member States, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 21.4 (Out-of-court dispute settlement) | Article 21 paragraph 4 applies to the accredited out-of-court dispute resolution bodies and to the Digital Services Coordinators of the Member States, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 21.6 (Out-of-court dispute settlement) | Article 21 paragraph 6 applies to the Member States themselves, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 21.7 (Out-of-court dispute settlement) | Article 21 paragraph 7 is applicable to the Digital Services Coordinators of the Member States, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |

| Obligation | Management Rationale |
|---|---|
| 21.8<br>(Out-of-court dispute settlement) | Article 21 paragraph 8 is applicable to the Digital Services Coordinators of the Member States, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 21.9<br>(Out-of-court dispute settlement) | Article 21 paragraph 9 is a regulation on the relationship of the DSA to Directive 2013/11/EU and does not contain any obligation for Zalando |
| 22.2<br>(Trusted flaggers) | Article 22 paragraph 2 applies to the Digital Services Coordinators of the Member States, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 22.3<br>(Trusted flaggers) | Article 22 paragraph 3 applies to trusted whistleblowers, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 22.4<br>(Trusted flaggers) | Article 22 paragraph 4 applies to the coordinators for digital services, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 22.5<br>(Trusted flaggers) | Article 22 paragraph 5 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 22.7<br>(Trusted flaggers) | Article 22 paragraph 7 applies to the coordinators for digital services, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 22.8<br>(Trusted flaggers) | Article 22 paragraph 8 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 24.4<br>(Transparency reporting obligations for providers of online platforms) | Article 24 paragraph 4 applies to the coordinators for digital services, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 24.6<br>(Transparency reporting obligations for providers of online platforms) | Article 24 paragraph 6 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 25.3<br>(Online interface design and organization) | Article 25 paragraph 3 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 28.3<br>(Online protection of minors) | Article 28(3) contains the description of the scope of the obligation to identify minors and does not contain a separate enforceable obligation and is therefore not in the scope of the audit. |
| 28.4<br>(Online protection of minors) | Article 28 paragraph 4 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 33.1<br>(Very large online platforms and very large online search engines) | Article 33 paragraph 1 is solely a descriptive paragraph stating that Section 5 only applies to VLOPs and does not contain any obligation Zalando need to comply with. |

| Obligation | Management Rationale |
|---|---|
| 33.2 (Very large online platforms and very large online search engines) | Article 33 paragraph 2 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 33.3 (Very large online platforms and very large online search engines) | Article 33 paragraph 3 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 33.4 (Very large online platforms and very large online search engines) | Article 33 paragraph 4 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 33.5 (Very large online platforms and very large online search engines) | Article 33 paragraph 5 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 33.6 (Very large online platforms and very large online search engines) | Article 33 paragraph 6 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 35.2 (Mitigation of risks) | Article 35 paragraph 2 applies to the Board and the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 35.3 (Mitigation of risks | Article 35 paragraph 3 applies to the Commission and the Digital Services Coordinators, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 36.2 (Crisis response mechanism) | Article 36 paragraph 2 is a descriptive paragraph that defines when a crisis is deemed to have occurred and does not contain any obligations. |
| 36.3 (Crisis response mechanism) | Article 36 paragraph 3 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 36.4 (Crisis response mechanism) | Article 36 paragraph 4 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 36.5 (Crisis response mechanism) | Article 35 paragraph 5 is a solely descriptive paragraph. Constituting Zalando's right to choose the respective measures but does not contain any obligation for Zalando to fulfil and is therefore not in scope of the audit. |
| 36.6 (Crisis response mechanism) | Article 36 paragraph 6 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 36.7 (Crisis response mechanism) | Article 36 paragraph 7 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |

| Obligation | Management Rationale |
|---|---|
| 36.8 (Crisis response mechanism) | Article 36 paragraph 8 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 36.9 (Crisis response mechanism) | Article 36 paragraph 9 is a solely descriptive paragraph and does not contain any obligation for Zalando to fulfil and is therefore not in scope of the audit. |
| 36.10 (Crisis response mechanism) | Article 36 paragraph 10 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 36.11 (Crisis response mechanism) | Article 36 paragraph 11 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 37.3 (Independent audit) | The requirements of Article 37 paragraph 3 for the auditing organization cannot be audited, as this would be a self-audit by the auditing organization. |
| 37.5 (Independent audit) | Article 37 paragraph 5 applies to the auditing organization, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 37.7 (Independent audit) | Article 37 paragraph 7 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 40.2 (Data access and scrutiny) | Article 40 paragraph 2 applies to the Digital Services Coordinators and the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 40.8 (Data access and scrutiny) | Article 40 paragraph 8 applies to the Digital Services Coordinators, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 40.9 (Data access and scrutiny) | Article 40 paragraph 9 applies to the Digital Services Coordinators, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 40.10 (Data access and scrutiny) | Article 40 paragraph 10 applies to the Digital Services Coordinators, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 40.11 (Data access and scrutiny) | Article 40 paragraph 11 applies to the Digital Services Coordinators, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 40.13 (Data access and scrutiny) | Article 40 paragraph 13 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 43.1 (Exclusions) | Article 43 paragraph 1 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 43.2 (Exclusions) | Article 43 paragraph 2 is a solely descriptive paragraph and does not contain any obligation for Zalando to fulfil and is therefore not in scope of the audit. |
| 43.3 (Exclusions) | Article 43 paragraph 3 is a solely descriptive paragraph and does not contain any obligation for Zalando to fulfil and is therefore not in scope of the audit. |

| Obligation | Management Rationale |
|---|---|
| 43.4 (Exclusions) | Article 43 paragraph 4 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 43.5 (Exclusions) | Article 43 paragraph 5 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |
| 43.6 (Exclusions) | Article 43 paragraph 6 is a solely descriptive paragraph and does not contain any obligation for Zalando to fulfil and is therefore not in scope of the audit. |
| 43.7 (Exclusions) | Article 43 paragraph 7 applies to the Commission, so this paragraph does not apply to Zalando and is therefore not in the scope of the audit. |

2. Not an obligation of a VLOP/VLOSE:

| Obligation | Management Rationale |
|---|---|
| 15.2 (Transparency reporting obligations for providers of intermediary services) | Article 15 paragraph 2 has solely a declaratory effect and is therefore not in the scope of the audit. However, Zalando is not a very small or small enterprise within the meaning of Recommendation 2003/361/EC and is a very large online platform within the meaning of Article 33 of this Regulation, so that paragraph 1 applies to Zalando. |
| 19.1 (Exclusion for micro and small enterprises) | Zalando is not a very small or small enterprise within the meaning of Recommendation 2003/361/EC and is a very large online platform within the meaning of Article 33 of this Regulation, so section 3 applies to Zalando. |
| 19.2 (Exclusion for micro and small enterprises) | Zalando is not a very small or small enterprise within the meaning of Recommendation 2003/361/EC and is a very large online platform within the meaning of Article 33 of this Regulation, so section 3 applies to Zalando. |
| 29.1 (Exclusion for micro and small enterprises) | Zalando is not a very small or small enterprise within the meaning of Recommendation 2003/361/EC and is a very large online platform within the meaning of within the meaning of Article 33 of this Regulation, so the exclusion of Article 29 paragraph 1 does not apply for Zalando. |
| 29.2 (Exclusion for micro and small enterprises) | Zalando is not a very small or small enterprise within the meaning of Recommendation 2003/361/EC and is a very large online platform within the meaning of within the meaning of Article 33 of this Regulation, so the exclusion of Article 29 paragraph 1 does not apply for Zalando. |

3. Conditions not precedent:

| Obligation | Management Rationale |
|---|---|
| N/A | N/A |

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4. Not applicable based on nature of activities:

| Obligation | Management Rationale |
|---|---|
| 13.1<br>(Legal representatives) | Zalando has its headquarter in the European Union (Berlin, Germany) and therefore it is not required to appoint a legal representative in the Union. |
| 13.2<br>(Legal representatives) | Zalando has its headquarter in the European Union (Berlin, Germany) and therefore does not need to appoint a legal representative in the Union. |
| 13.3<br>(Legal representatives) | Zalando has its headquarter in the European Union (Berlin, Germany) and therefore does not need to appoint a legal representative in the Union. |
| 13.4<br>(Legal representatives) | Zalando has its headquarter in the European Union (Berlin, Germany) and therefore does not need to appoint a legal representative in the Union. |
| 13.5<br>(Legal representatives) | Article 13 paragraph 5 is a declaratory paragraph and since Zalando has its headquarter in the European Union (Berlin, Germany), Zalando is not obliged to appoint a legal representative in the Union. |
| 14.3<br>(Terms and conditions) | Zalando is not primarily directed at minors and not predominantly used by minors. Therefore, Zalando is not obliged to set out the terms and any restrictions on the use of the service in a way that minors can understand. |
| 26.2<br>(Advertising on online platforms) | Zalando does not provide a functionality for recipients of the service to submit commercial communications. There is no need for a function to declare whether the content constitutes commercial communication and is therefore not in the scope of the audit. |

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Annex 3 – Template for the audit report referred to in Article 6 of Delegated Act
Section A: General Information

| 1. Audited service: |
|---|
| Zalando Platform |
| **2. Audited provider:** |
| Zalando SE |
| **3. Address of the audited provider:** |
| Valeska-Gert-Straße 5<br>10243 Berlin<br>Germany |
| **4. Point of contact of the audited provider:** |
| Dr. Carolin Reese (Director of Compliance) |
| **5. Scope of the audit:** |

| | |
|---|---|
| Does the audit report include an assessment of compliance with all the obligations and commitments referred to in Article 37(1) of Regulation (EU) 2022/2065 applicable to the audited provider? | Yes |

*i. Compliance with Regulation (EU) 2022/2065*

| Obligations set out in Chapter III of Regulation (EU) 2022/2065: | |
|---|---|
| **Audited obligation** | **Period covered** |
| A listing of the audited obligations can be found in Annex 1, of this Independent practitioner's assurance report. | 05/01/2024 to 04/30/2025 |

ii. *Compliance with codes of conduct and crisis protocols*

| Commitments undertaken pursuant to codes of conduct referred to in Articles 45 and 46 of Regulation (EU) 2022/2065 and crisis protocols referred to in Article 48 of Regulation (EU) 2022/2065: | |
|---|---|
| **Audited commitment** | **Period covered** |
| N/A | N/A |

| 6. a. Audit start date: | b. Audit end date: |
|---|---|
| 05/01/2024 | 04/30/2025 |

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Section B: Auditing organization(s)

## 1. Name(s) of organization(s) constituting the auditing organisation:

Deloitte GmbH
Wirtschaftsprüfungsgesellschaft
Kurfürstendamm 23
10719 Berlin
Germany

## 2. Information about the auditing team of the auditing organisation:

Martin Ritter (Engagement Partner)

- Organization: Deloitte GmbH
- Professional email address: maritter@deloitte.de
- Description of responsibilities: overall responsibility for leading the audit performance, ensuring that the performance is in compliance with generally accepted auditing standards and supervision of the audit team.

Dr. Ljuba Kerschhofer-Wallner (Escalation Level)

- Organization: Deloitte GmbH
- Professional email address: lkerschhoferwallner@deloitte.de
- Description of responsibilities: responsible for addressing complex or unresolved audit issues, if occurred during audit performance.

Maria Chernyshov (Audit Manager)

- Organization: Deloitte GmbH
- Professional email address: machernyshov@deloitte.de
- Description of responsibilities: operational lead of the audit performance. Ensuring that audit procedures are performed in compliance with generally accepted auditing standards.

Lisa Kavernik (Audit Team Member)

- Organization: Deloitte GmbH
- Professional email address: lkavernik@deloitte.de
- Description of responsibilities: performing the audit procedures in accordance with the audit programme. Gathering of audit evidence and documenting the results of audit procedures performed.

Florian Schweitzer (Audit Team Member)

- Organization: Deloitte GmbH
- Professional email address: fschweitzer@deloitte.de
- Description of responsibilities: performing the audit procedures in accordance with the audit programme. Gathering of audit evidence and documenting the results of audit procedures performed.

Alina Ten (Audit Team Member)

- Organization: Deloitte GmbH
- Professional email address: alten@deloitte.de
- Description of responsibilities: performing the audit procedures in accordance with the audit programme. Gathering of audit evidence and documenting the results of audit procedures performed.

## 3. Auditors' qualification:

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a. Overview of the professional qualifications of the individuals who performed the audit, including domains of expertise, certifications, as applicable:

There were 6 university degreed team members involved in the execution of the engagement. Additional individuals were involved to perform quality assurance measures, as highlighted in the section on our quality management system.

Individuals directing the assurance engagement collectively have significant experience related to auditing the technology industry, performing risk assessment, assessing compliance functions, content moderation, privacy matters, GDPR and other related topics.

The team included individuals with the following credentials:

University Degrees

- Bachelor's Degree in Business Law (LL.B.)
- Bachelor´s Degree in Management and Technology (B.Sc)
- Diploma in Law (Dipl.-Jur.)
- Master's Degree in Statistics (M.Sc.)
- Master's Degree in Management (M.Sc.)

Professional Qualification and Certificates

- Certified Internal Auditor (CIA)
- Certified Information Systems Auditor (CISA)
- ISA + PCAOB IT Specialist
- TÜV-certified Data Protection Officer

b. Documents attesting that the auditing organization fulfils the requirements laid down in Article 37(3), point (b) of Regulation (EU) 2022/2065 have been attached as an annex to this report:

Response included in Annex 5.

## 4. Auditors' independence:

a. Declaration of interests

Deloitte provides tax, advisory and assurance services to Zalando while respecting applicable professional and independence standards. For further details regarding our objectivity and independence, please refer to Annex 6.

b. References to any standards relevant for the auditing team's independence that the auditing organization(s) adheres to:

Refer to Reasonable Assurance Report. As noted in the Independent practitioner's assurance report, Deloitte applies International Ethics Standards Board for Accountants International Code of Ethics for Professional Accountants (including International Independence Standards), which includes independence and other requirements founded on fundamental principles of integrity, objectivity, professional competence and due care, confidentiality and professional behaviour, that are at least as demanding as the applicable provisions of the International Ethics Standards Board for Accountants International Code of Ethics for Professional Accountants (including International Independence Standards).

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Independence is comprised of independence of mind and independence in appearance, both of which are required of the engagement team members engaged in providing reasonable assurance engagements. Independence of mind requires that the members maintain a state of mind that permits the expression of a conclusion without being affected by influences that compromise professional judgment, thereby allowing an individual to act with integrity and exercise objectivity and scepticism. Independence of appearance is achieved by the avoidance of facts and circumstances that are so significant that a reasonable and informed third party would likely conclude, weighing all the specific facts and circumstances, that a firm's, or a member of the audit team's, integrity, objectivity, or professional scepticism has been compromised.

c. **List of documents attesting that the auditing organization complies with the obligations laid down in Article 37(3), points (a) and (c) of Regulation (EU) 2022/2065 attached as annexes to this report. Attachment 3 and 5 to Annex 1**

Our engagement agreement notes our compliance with Article 37 (3) (a) (i). Since this is the first year of the DSA audit requirement, we are, by definition, in accordance with Article 37 ((3) (ii). Regarding Article 37 ((3) (iii), we are not performing the audit in return for fees which are contingent on the result of the audit.

## 5. References to any auditing standards applied in the audit, as applicable:

Refer to this independent practitioner's assurance report. As noted in the independent practitioner's assurance report, our engagement was conducted in accordance with ISAE 3000 (revised) and attestation standards established by the International Auditing and Assurance Standards Board (IAASB) and Institute of Public Auditors in Germany, Incorporated Association (IDW). Those standards require that we plan and perform the reasonable assurance engagement to obtain reasonable assurance about whether management's assertion is appropriately stated, in all material respects.

## 6. References to any quality management standards the auditing organisation adheres to, as applicable:

Deloitte applies the International Standard on Quality Management I (ISQM 1). Accordingly, we maintain a comprehensive system of quality control / management including documented policies and procedures regarding compliance with ethical requirements, professional, standards, and applicable legal and regulatory requirements. Furthermore, Deloitte meets national professional standards such as the IDW Quality Assurance Standard "Requirements for Quality Assurance in the Practice of Public Auditors (IDW QS 1)") as well as international standards issued by the IAASB. Refer to Deloitte's Transparency Report 2023 for further background.

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Section C: Summary of the main findings

## 1. Summary of the main findings drawn from the audit (pursuant to paragraph 37(4), point (e) of Regulation (EU) 2022/2065)

A description of the main findings drawn from the audit can be found in Annex 1 of this Independent practitioner's assurance report.

## SECTION C.1: Compliance with Regulation (EU) 2022/2065

Audit opinion for compliance with the audited obligations referred to in Article 37(1), point (a) of Regulation (EU) 2022/2065:

The audit opinion for compliance with the audited obligations set out in set out in Chapter III of Regulation (EU) 2022/2065 can be found in Annex 1 of this Independent practitioner's assurance report.

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Audit conclusion for each audited obligation:

The audit conclusion for each audited obligation can be found in Annex 1 of this Independent practitioner's assurance report.

## SECTION C.2: Compliance with voluntary commitments in codes of conduct and crisis protocols

*Repeat section C.2 for each audited code of conduct and crisis protocol referred to in Article 37(1), point (b) of Regulation (EU) 2022/2065:*

1) Audit opinion for compliance with the commitments made under specify the code of conduct or crisis protocol covered by the audit:

   N/A

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2) Audit conclusion for each audited commitment:

   N/A

## Section C.3: Where applicable, explanations of the circumstances and the reasons why an audit opinion could not be expressed:

Not applicable / Explanations of the circumstances and the reasons why an audit opinion could not be expressed can be found in Annex 1 of this Independent practitioner's assurance report.

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Section D: Description of the findings: compliance with Regulation (EU) 2022/2065

## SECTION D.1: Audit conclusion for obligation (specify)

### I. Audit conclusion:

A description of the audit conclusion, justification, and remarks for each audited obligation can be found in Annex 1 of this independent practitioner's assurance report.

| *If the conclusion is not 'positive', operational recommendations on specific measures to achieve compliance.*<br>*Explanation on the materiality of non-compliance, where applicable* | *Recommended timeframe to achieve compliance* |
|---|---|

Operational recommendations on specific measures to achieve compliance (where the conclusion is not positive), including an explanation on the materiality of non-compliance and recommended timeframe to achieve compliance, can be found in Annex 1 of this independent practitioner's assurance report.

### II. Audit procedures and their results:

1) **Description of the audit criteria and materiality threshold used by the auditing organization pursuant to Article 10(2), point (a) of this Regulation:**

A description of the audit criteria and materiality thresholds used can be found in Annex 1 of this Independent practitioner's assurance report.

2) **Audit procedures, methodologies, and results:**

a) **Description of the audit procedures performed by the auditing organization, the methodologies used to assess compliance, and justification of the choice of those procedures and methodologies (including, where applicable, a justification for the choices of standards, benchmarks, sample size(s) and sampling method(s)):**

A description of the audit procedures performed, the methodologies used to assess compliance, and a justification of the choice of those procedures and methodologies can be found in Annex 1 of this Independent practitioner's assurance report.

b) **Description, explanation, and justification of any changes to the audit procedures during the audit:**

A description, explanation, and justification of any changes to the audit procedures during the audit can be found in Annex 1 of this Independent practitioner's assurance report.

c) **Results of the audit procedures, including any test and substantive analytical procedures:**

The results of the audit procedures, including any test and substantive analytical procedures, can be found in Annex 1 of this Independent practitioner's assurance report.

3) **Overview and description of information relied upon as audit evidence, including, as applicable:**

a. description of the type of information and its source;
b. the period(s) when the evidence was collected;
c. the period the evidence refers to;

d. any other relevant information and metadata.

An overview and description of information relied upon as audit evidence can be found in Annex 1 of this Independent practitioner's assurance report.

4) Explanation of how the reasonable level of assurance was achieved:

An explanation of how the reasonable level of assurance was achieved can be found in Annex 1 of this Independent practitioner's assurance report.

5) In cases when:

a. a specific element could not be audited, as referred to in Article 37(5) of Regulation (EU) 2022/2065, or an audit conclusion could not be reached with a reasonable level of assurance, as referred to in Article 8(8) of this Regulation, provide an explanation of the circumstances and the reasons:
b. An explanation of the circumstances when a specific element could not be audited or an audit conclusion could not be reached with a reasonable level of assurance can be found in Annex 1 of this Independent practitioner's assurance report.

6) Notable changes to the systems and functionalities audited during the audited period and explanation of how these changes were taken into account in the performance of the audit.

A list of notable changes to the systems and functionalities audited during the examination period and explanation of how these changes were taken into account in the performance of the audit can be found in Annex 1 of this Independent practitioner's assurance report.

7) Other relevant observations and findings:

Please see Annex 1 of this Independent practitioner's assurance report for any other relevant observations and findings.

SECTION D.2: Additional elements pursuant to Article 16 of this Regulation

1) An analysis of the compliance of the audited provider with Article 37(2) of Regulation (EU) 2022/2065 with respect to the current audit:

An analysis of the compliance of the audited provider with Article 37(2) of Regulation (EU) 2022/2065 with respect to the current audit can be found in Annex 1 of this Independent practitioner's assurance report.

2) Description of how the auditing organization ensured its objectivity in the situation described in Article 16(3) of this Regulation:

N/A- The situation described in Article 16(3) DSA does not apply since this concludes the initial independent audit of the audited provider after Regulation (EU) 2022/2065 has come into force. For further details regarding our objectivity and independence, please refer to Annex 6.

Section E: Description of the findings concerning compliance with codes of conduct and crisis protocol

*N/A – No codes of conduct and crisis protocols were applicable during the Examination Period.*

Section F: Third parties consulted

*N/A – No third parties were consulted.*

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**Section G: Any other information the auditing body wishes to include in the audit report (such as a description of possible inherent limitations).**

Please refer to this Independent practitioner's assurance report for additional information.

Berlin, 14/08/2023

Deloitte GmbH
Wirtschaftsprüfungsgesellschaft

**Dr. Ljuba Kerschhofer-Wallner**

**Martin Ritter**

Deloitte.

## Annex 4 – Documents relating to the audit risk analysis

**Purpose:** This document provides an overview of the Audit Risk Analysis performed in the context of the assessment of inherent risks, control risks and detection risks for each audited obligation. Each obligation refers to a specific paragraph of an Article of Regulation (EU) 2022/2065 - DSA. The table at the end of this Annex summarizes the results of the Audit Risk Analysis for obligations that were in scope. Obligations that were not in scope of this initial independent audit are listed and explained in Annex 2.

### Introduction

### Background and regulatory basis

The Regulation (EU) 2022/2065- DSA is part of a comprehensive regulatory initiative from the European Union that aims to strengthen the digital single market while improving consumer rights and protection. It replaces and expands the previous e-commerce directive and sets new rules for online platforms and other providers of digital services. Key elements of the DSA include:

- Transparency requirements for recommendation systems and advertising
- Obligations to moderate illegal content
- Protection of user rights and data protection
- Reporting obligations and supervisory measures

The DSA differentiates between different types and groups of intermediary service providers. Particular attention is placed on platform providers. With the platforms, the extent of the obligations also depends on whether it is a very large online platform (VLOP) or not. According to Article 33 DSA, a platform is considered a very large online platform if the average monthly number of active users exceeds 45 million. The Commission has designated Zalando as a VLOP. One of the core duties, which only applies to VLOPs, is to appoint an independent auditor according to Article 37 DSA. These audits are to be performed regularly and carried out by qualified, independent auditing organizations. To standardize and unify the implementation of independent audits, the Commission issued a Delegated Act for "conducting independent audits according to Article 37 DSA" in October 2023. This Delegated Act aims at standardizing the independent auditor’s approach and result presentation.

According to the Delegated Act, a key component of the preparation and execution of the independent audit is the Audit Risk Analysis, which allows the auditing organization to select methodologies for the audit and to determine how comprehensive the audit procedures must be in order to obtain a reasonable level of assurance.

### Importance of the Audit Risk Analysis

The Audit Risk Analysis is a central component for preparing the independent audit according to Article 37 DSA. It aims to identify and assess potential risks associated with compliance with legal requirements, and to take appropriate measures to mitigate risk. The Audit Risk Analysis is a crucial part of the audit process, as it enables the auditing organizations to select appropriate audit measures and safeguards. By identifying and assessing potential risks, suitable mitigation measures were determined to assess the audited provider’s compliance with legal requirements.

### Provisions of the Delegated Act

Article 9 of the Delegated Act defines the procedures and framework for performing an audit risk analysis for Very Large Online Platforms (VLOPs). It requires a thorough analysis, assessing the risks associated with the provider's specific services. Article 9 emphasizes that the audit risk analysis shall be carried out prior to the performance of audit procedures and shall be updated during the performance of the audit, in the light of any new audit evidence.

In order to correctly evaluate the risks, the audit risk analysis should take into account the nature of the audited service, notably its risk profile, and the scope and complexity of the audit. Furthermore, the analysis should cover three risk categories, that are defined in Article 2 of the Delegated Act:

- Inherent Risk- risk of non-compliance intrinsically related to the nature, the design, the activity and the use of the audited service, as well as the context in which it is operated, and the risk of non-compliance related to the nature of the audited obligation or commitment. Suitable mitigation measures may include:
  - Analysis of the risk of non-compliance with regard to the audited obligation considering economic context in which the audited service is operated, including probability and severity of exposure.
- Control Risk- means the risk that a misstatement is not prevented, detected and corrected in a timely manner by means of the audited provider's internal controls. Suitable mitigation measures may include:
  - Analysis of the audited provider's internal controls with regard to design effectiveness and operating effectiveness.
- Detection Risk- means the risk that the auditing organization does not detect a misstatement that is relevant for the assessment of the audited provider's compliance with an audited obligation or commitment. Suitable mitigating measures may include:
  - Reflect detection risk in the selection of the sample size and methodology for sampling and in the determination of audit procedures.

Through the systematic application of this classification, the auditing organization can comprehensively identify, assess risks in the context of the Digital Services Act, and take appropriate measures to reduce these risks. This forms the basis for conducting independent audits as per Article 37 of the DSA and to reach a conclusion with reasonable assurance.

According to the Delegated Act, the audit risk analysis shall be conducted considering especially:

- the nature of the audited service and the societal and economic context in which the audited service is operated, including probability and severity of exposure to crisis situations and unexpected events.
- the nature of the obligations and commitments.
- other appropriate information, including:
  - where applicable, information from previous audits to which the audited service was subjected.
  - where applicable, information from reports issued by the European Board for Digital Services or guidance from the Commission, including guidelines issued pursuant to Article 35(2) and (3) of Regulation (EU) 2022/2065, and any other relevant guidance issued by the Commission with respect to the application of Regulation (EU) 2022/2065;
  - where applicable, information from audit reports published pursuant to Article 42(4) of Regulation (EU) 2022/2065 by other providers of very large online platforms or of very large online search engines operating in similar conditions or providing similar services to the audited service.

### Audit Risk Analysis with regard to the audited provider

### General considerations

Following Article 9(2) of the Delegated Act we carried out the audit risk analysis prior to performing the audit procedures as part of the audit preparation activities. We obtained an understanding of the systems and processes (and related controls) that the audited provider has put in place to comply with the obligations of the DSA and – where appropriate- have taken into account other circumstances, which may be relevant in order to identify and assess the risks of material misstatement. The understanding gained from this analysis was considered to determine sample size and methodology of sampling, to derive and perform audit procedures in order to obtain reasonable assurance to support our opinion.

In the process, we considered the following aspects as a source of information to conduct an informed audit risk analysis:

| Consideration points in Article 9: | Information obtained, included, but not limited to: |
|---|---|
| the nature of the audited service and the societal and economic context in which the audited service is operated, including probability and severity of exposure to crisis situations and unexpected events. | • Information from audited provider (e.g. obtained in interviews with responsible individuals from audited provider)<br>• General information from publicly available sources regarding the audited provider (e.g. obtained from its website)<br>• The transparency reports of the audited provider issued within the examination period<br>• Systemic Risk Assessment (obtained from audited provider). |
| the nature of the obligations and commitments in Chapter 3 of the DSA; | Any documentation and interview statements by the audited provider concerning the scope. |
| other appropriate information, including, where applicable, information from previous audits to which the audited service was subjected; | Requests for Information (RFIs) and the responses to the RFIs. |
| other appropriate information, including, where applicable, information from reports issued by the European Board for Digital Services or guidance from the Commission, including guidelines issued pursuant to Article 35(2) and (3) of Regulation (EU) 2022/2065, and any other relevant guidance issued by the Commission with respect to the application of Regulation (EU) 2022/2065; | None identified. |
| other appropriate information, including, where applicable, information from audit reports published pursuant to Article 42(4) of Regulation (EU) 2022/2065 by other providers of very large online platforms or of very large online search engines operating in similar conditions or providing similar services to the audited service. | None identified. |

Furthermore, we analyzed whether the risk factors we identified may lead to material misstatements associated with the subject matter. We obtained an understanding by performing procedures, including reviews of relevant information, inquiries, observations, and inspections.

We obtained an understanding of how management of the audited provider prepares certain information, such as their risk assessment following Article 34 DSA. We also obtained an understanding of management's process for determining the risks that may prevent the obligations and commitments from being achieved, and for designing and implementing processes and controls to address those risks. We obtained an understanding about the components of the system of internal control at the entity level of the audited provider to identify events and conditions that may impact the subject matters of the practitioner's report, including:

- Control environment
- Monitoring activities
- Management's risk assessment process

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## Approach to Audit Risk categories

*Inherent Risk*

According to Article 2(10) of the Delegated Act 'inherent risk' means the risk of non-compliance intrinsically related to the nature, the design, the activity, and the use of the audited service, as well as the context in which it is operated, and the risk of non-compliance related to the nature of the audited obligation or commitment.

This implies two aspects to be considered.

One is the inherent risk that arises from the way the platform or service is operated and the risks that are immanent following its functionality and design, its products and its users. These may include, e.g., data protection issues, copyright issues, product liability, consumer protection etc.

The other one is the inherent risk that is tied to the individual (audited) obligations and the extent to which the implementation of this obligation is subject to the risk of non-compliance.

When determining the inherent risk related to the nature, the design, the activity, and the use of the audited service, as well as the context in which it is operated, we have taken into consideration the objectives of the DSA and the particular systemic risks it is addressing and the economic context the audited provider and audited services operate in.

The societal and the economic context to be considered should also include the probability and, independently, the severity of exposure to crisis situations and unexpected events, as referred to in Regulation (EU) 2022/2065.

The audited provider operates a platform for fashion and lifestyle shopping in the B2B and B2C segment in 23 European markets. Per information obtained, there is no functionality for recipients of the service to directly upload unmoderated content to the platform. Furthermore, during the examination period the platform introduced a functionality to give ratings and reviews on previously bought products. However, every rating and review is moderated before being published on the platform.

The audited provider is a publicly listed company (DE000ZAL1111), headquartered in Germany, and as such subject to applicable European transparency and disclosure requirements. Information about its strategy, corporate governance, financials etc. are publicly available.

Considering this societal and economic context, we assess the inherent risk in this respect as low – in the respect that the audited service may generate exposure relating to, e.g., inauthentic use and coordinated behaviors in disinformation campaigns, dissemination of illegal content online and dissemination of disinformation.

The inherent risk associated with the nature of an obligation is assessed without considering any controls that the audited provider might have in place. An initial assessment of the obligation-specific inherent risk is made, based on effort required to implement the obligation:

- Low inherent risk:
  In the case that the obligation that can be implemented with low effort, e.g. by utilizing existing processes and resources.

- Medium inherent risk:
  In the case that the obligation that can be implemented with moderate effort, e.g. by adjusting or adding processes and/ or resources.
- High inherent risk:
  In the case that the obligation requires high effort for implementation, e.g. by establishing new processes and resources due to new, numerous or complex tasks.

*Control Risk*

According to Article 2 (11) of the Delegated Act 'control risk' means the risk that a misstatement is not prevented, detected, and corrected in a timely manner by means of the audited provider's internal controls.

This may be the case when internal controls of the audited provider are not set up in a way to address the obligation-specific risk or do not operate as intended. The initial assessment of control risk considers the status of related internal controls:

- Low control risk:
  In the case that the control related to the obligation is appropriately implemented and operating effectively.
- Medium control risk:
  In the case that the control related to the obligation is implemented but does not cover all material aspects.
- High control risk:
  In the case that no control exists relating to the obligation.

For an obligation specific assessment of the control risk, please refer to the table below.

*Detection Risk*

According to Article 2 (9) of the Delegated Act 'detection risk' means the risk that the auditing organization does not detect a misstatement that is relevant for the assessment of the audited provider's compliance with an audited obligation or commitment. This may be the case, e.g., if audit methods and procedures were not appropriately designed or executed.

An initial assessment of the obligation-specific detection risk was conducted and provided the basis for determining risk-appropriate audit procedures and sampling methods, which were applied during the independent audit. As a result, the detection risk for each audited obligation has been mitigated to acceptable levels (please also refer to 1.3 Inherent limitations).

The established audit methodology, audit procedures and sampling methods were subject to internal quality assurance measures of the auditing organization.

For an obligation-specific assessment of the detection risk, please refer to the table below.

Final considerations with regard to this independent audit

The Audit Risk Analysis was conducted during the audit preparation phase and determined the definition of audit procedures, of audit evidence and sampling methodology. The information required to conduct the initial audit risk analysis was requested from the audited provider following the stipulations of Article 5 of the Delegated Act.
We not only utilized a sample-based testing approach to obtain an opinion with reasonable assurance but also conducted full examinations.

The table below shows the obligation-specific results of the initial audit risk analysis.

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Audit risk analysis results for each audited obligation in scope

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 11 (1)- (Points of contact for Member States' authorities, the Commission and the Board) | low | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 11 (1) is to designate a single point of contact for communication with Member States' authorities, the Commission, and the Board, which can be fulfilled and implemented by the audited provider with low effort. Therefore, the overall inherent risk for this obligation was assessed as low. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |
| Article 11 (2)- (Points of contact for Member States' authorities, the Commission and the Board) | low | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 11 (2) is to make public the information necessary to easily identify and communicate with their single points of contact, ensuring it is easily accessible and kept up to date, which can be fulfilled and implemented by the audited provider with low effort. Therefore, the overall inherent risk for this obligation was assessed as low. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 11 (3)- (Points of contact for Member States' authorities, the Commission and the Board) | low | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 11 (3) is to specify the official languages of the Member States that can be used to communicate with their single points of contact, in addition to a widely understood language, which can be fulfilled and implemented by the audited provider with low effort. Therefore, the overall inherent risk for this obligation was assessed as low. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |
| Article 12 (1)- (Points of contact for recipients of the service) | low | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 12 (1) is to designate a single point of contact to enable recipients of the service to communicate directly and rapidly with them, by electronic means and in a user-friendly manner, which can be fulfilled and implemented by the audited provider with low effort. Therefore, the overall inherent risk for this obligation was assessed as low. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 12 (2)- (Points of contact for recipients of the service) | low | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 12 (2) is to make public the information necessary for the recipients of the service to easily identify and communicate with their single points of contact, ensuring it is easily accessible and kept up to date, which can be fulfilled and implemented by the audited provider with low effort. Therefore, the overall inherent risk for this obligation was assessed as low. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 14 (1)- (Terms and conditions) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 14 (1) is to include information in the terms and conditions on any restrictions that the audited provider imposes in relation to the use of its service. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 14 (2)- (Terms and conditions) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 14 (2) is to act in a diligent, objective, and proportionate manner in applying and enforcing the restrictions referred to in Article 14 paragraph 1. This obligation requires the implementation of new processes, which could lead to high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |
| Article 14 (4)- (Terms and conditions) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 14 (4) is to publish terms and conditions in the official languages of all the Member States in which the audited provider offers its services. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 14 (5)- (Terms and conditions) | low | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 14 (5) is to inform complainants without undue delay of their reasoned decision in respect of the information to which the complaint relates and of the possibility of out-of-court dispute settlement provided for in Article 21 and other available possibilities for redress, which can be fulfilled and implemented by the audited provider with low effort. Therefore, the overall inherent risk for this obligation was assessed as low. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 14 (6)- (Terms and conditions) | low | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 14 (6) is to ensure that the decisions, referred to in paragraph 5, are taken under the supervision of appropriately qualified staff, and not solely on the basis of automated means, which can be fulfilled and implemented by the audited provider with low effort. Therefore, the overall inherent risk for this obligation was assessed as low. | medium | We identified controls in the audited provider ‘s control plan but they did not cover the obligation in all material respects. Therefore, we assessed the control risk as medium and shifted to alternative audit procedures to establish a baseline for this initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| Article 15 (1)- (Transparency reporting obligations for providers of intermediary services) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 15 (1) is to make publicly available, at least once a year, clear, easily comprehensible reports on any content moderation the audited provider engaged in during the relevant period. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |
| Article 16 (1)- (Notice and action mechanisms) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 16 (1) is to establish an easily accessible and user-friendly mechanism that allows any individual or entity to notify them of the presence of specific items of illegal content. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 16 (2)- (Notice and action mechanisms) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 16 (2) is to ensure that the mechanism allows for the submission of sufficiently precise and adequately substantiated notices. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 16 (4)- (Notice and action mechanisms) | low | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 16 (4) is to process any notices received under the mechanisms referred to in paragraph 1 and take decisions in respect of the information to which the notices relate, in a timely, diligent, non-arbitrary, and objective manner. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as low. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 16 (5)- (Notice and action mechanisms) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 16 (5) is to notify the individual or entity that submitted the notice of the decision in respect of the information to which the notice relates, providing information on the possibilities for redress. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | medium | We identified controls in the audited provider ‘s control plan but they did not cover the obligation in all material respects. Therefore, we assessed the control risk as medium and shifted to alternative audit procedures to establish a baseline for this initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 16 (6)- (Notice and action mechanisms) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 16 (6) is to include information on the use of automated means for processing or decision-making in the notification referred to in paragraph 5, if such means are used. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| Article 17 (1)- (Statement of reasons) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 17 (1) is to provide a statement of reasons for any decision to remove or disable access to specific items of information provided by the recipients of the service. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 17 (2)- (Statement of reasons) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 17 (2) is to ensure that the statement of reasons includes specific information, such as the facts and circumstances relied on in taking the decision. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | medium | We identified controls in the audited provider ‘s control plan but they did not cover the obligation in all material respects. Therefore, we assessed the control risk as medium and shifted to alternative audit procedures to establish a baseline for this initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| Article 17 (3)- (Statement of reasons) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 17 (3) is to provide the statement of reasons to the recipient of the service concerned before the removal or disabling of access takes effect. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |
| Article 17 (4)- (Statement of reasons) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 17 (4) is to ensure that the information provided by the providers of hosting services in accordance with this Article is clear and easily comprehensible and as precise and specific as reasonably possible under the given circumstances. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | medium | We identified controls in the audited provider 's control plan but they did not cover the obligation in all material respects. Therefore, we assessed the control risk as medium and shifted to alternative audit procedures to establish a baseline for this initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 18 (1)- (Notification of suspicions of criminal offences) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 18 (1) is to establish an internal complaint-handling system to enable recipients of the service to lodge complaints against decisions taken by the provider. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 18 (2)- (Notification of suspicions of criminal offences) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 18 (2) is to ensure that the internal complaint-handling system is easily accessible and user-friendly. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 20 (1)- (Internal complaint-handling system) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 20 (1) is to provide recipients of the service with access to an effective internal complaint-handling system. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | medium | We identified controls in the audited provider 's control plan but they did not cover the obligation in all material respects. Therefore, we assessed the control risk as medium and shifted to alternative audit procedures to establish a baseline for this initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |
| Article 20 (2)- (Internal complaint-handling system) | low | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 20 (2) is to ensure that the internal complaint-handling system is easily accessible and user-friendly, which can be fulfilled and implemented by the audited provider with low effort. Therefore, the overall inherent risk for this obligation was assessed as low. | medium | We identified controls in the audited provider 's control plan but they did not cover the obligation in all material respects. Therefore, we assessed the control risk as medium and shifted to alternative audit procedures to establish a baseline for this initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| Article 20 (3)- (Internal complaint-handling system) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 20 (3) is to process and decide on complaints within a reasonable period of time. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 20 (4)- (Internal complaint-handling system) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 20 (4) is to handle complaints submitted through their internal complaint-handling system in a timely, non-discriminatory, diligent, and non-arbitrary manner. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | medium | We identified controls in the audited provider ‘s control plan but they did not cover the obligation in all material respects. Therefore, we assessed the control risk as medium and shifted to alternative audit procedures to establish a baseline for this initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 20 (5)- (Internal complaint-handling system) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 20 (5) is to inform complainants without undue delay of their reasoned decision in respect of the information to which the complaint relates and of the possibility of out-of-court dispute settlement provided for in Article 21 and other available possibilities for redress. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 20 (6)- (Internal complaint-handling system) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 20 (6) is to ensure that the decisions, referred to in paragraph 5, are taken under the supervision of appropriately qualified staff, and not solely on the basis of automated means. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | medium | We identified controls in the audited provider ‘s control plan but they did not cover the obligation in all material respects. Therefore, we assessed the control risk as medium and shifted to alternative audit procedures to establish a baseline for this initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| Article 21 (1)- (Out-of-court dispute settlement) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 21 (1) is to ensure that their terms and conditions are drafted in clear and unambiguous language. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 21 (2)- (Out-of-court dispute settlement) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 21 (2) is to provide a summary of the main elements of the terms and conditions in a concise and easily readable format. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| Article 21 (5)- (Out-of-court dispute settlement) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 21 (5) is for providers of online platforms allowing consumers to conclude distance contracts with traders to store the information obtained pursuant to paragraphs 1 and 2 in a secure manner for a period of six months after the end of the contractual relationship with the trader concerned. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 22 (1)- (Trusted flaggers) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 22 (1) is to establish a mechanism for the submission of notices by trusted flaggers. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 22 (6)- (Trusted flaggers) | low | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 22 (6) is to inform the Commission and the Digital Services Coordinator when a trusted flagger has submitted a significant number of insufficiently precise, inaccurate or inadequately substantiated notices through the notice and action mechanisms, which can be fulfilled and implemented by the audited provider with low effort. Therefore, the overall inherent risk for this obligation was assessed as low. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 23 (1)- (Measures and protection against misuse) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 23 (1) is to suspend the provision of their services to recipients of the service that frequently provide manifestly illegal content. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 23 (2)- (Measures and protection against misuse) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as medium. The obligation of Article 23 (2) is to ensure that the suspension is proportionate and takes into account the nature, gravity, and duration of the infringement. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 23 (3)- (Measures and protection against misuse) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 23 (3) is to inform the recipient of the service of the reasons for the suspension. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

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| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| Article 23 (4)- (Measures and protection against misuse) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 23 (4) is to ensure that the measures taken by providers of online platforms to suspend the provision of their services to recipients of the service that frequently provide manifestly illegal content are effective, proportionate, and dissuasive, taking into account the nature, gravity, and duration of the infringement. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| Article 24 (1)- (Transparency reporting obligations for providers of online platforms) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 24 (1) is to publish, at least once a year, clear, easily comprehensible reports on any content moderation they engaged in during the relevant period, including the number of orders received from Member States' authorities, the median time needed to inform the authority issuing the order, and the actions taken as a result of those orders. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |
| Article 24 (2)- (Transparency reporting obligations for providers of online platforms) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 24 (2) is to include in the reports referred to in paragraph 1 information on the average monthly active recipients of the service in each Member State. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 24 (3)- (Transparency reporting obligations for providers of online platforms) | low | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 24 (3) is to provide, upon request by the Digital Services Coordinator of establishment or the Commission, any additional information necessary to verify the accuracy and completeness of the user number, with any request for information pursuant to Article 24(3) or any other information available to the Commission., which can be fulfilled and implemented by the audited provider with low effort. Therefore, the overall inherent risk for this obligation was assessed as low. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 24 (5)- (Transparency reporting obligations for providers of online platforms) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 24 (5) is for providers of online platforms to ensure that the information submitted to the Commission for inclusion in a publicly accessible machine-readable database does not contain personal data. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| Article 25 (1)- (Online interface design and organization) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 25 (1) is to ensure that the platform is not designed, organized or operated in a way that deceives or manipulates the recipients of their service or in a way that otherwise materially distorts or impairs the ability of the recipients of their service to make free and informed decisions. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 25 (2)- (Online interface design and organization) | high | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 25 (2) is to ensure that the forbidden practices of this paragraph are not implemented. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 26 (1)- (Advertising on online platforms) | medium | The inherent risk in the respect of the business model and the nature of the audited service was assessed as low. The obligation of Article 26 (1) is to ensure that any advertisement presented on their online interfaces is clearly identifiable as an advertisement. This includes providing information on the natural or legal person on whose behalf the advertisement is presented, the main parameters used to determine the recipient to whom the advertisement is presented, and the identity of the advertiser. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |
| Article 26 (3)- (Advertising on online platforms) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 26 (3) is to ensure that the information referred to in paragraph 2 on advertisement is presented in a clear, concise, and easily comprehensible manner and is kept up to date. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 27 (1)- (Recommender system transparency) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 27 (1) is to ensure that recipients of the service have at least one option to modify or influence the main parameters of the recommender systems used by the provider. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |
| Article 27 (2)- (Recommender system transparency) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 27 (2) is to set out in their terms and conditions, in a clear, accessible, and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | medium | We identified controls in the audited provider 's control plan but they did not cover the obligation in all material respects. Therefore, we assessed the control risk as medium and shifted to alternative audit procedures to establish a baseline for this initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 27 (3)- (Recommender system transparency) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 27 (3) is to provide an easily accessible functionality on their online interface that allows recipients of the service to select and change at any time their preferred option for each of the recommender systems used by the provider. . This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |
| Article 28 (1)- (Online protection of minors) | medium | The inherent risk in the respect of the business model and the nature of the audited service was assessed as low. The obligation of Article 28 (1) is to put in place appropriate and proportionate measures to ensure a high level of privacy, safety, and security of minors on their service. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 28 (2)- (Online protection of minors) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 28 (2) is not to present advertisements on their interface based on profiling, as defined in Article 4, point (4), of the GDPR, using personal data of the recipient of the service when they are aware with reasonable certainty that the recipient of the service is a minor. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the inherent risk for this obligation was assessed as medium. | medium | We identified controls in the audited provider ‘s control plan but they did not cover the obligation in all material respects. Therefore, we assessed the control risk as medium and shifted to alternative audit procedures to establish a baseline for this initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 30 (1)- (Traceability of traders) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 30 (1) is to ensure that traders can only use the online platform of the audited provider to promote messages or offer products or services to consumers if the audited provider has obtained the mandatory information defined in Article 30 (1) from the traders. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| Article 30 (2)- (Traceability of traders) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 30 (2) is to assess whether the information provided by the trader is reliable and complete. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 30 (3)- (Traceability of traders) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 30 (3) is to suspend the provision of their service to the trader until the trader provides the missing information or corrects the inaccurate information if the trader fails to provide the information referred to in paragraph 1. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| Article 30 (4)- (Traceability of traders) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 30 (4) is to give the trade whose services were suspended access to the internal complaints management system. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |
| Article 30 (5)- (Traceability of traders) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 30 (5) is for providers of online platforms to store the information obtained pursuant to paragraph 1 in a secure manner for the duration of the contractual relationship between the trader and the online platform. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 30 (6)- (Traceability of traders) | medium | The inherent risk in the respect of the business model and the nature of the audited service was assessed as low. The obligation of Article 30 (6) is to disclose the information referred to in paragraph 1 to third parties only where required in accordance with applicable law, including orders referred to in Article 10 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |
| Article 30 (7)- (Traceability of traders) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 30 (7) is to make the information referred to in paragraph 1, points (a), (d), and (e), available on its online platform to the recipients of the service in a clear, easily accessible, and comprehensible manner. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 31 (1)- (Compliance by design) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 31 (1) is to ensure that their online interface is designed and organized in a way that enables traders to comply with their obligations regarding pre-contractual information, compliance, and product safety information under applicable Union law. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 31 (2)- (Compliance by design) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 31 (2) is to ensure that the interface is designed and organized in a way, that traders can provide information of the products, their sign and information concerning labelling and marking. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 31 (3)- (Compliance by design) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 31 (3) is to assess whether the traders have provided the information referred to in paragraphs 1 and 2 prior to allowing them to offer their products or services on those platforms and make reasonable efforts to randomly check singe products on their illegality. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 32 (1)- (Right to information) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 32 (1) is to inform consumers who purchased illegal products or services through their services of the fact that the product or service is illegal, the identity of the trader, and any relevant means of redress. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 32 (2)- (Right to information) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 32 (2) is to make publicly available and easily accessible on their online interface the information concerning the illegal product or service, the identity of the trader, and any relevant means of redress. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |
| Article 34 (1)- (Risk assessment) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 34 (1) is to conduct risk assessments to identify and analyze any significant systemic risks stemming from the design or functioning of their services. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| Article 34 (2)- (Risk assessment) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 34 (2) is to take into account the impact of their services on the exercise of fundamental rights, including the freedom of expression and information, the right to private life, and the right to non-discrimination. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |
| Article 34 (3)- (Risk assessment) | low | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 34 (3) is to ensure that the risk assessments are conducted in a diligent, objective, and proportionate manner, which can be fulfilled and implemented by the audited provider with low effort. Therefore, the overall inherent risk for this obligation was assessed as low. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| Article 35 (1)- (Mitigation of risks) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 35 (1) is to implement reasonable, proportionate, and effective mitigation measures to address the systemic risks identified in the risk assessments. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |
| Article 36 (1)- (Crisis response mechanism) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 36 (1) is to ensure that their online interface is designed and organized in a way that enables recipients of the service to easily identify and access the information required by this Regulation. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| **Article 36 (5)- (Crisis response mechanism)** | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 36 (5) is for the obligation to choose adequate measures to mitigate concerning risks. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| **Article 37 (1)- (Independent audit)** | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 37 (1) is to ensure that the VLOP is subject to independent audits to assess compliance with the obligations set out in this Regulation. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| Article 37 (2)- (Independent audit) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 37 (2) is to ensure that the audits are performed by qualified organizations with the necessary expertise, and that the audit reports are made publicly available. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |
| Article 37 (4)- (Independent audit) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 37 (4) is for providers of very large online platforms or of very large online search engines to ensure, that the audit report contains the mandatory information. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | medium | We identified controls in the audited provider 's control plan but they did not cover the obligation in all material respects. Therefore, we assessed the control risk as medium and shifted to alternative audit procedures to establish a baseline for this initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider's compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| **Article 37 (6)- (Independent audit)** | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 37 (6) is for providers of very large online platforms or of very large online search engines to, within one month following receipt of the audit report, communicate to the Digital Services Coordinator of establishment and the Commission the measures taken or envisaged to comply with the recommendations addressed to them in the audit report. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| **Article 38 (1)- (Recommender systems)** | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 38 (1) is to provide at least one option for each recommender system that is not based on profiling as defined in Article 4, point (4), of Regulation (EU) 2016/679. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| Article 39 (1)- (Additional online advertising transparency) | medium | The inherent risk in the respect of the business model and the nature of the audited service was assessed as low. The obligation of Article 39 (1) is to compile and make publicly available in a specific section of the online interface, through a searchable and reliable tool, a repository containing the information referred to in paragraph 2, for the entire period during which advertisements are presented and until one year after the advertisement was last presented. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 39 (2)- (Additional online advertising transparency) | medium | The inherent risk in the respect of the business model and the nature of the audited service was assessed as low. The obligation of Article 39 (2) is to ensure that the repository contains information about the advertisements, including the content, the advertiser, and the period during which the advertisement was presented. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 39 (3)- (Additional online advertising transparency) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 39 (3) to removed or disable access to a specific advertisement based on alleged illegality or incompatibility with the terms and conditions. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
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| Article 40 (1)- (Data access and scrutiny) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 40 (1) is to provide Commission or the Digital Services Coordinator access to data that are necessary to monitor and assess compliance with this Regulation. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 40 (3)- (Data access and scrutiny) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 40 (3) is to explain to the DSC or the Commission the design, logic, functionality, and test of the algorithmic systems in place, incl. the recommender systems. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 40 (4)- (Data access and scrutiny) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 40 (4) provide access to data to vetted researchers for the sole purpose of conducting research that contributes to the detection, identification and understanding of systemic risks in the Union, as set out pursuant to Article 34(1), and to the assessment of the adequacy, efficiency and impacts of the risk mitigation measures pursuant to Article 35. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 40 (5)- (Data access and scrutiny) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 40 (5) is to request establishments if the requested data access is not fulfillable. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 40 (6)- (Data access and scrutiny) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 40 (6) is to propose one or more alternative means through which access may be provided to the requested data when requesting for amendment. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 40 (7)- (Data access and scrutiny) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 40 (7) is facilitate and provide access to data pursuant to paragraphs 1 and 4 through appropriate interfaces specified in the request, including online databases or application programming interfaces. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 40 (1)2- (Data access and scrutiny) | medium | "The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 40 (1)2 is to give access without undue delay to data, including, where technically possible, to real-time data. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 41 (1)- (Compliance function) | low | The inherent risk in the respect of the business model and the nature of the audited service was assessed as low. The obligation of Article 41 (1) is to establish a compliance function, which is independent from their operational functions with sufficient authority, stature and resources and access to the management body, which can be fulfilled and implemented by the audited provider with low effort. Therefore, the overall inherent risk for this obligation was assessed as low. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 41 (2)- (Compliance function) | medium | The inherent risk in the respect of the business model and the nature of the audited service was assessed as low. The obligation of Article 41 (2) is to ensure that the ensure that compliance officers have the professional qualifications, knowledge, experience, and ability and to fulfill the mandatory tasks of (3), that the management body ensures that the head of the compliance function is an independent senior manager and can directly report to the management body. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 41 (3)- (Compliance function) | low | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 41 (3) is to ensure that that the compliance officers have the mandatory tasks from the listing, which can be fulfilled and implemented by the audited provider with low effort. Therefore, the overall inherent risk for this obligation was assessed as low. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 41 (4)- (Compliance function) | low | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 41 (4) is to communicate the name and contact details of the head of the compliance function to the Digital Services Coordinator of establishment and to the Commission, which can be fulfilled and implemented by the audited provider with low effort. Therefore, the overall inherent risk for this obligation was assessed as low. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 41 (5)- (Compliance function) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 41 (5) is for the management body to define, oversee, and be accountable for the implementation of the provider's governance arrangements that ensure the independence of the compliance function, including the division of responsibilities within the organization and the prevention of conflicts of interest. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 41 (6)- (Compliance function) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 41 (6) is that the management body approves and reviews periodically, at least once a year, the strategies, and policies for taking up, managing, monitoring, and mitigating the risks identified. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 41 (7)- (Compliance function) | medium | The inherent risk in the respect of the business model and the nature of the audited service was assessed as low. The obligation of Article 41 (7) is to ensure that the management body devotes sufficient time to the consideration of the measures related to risk management. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 42 (1)- (Transparency reporting obligations) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 42 (1) is to ensure that the transparency reports are published at least every six months. This obligation requires the implementation of new processes, which may involve high effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 42 (2)- (Transparency reporting obligations) | medium | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 42 (2) is to include additional information in the transparency reports. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | low | We identified controls related to the obligation in the audited provider's control plan. Therefore, we assessed the control risk as low but shifted to alternative audit procedures to establish a baseline for the initial year of the independent audit. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

| List of DSA Obligations | Inherent Risk | Rationale | Control Risk | Rationale | Detection Risk | Rationale |
|---|---|---|---|---|---|---|
| Article 42 (3)- (Transparency reporting obligations) | low | The inherent risk with respect to the business model and the nature of the audited service was assessed as low. The obligation of Article 42 (3) is to include in the transparency reports the information on the average monthly recipients of the service for each Member State, which can be fulfilled and implemented by the audited provider with low effort. Therefore, the overall inherent risk for this obligation was assessed as low. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |
| Article 42 (4)- (Transparency reporting obligations) | medium | The inherent risk in respect of the business model and the nature of the audited service was assessed as low. The obligation of Article 42 (4) is to ensure that the reports referred to in paragraph 1 are published in at least one of the official languages of the Member States. This obligation requires the adaption of existing processes and therefore can be fulfilled with moderate effort. Therefore, the overall inherent risk for this obligation was assessed as medium. | high | We did not identify controls in the audited provider's control plan to rely on. Therefore, we assessed the control risk as high and shifted to alternative audit procedures. | mitigated | Considering the assessment of inherent risk and control risk and the applied audit procedures (see Annex 1), we assess the detection risk as mitigated to acceptable levels that support an assessment of the audited provider’s compliance with reasonable assurance. |

## Annex 5 – Documents attesting that the auditing organisation complies with the obligations laid down in Article 37 (3), point (a), (b), and (c)

| DSA Annex | Deloitte Response |
|---|---|
| Documents attesting that the auditing organization complies with the obligations laid down in Article 37(3), point (a) of Regulation (EU) 2022/2065. | We have complied with the International Ethics Standards Board for Accountants International Code of Ethics for Professional Accountants (including International Independence Standards), which includes independence and other requirements founded on fundamental principles of integrity, objectivity, professional competence and due care, confidentiality and professional behaviour, that are at least as demanding as the applicable provisions of the International Ethics Standards Board for Accountants International Code of Ethics for Professional Accountants (including International Independence Standards). Additionally, pursuant to Article 37(3)(a), we confirm that we have not performed non audit services related to the subject matter of this engagement. Lastly, we confirm that we are not receiving a contingent fee based on the outcome of this audit. |
| Documents attesting that the auditing organization complies with the obligations laid down in Article 37(3), point (b) of Regulation (EU) 2022/2065. | In compliance with Article 37(3)(b), we conclude that we have the requisite knowledge, skills, and professional diligence under the relevant industry standard, i.e., ISAE, IDW standards. We have applied these professional standards throughout the course of our engagement. |
| Documents attesting that the auditing organization complies with the obligations laid down in Article 37(3), point (c) of Regulation (EU) 2022/2065. | We have complied with the International Ethics Standards Board for Accountants International Code of Ethics for Professional Accountants (including International Independence Standards) which includes independence and other requirements founded on fundamental principles of integrity, objectivity, professional competence and due care, confidentiality and professional behaviour, that are at least as demanding as the applicable provisions of the International Ethics Standards Board for Accountants International Code of Ethics for Professional Accountants (including International Independence Standards). We applied the International Standard on Quality Management (ISQM 1) and accordingly maintained a comprehensive system of quality management including documented policies and procedures regarding compliance with ethical requirements, professional standards, and applicable legal and regulatory requirements. |

## Annex 6 – Definitions

For purposes of this assurance report the following terms have the meanings attributed below:

| Term | Definition | Source |
|---|---|---|
| Assurance engagement | An engagement in which a practitioner aims to obtain sufficient appropriate evidence to express a conclusion designed to enhance the degree of confidence of the intended users other than the VLOP/VLOSE about the subject matter information (that is, the outcome of the measurement or evaluation of an underlying subject matter against criteria). | B |
| Audit criteria | The criteria against which the auditing organisation assesses compliance with each audited obligation or commitment. | A |
| Audit evidence | Any information used by an auditing organisation to support the audit findings and conclusions and to issue an audit opinion, including data collected from documents, databases or IT systems, interviews or testing performed. | A |
| Audited obligation or commitment | An obligation or commitment referred to in Article 37(1) of Regulation (EU) 2022/2065 which forms the subject matter of the audit. Unless noted otherwise, each sub-article is an audited obligation or commitment. | A |
| Auditing organisation | An individual organisation, a consortium or other combination of organisations, including any sub-contractors, that the audited provider has contracted to perform an independent audit in accordance with Article 37 of Regulation (EU) 2022/2065. | A |
| Auditing procedure | Any technique applied by the auditing organisation in the performance of the audit, including data collection, the choice and application of methodologies, such as tests and substantive analytical procedures, and any other action taken to collect and analyse information to collect audit evidence and formulate audit conclusions, not including the issuing of an audit opinion or of the audit report. | A |
| Audited provider | The provider of an audited service which is subject to independent audits pursuant to Article 37(1) of that Regulation. | A |
| Audit risk | The risk that the auditing organisation issues an incorrect audit opinion or reaches an incorrect conclusion concerning the audited provider's compliance with an audited obligation or commitment, considering detection risks, inherent risks and control risks with respect to that audited obligation or commitment. | A |
| Audited service | A very large online platform or a very large online search engine designated in accordance with Article 33 of Regulation (EU) 2022/2065. | A |
| Control risk | The risk that a misstatement is not prevented, detected and corrected in a timely manner by means of the audited provider's internal controls. | A |
| Detection risk | The risk that the auditing organisation does not detect a misstatement that is relevant for the assessment of the audited provider's compliance with an audited obligation or commitment. | A |
| Engagement risk | The risk that the practitioner expresses an inappropriate conclusion when the subject matter information is materially misstated. | B |
| Examination Period | The period in scope of the assurance engagement. | B |
| Evidence | Information used by the practitioner in arriving at the practitioner's conclusion. Evidence includes both information contained in relevant information systems, if any, and other information. | B |

| Term | Definition | Source |
|---|---|---|
| Inherent risk | The risk of non-compliance intrinsically related to the nature, the design, the activity and the use of the audited service, as well as the context in which it is operated, and the risk of non-compliance related to the nature of the audited obligation or commitment. | A |
| Intended users | The individual(s) or organization(s), or group(s) thereof that the practitioner expects will use the assurance report. | B |
| Internal control | Any measures, including processes and tests, that are designed, implemented and maintained by the audited provider, including its compliance officers and management body, to monitor and ensure the audited provider's compliance with the audited obligation or commitment. | A |
| Materiality threshold | The threshold beyond which deviations or misstatements by the audited provider, individually or aggregated, would reasonably affect the audit findings, conclusions and opinions. | A |
| Misstatement | A difference between the subject matter information and the appropriate measurement or evaluation of the underlying subject matter in accordance with the criteria. Misstatements can be intentional or unintentional, qualitative or quantitative, and include omissions. | B |
| Practitioner | The individual(s) conducting the engagement (usually the engagement partner or other members of the engagement team, or, as applicable, the firm). | B |
| Professional judgment | The application of relevant training, knowledge, and experience, within the context provided by assurance and ethical standards, in making informed decisions about the courses of action that are appropriate in the circumstances of the engagement. | B |
| Professional scepticism | An attitude that includes a questioning mind, being alert to conditions which may indicate possible misstatement, and a critical assessment of evidence. | B |
| Reasonable assurance engagement | An assurance engagement in which the practitioner reduces engagement risk to an acceptably low level in the circumstances of the engagement as the basis for the practitioner's conclusion. The practitioner's conclusion is expressed in a form that conveys the practitioner's opinion on the outcome of the measurement or evaluation of the underlying subject matter against criteria. | B |
| Specified Requirements | The individual DSA commitments (i.e., sub-Articles) that are applicable that have been subjected to auditing procedures. | B |
| Subject matter | The phenomenon that is measured or evaluated by applying criteria. | B |
| Subject matter information | The outcome of the measurement or evaluation of the underlying subject matter against the criteria, i.e., the information that results from applying the criteria to the underlying subject matter. | B |
| Substantive analytical procedure | An audit methodology used by the auditing organisation to assess information to infer audit risks or compliance with the audited obligation or commitment. | A |
| Test | An audit methodology consisting in measurements, experiments or other. checks, including checks of algorithmic systems, through which the auditing organisation assesses the audited provider's compliance with the audited obligation or commitment. | A |
| Vetted researcher | A researcher vetted in accordance with Article 40 (8) of Regulation (EU) 2022/2065. | A |

*Sources used for definitions:*
*A - Delegated Act Article 2*
*B - ISAE 3000 (Revised), Assurance Engagements Other than Audits or Reviews of Historical Financial Information*

Annex 7 – Statement of Work between Zalando SE and Deloitte Wirtschaftsprüfungsgesellschaft (redacted)

# Statement of Work

We, Deloitte GmbH Wirtschaftsprüfungsgesellschaft (in the following “we” or “Deloitte”), thank you for the request to perform certain assurance services (the “Services”) for Zalando SE (in the following “Zalando”, “you“ or “client“) and appreciate the opportunity to serve you.

| Client | Supplier |
|---|---|
| Zalando SE<br>Valeska-Gert-Straße 5<br>10243 Berlin, Deutschland | Deloitte GmbH Wirtschaftsprüfungsgesellschaft<br>Kurfürstendamm 23<br>10719 Berlin, Deutschland |

# Content



# 1 Project Context

We assume the following project context:

- The European Union's Digital Services Act (DSA) came into force on November 16, 2022, and is aimed at operators of online intermediary services.
- The purpose of the DSA is improving consumer protection and increasing transparency of online platforms and stipulates corresponding obligations and commitments.
- Violations of the obligations may result in a fine of up to 6% of the group's global turnover or even in a ban on operations. Platforms with more than 45 M active users in the EU are considered Very Large Online Platform (VLOP) for which additional requirements apply.
- Zalando has been designated as VLOP (Very Large Online Platform) by the EU Commission on April 25, 2023. As such, Zalando is required to commission an independent audit pursuant to Art. 37 DSA.
- The European Commission has adopted the Delegated Regulation on independent audits under the Digital Services Act on 20 October 2023. The regulation describes a framework to guide providers of VLOPs and VLOSEs (Very Large Online Search Engines) as well as auditing organizations in the preparation and issuance of audit reports.
- The first year audit was performed by Deloitte for the examination period 08/25/2023 through 04/30/2024. The final audit report was submitted to Zalando on 08/23/2024.

- Zalando submitted subsequently the audit report to the EU commission and issued an implementation report. The implementation report outlined the measures for addressing operation recommendations received within the audit report.
- Now the performance of the second year audit, starting from 05/01/2024, is required.
- Zalando has filed in 2023 a complaint at the European Court of Justice (ECJ) addressing its concerns about being categorized as VLOP by the EU Commission. This legal process is at the current stage still ongoing.

# 2 Project Assumptions

Our project assumptions are as follows:

The effort required to prepare and perform the audit is based on professional judgement, experience from the previous audit performed as well as comparable projects. However, it remains an estimate with regard of time and material. It is possible that further supplementing regulations laying down rules for the performance of the audits for VLOPs/VLOSEs, will be issued by the EU Commission affecting the performance of the audit. Further, focus areas can be communicated by regulating bodies resulting in a shift of audit procedures selected. This is reflected in our project approach in conjunction with section 8 (Fees) of this SOW.

Our approach and effort estimate are based on the following assumptions:

- Zalando will provide all the information and documentation needed for the performance of this project in a timely manner, especially conceptual papers, process descriptions and templates relating to implementing and monitoring DSA measures.
- Zalando will inform Deloitte of all directives and decisions made by the client´s management that are or can directly or indirectly be of importance to Deloitte or to the performance of the engagement.
- Zalando will inform Deloitte of all processes and circumstances that are of importance for the performance of this engagement.
- Zalando will be responsible for the timely and appropriate alignments with and decisions of the responsible contact persons in the project.
- Zalando will provide the necessary equipment and premises needed for the execution of this project on site as far as necessary during the project.
- Zalando needs to disclose which compliance measures are implemented and which areas, processes and systems are affected by these measures. Without this transparency, Deloitte cannot conclude, whether independence or conflict of interest matters apply. This follows Art. 4 (1) of the Delegated Regulation: the audited provider shall check whether the organization to be selected [for the independent audit] fulfils the requirements laid down in Article 37(3) of Regulation (EU) 2022/2065.
- Zalando provides assurance via 2nd/ 3rd line activities for certain DSA areas, i.e., control testing results, on which the auditor may rely on. Areas where an approach relying on such control testing results could be applied, will be evaluated at the beginning of the project.
- The audit will predominantly constitute of substantive audit procedures. The scope of the audit will be determined by factors such as, but not limited to, total amount of DSA obligations to be tested, audit related announcements of the EU Commission, changes to Zalando's business model or processes affecting DSA relevant areas.
- With regard to the Delegated Regulation Art. 5 para. 1 lit. c, Zalando's processes, operations and IT landscape are set up and operated in a rather standardized and centralized fashion. There are no market- or country-specific solutions, IT landscapes and systems which would require several individual case by case reviews.
- Zalando has centralized responsibilities and centrally available and accessible information and data.
- Zalando is impacted by not more than two business models (platform business & marketing services) by DSA requirements.

The provision of Deloitte´s services as well as the estimated fee in section 8 of this SOW depend on (i) Zalando's effective and timely fulfillment of its responsibilities, (ii) the accuracy and completeness of the information provided and of the assumptions, and (iii) the timely provision of necessary approvals and decisions taken by Zalando's management. While (based on our current internal independence checks) we consider this to be very unlikely, due to the independence requirements stipulated by the Digital Services Act and the Delegated Regulation, Deloitte may be required to only accept parts of the audit project, to discontinue work in certain areas or even to stop the whole engagement.

# 3 Support Activities

Our activities related to the execution of this project include:

**Audit Performance**

- Audit preparation,
- Audit planning,
- Audit performance,
- Result evaluation,
- Report completion,
- Report transmission.

# 4 Project Timeline

The proposed support is planned to start in January 2025 until the end of August 2025. The start date for the support may be agreed on separately, depending on your demand.

# 5 Project Resources

Deloitte's project resources have been determined based on their suitability for the project and their availability at the time of writing. We will try to secure these resources for your project, but we may add or replace resources if they are suitable for the project.

# 6 Project Location

The project is being delivered from remote, wherever possible. The benchmarking workshop will be conducted onsite in Berlin. Further, onsite activities, e.g. performance of interviews, will be aligned with you.

# 7 Team and Escalation Governance

It is the intention of the Parties to resolve issues in a constructive and bona-fide way that reflects the concerns and commercial interests of each party. Both parties undertake their responsibilities in a timely and professional manner and problems and issues shall be pro-actively managed and are resolved in accordance with agreed timescales, in a co-operative manner. It is also the intention of the parties to resolve issues by the appropriate levels of authority by escalating it to higher levels of management internally and then, if necessary, in accordance with the process set out in this section.

Disputes shall be referred to the following personnel of the parties in order of priority for escalation:

- the appointed representatives of the parties ("first escalation level"); ([redacted][Deloitte]),
- the head of the relevant function (in respect of the services being provided) at Zalando and the supplier counterpart ("second escalation level"); ([redacted][Deloitte]),
- the head of the relevant business unit (in respect of the services being provided) at Zalando and the supplier counterpart ("third escalation level"); ([redacted][Deloitte]).

These persons will discuss the problem and attempt to resolve the dispute without unreasonable delay and without the necessity of any formal proceeding. The parties will use reasonable endeavors to resolve the dispute within ten (10) working days for the first and second escalation levels or within twenty (20) working days for the last escalation level.

The parties will attempt to resolve disputes between them arising out of or relating to this agreement using this informal dispute resolution procedure prior to the initiation of the court proceedings. Nothing in this agreement will restrict at any time whilst the informal dispute resolution procedures are in progress or before or after they are invoked, either parties freedom to seek injunctive relief.

# 8 Fees

# 9 Liability Cap, General Engagement Terms

In order to meet independence requirements according to Art. 37 sec. 3 DSA, which states that audits shall be performed by organizations which are independent from, and do not have any conflicts of interest with, VLOPs or of VLOSEs concerned and any legal person connected to that provider; in particular:

- have not provided non-audit services related to the matters audited to the VLOP or of VLOSE concerned and to any legal person connected to that provider in the 12 months' period before the beginning of the audit and have committed to not providing them with such services in the 12 months' period after the completion of the audit.
- have not provided auditing services pursuant to this Article to the provider of VLOP or of VLOSE concerned and any legal person connected to that provider during a period longer than 10 consecutive years.

Topics that may be subject to audit procedures may include, but are not limited to the following:

- *online advertising, target group determination, display mechanisms,*
- *whistleblower procedures,*
- *determination of user numbers (users that use Zalando as a platform within the EU),*
- *recommender systems,*
- *content moderation systems,*
- *Terms and Conditions and Code of Conducts,*
- *crisis protocols,*
- *(user) complaint management,*
- *algorithms and artificial intelligence used for e.g. content moderation,*
- *notification and remediation procedures,*
- *risk management procedures.*

Deloitte will continuously align with the internal risk management and independence department and discuss any developments with you that may impact Deloitte's independence. Future developments, such as changing stipulations of the Delegated Regulation, may require Deloitte to adjust the DSA audit scope and to re-assess the independence according to Art. 37 sec. 3 DSA. In case of information indicating that independence may be impaired, Deloitte maybe required by law to cease work or deny provision of DSA audit procedures.

The scope of our engagement and our responsibilities there under, both towards you and third parties, shall be governed by the attached General Engagement Terms for Wirtschaftsprüfer and Wirtschaftsprüfungsgesellschaften as of 1 January 2017 (Allgemeine Auftragsbedingungen für Wirtschaftsprüfer und Wirtschaftsprüfungsgesellschaften vom 1. Januar 2017) ("IDW-AAB") [redacted].

Supplementary to No. 9 paragraphs 3 and 4 of the IDW-AAB the aforementioned provisions shall also apply to third parties, as far as their liability claims are based on the fact that they are included in the engagements' scope of protection (Vertrag mit Schutzwirkung zu Gunsten Dritter). Your contributory negligence, if any, will be taken into account also towards third parties. You and any third parties being included in the engagement's scope of protection may claim the maximum liability amount only once, and shall be, as far as their claims exceed the maximum liability

amount, joint and several creditors (Gesamtgläubiger) within the meaning of § 428 BGB (German Civil Code). We are entitled to defenses (Einwendungen) in connection with the engagement also towards any third parties being included in the engagement's scope of protection.

According to No. 6 of the IDW-AAB, any transmission or dissemination of any work product prepared by or attributed to us (such as reports, expert opinions and such like) to a third party shall require our prior written consent. We may make our consent conditional upon inter alia, the execution by such third party of a non-liability agreement (Haftungsausschluss) with us or with your consent the acceptance of this limitation of liability by third party also towards itself as joint and several creditors. In no event shall the engagement's scope of protection be extended solely by granting such consent.

Neither party may assign any claim against the other party under this engagement letter to a third person without the prior written consent of the other party.

No modification or amendment of this engagement letter shall be effective unless agreed in writing or in text form (§ 126b BGB (German Civil Code)). This also applies to a modification of the written form or text form.

Should you engage us on behalf of another individual person or within a trust relationship to such individual person, you will inform us about his or her name and verify his or her identity towards us (§ 10 para 1 No. 2, § 11 para. 6 German Anti Money Laundering Act (GwG)). Furthermore, you will inform us whether you or your ultimate beneficial owners are politically exposed persons or a family member of, or a person who is known to be a closely related person to, a politically exposed person (§ 10 para 1 No. 4, § 11 para 6 GwG).

## 10 Miscellaneous

This Statement of Work shall be governed by and construed in accordance with the laws of the Federal Republic of Germany, without regard to principles of conflicts of laws. The UN Convention on Contracts for the International Sale of Goods (CISG) shall not apply. As far as legally admissible, exclusive place of jurisdiction for all disputes regarding rights and duties under this Statement of Work, including its validity shall be Berlin, Germany.

## 11 Appendix Overview

Appendix 1: "IDW-AAB (EN)"

## 12 Order Confirmation

We hope that our proposal meets your expectations and look forward to further cooperation. The main contacts for this service are Martin Ritter and Dr. Ljuba Kerschhofer-Wallner.

Dr. Ljuba Kerschhofer-Wallner: +49 151 1805 8037, lkerschhoferwallner@deloitte.de

Martin Ritter: +49 151 5807 7794, maritter@deloitte.de

We will consider ourselves bound to this offer until 24th of January 2025.

Yours sincerely

**Deloitte GmbH**
Wirtschaftsprüfungsgesellschaft

## 13 Company's agreement

We/I agree with the above order content as well as the underlying terms of business and General Engagement Terms for Wirtschaftsprüferinnen, Wirtschaftsprüfer and Wirtschaftsprüfungsgesellschaften (German Public Auditors and Public Audit Firms) as of 1 January 2024.

☐ Please do not name us on your reference list.

| | | |
|---|---|---|
| Place, date | Berlin | 13-Jan-25 |
| | Signiert von: Dr. Lena Wallenhorst 83E84DCDFE2C411... | DocuSigned by: 27A74A5D67584F5... |
| | General Counsel | Director of Compliance |
| (Name of client/signature) | | |
| | Dr. Lena Wallenhorst | Carolin Reese |
| (Name of signatory in block capitals) | | |

Zalando SE

[Translator's notes are in square brackets]

# General Engagement Terms

## for
## Wirtschaftsprüferinnen, Wirtschaftsprüfer and Wirtschaftsprüfungsgesellschaften
## [German Public Auditors and Public Audit Firms]
## as of January 1, 2024

### 1. Scope of application

(1) These engagement terms apply to contracts between German Public Auditors (Wirtschaftsprüferinnen/Wirtschaftsprüfer) or German Public Audit Firms (Wirtschaftsprüfungsgesellschaften) – hereinafter collectively referred to as "German Public Auditors" – and their engaging parties for assurance services, tax advisory services, advice on business matters and other engagements except as otherwise agreed in writing (Textform) or prescribed by a mandatory rule.

(2) Third parties may derive claims from contracts between German Public Auditors and engaging parties only when this is agreed or results from mandatory rules prescribed by law. In relation to such claims, these engagement terms also apply to these third parties. A German Public Auditor is also entitled to invoke objections (Einwendungen) and defences (Einreden) arising from the contractual relationship with the engaging party to third parties.

### 2. Scope and execution of the engagement

(1) Object of the engagement is the agreed service – not a particular economic result. The engagement will be performed in accordance with the German Principles of Proper Professional Conduct (Grundsätze ordnungsmäßiger Berufsausübung). The German Public Auditor does not assume any management functions in connection with his services. The German Public Auditor is not responsible for the use or implementation of the results of his services. The German Public Auditor is entitled to make use of competent persons to conduct the engagement.

(2) Except for assurance engagements (betriebswirtschaftliche Prüfungen), the consideration of foreign law requires an express agreement in writing (Textform).

(3) If circumstances or the legal situation change subsequent to the release of the final professional statement, the German Public Auditor is not obligated to refer the engaging party to changes or any consequences resulting therefrom.

### 3. The obligations of the engaging party to cooperate

(1) The engaging party shall ensure that all documents and further information necessary for the performance of the engagement are provided to the German Public Auditor on a timely basis, and that he is informed of all events and circumstances that may be of significance to the performance of the engagement. This also applies to those documents and further information, events and circumstances that first become known during the German Public Auditor's work. The engaging party will also designate suitable persons to provide information.

(2) Upon the request of the German Public Auditor, the engaging party shall confirm the completeness of the documents and further information submitted as well as the explanations and statements provided in statement as drafted by the German Public Auditor or in a legally accepted written form (gesetzliche Schriftform) or any other form determined by the German Public Auditor.

### 4. Ensuring independence

(1) The engaging party shall refrain from anything that endangers the independence of the German Public Auditor's staff. This applies throughout the term of the engagement, and in particular to offers of employment or to assume an executive or non-executive role, and to offers to accept engagements on their own behalf.

(2) Were the performance of the engagement to impair the independence of the German Public Auditor, of related firms, firms within his network, or such firms associated with him, to which the independence requirements apply in the same way as to the German Public Auditor in other engagement relationships, the German Public Auditor is entitled to terminate the engagement for good cause.

### 5. Reporting and oral information

To the extent that the German Public Auditor is required to present results in a legally accepted written form (gesetzliche Schriftform) or in writing (Textform) as part of the work in executing the engagement, only that presentation is authoritative. Draft of such presentations are non-binding. Except as otherwise provided for by law or contractually agreed, oral statements and explanations by the German Public Auditor are binding only when they are confirmed in writing (Textform). Statements and information of the German Public Auditor outside of the engagement are always non-binding.

### 6. Distribution of, a German Public Auditor's professional statement

(1) The distribution to a third party of professional statements of the German Public Auditor (results of work or extracts of the results of work whether in draft or in a final version) or information about the German Public Auditor acting for the engaging party requires the German Public Auditor's consent be issued in writing (Textform), unless the engaging party is obligated to distribute or inform due to law or a regulatory requirement.

(2) The use by the engaging party for promotional purposes of the German Public Auditor's professional statements and of information about the German Public Auditor acting for the engaging party is prohibited.

### 7. Deficiency rectification

(1) In case there are any deficiencies, the engaging party is entitled to specific subsequent performance by the German Public Auditor. The engaging party may reduce the fees or cancel the contract for failure of such subsequent performance, for subsequent non-performance or unjustified refusal to perform subsequently, or for unconscionability or impossibility of subsequent performance. If the engagement was not commissioned by a consumer, the engaging party may only cancel the contract due to a deficiency if the service rendered is not relevant to him due to failure of subsequent performance, to subsequent non-performance, to unconscionability or impossibility of subsequent performance. No. 9 applies to the extent that further claims for damages exist.

(2) The engaging party must assert a claim for subsequent performance (Nacherfüllung) in writing (Textform) without delay. Claims for subsequent performance pursuant to paragraph 1 not arising from an intentional act expire after one year subsequent to the commencement of the time limit under the statute of limitations.

(3) Apparent deficiencies, such as clerical errors, arithmetical errors and deficiencies associated with technicalities contained in a German Public Auditor's professional statement (long-form reports, expert opinions etc.) may be corrected – also versus third parties – by the German Public Auditor at any time. Misstatements which may call into question the results contained in a German Public Auditor's professional statement entitle the German Public Auditor to withdraw such statement – also versus third parties. In such cases the German Public Auditor should first hear the engaging party, if practicable.

### 8. Confidentiality towards third parties, and data protection

(1) Pursuant to the law (§ [Article] 323 Abs 1 [paragraph 1] HGB [German Commercial Code: Handelsgesetzbuch], § 43 WPO [German Law regulating the Profession of Wirtschaftsprüfer: Wirtschaftsprüferordnung], § 203 StGB [German Criminal Code: Strafgesetzbuch]) the German Public Auditor is obligated to maintain confidentiality regarding facts and circumstances confided to him or of which he becomes aware in the course of his professional work, unless the engaging party releases him from this confidentiality obligation.

(2) When processing personal data, the German Public Auditor will observe national and European legal provisions on data protection.

### 9. Liability

(1) For legally required services by German Public Auditors, in particular audits, the respective legal limitations of liability, in particular the limitation of liability pursuant to § 323 Abs. 2 HGB, apply.

(2) Insofar neither a statutory limitation of liability is applicable, nor an individual contractual limitation of liability exists, claims for damages due to negligence arising out of the contractual relationship between the

engaging party and the German Public Auditor, except for damages resulting from injury to life, body or health as well as for damages that constitute a duty of replacement by a producer pursuant to § 1 ProdHaftG [German Product Liability Act: Produkthaftungsgesetz], are limited to € 4 million pursuant to § 54 a Abs. 1 Number 2 WPO. This applies equally to claims against the German Public Auditor made by third parties arising from, or in connection with, the contractual relationship.

(3) When multiple claimants assert a claim for damages arising from an existing contractual relationship with the German Public Auditor due to the German Public Auditor's negligent breach of duty, the maximum amount stipulated in paragraph 2 applies to the respective claims of all claimants collectively.

(4) The maximum amount under paragraph 2 relates to an individual case of damages. An individual case of damages also exists in relation to a uniform damage arising from a number of breaches of duty. The individual case of damages encompasses all consequences from a breach of duty regardless of whether the damages occurred in one year or in a number of successive years. In this case, multiple acts or omissions based on the same source of error or on a source of error of an equivalent nature are deemed to be a single breach of duty if the matters in question are legally or economically connected to one another. In this event the claim against the German Public Auditor is limited to € 5 million.

(5) A claim for damages expires if a suit is not filed within six months subsequent to the written statement (Textform) of refusal of acceptance of the indemnity and the engaging party has been informed of this consequence. This does not apply to claims for damages resulting from scienter, a culpable injury to life, body or health as well as for damages that constitute a liability for replacement by a producer pursuant to § 1 ProdHaftG. The right to invoke a plea of the statute of limitations remains unaffected.

(6) § 323 HGB remains unaffected by the rules in paragraphs 2 to 5.

## 10. Supplementary provisions for audit engagements

(1) If the engaging party subsequently amends the financial statements or management report audited by a German Public Auditor and accompanied by an auditor's report (Bestätigungsvermerk), he may no longer use this auditor's report.

If the German Public Auditor has not issued an auditor's report, a reference to the audit conducted by the German Public Auditor in the management report or any other public reference is permitted only with the German Public Auditor's consent, issued in a legally accepted written form (gesetzliche Schriftform), and with a wording authorized by him.

(2) If the German Public Auditor revokes the auditor's report, it may no longer be used. If the engaging party has already made use of the auditor's report, then upon the request of the German Public Auditor he must give notification of the revocation.

(3) The engaging party has a right to five official copies of the report. Additional official copies will be charged separately.

## 11. Supplementary provisions for assistance in tax matters

(1) When advising on an individual tax issue as well as when providing ongoing tax advice, the German Public Auditor is entitled to use as a correct and complete basis the facts provided by the engaging party – especially numerical disclosures; this also applies to bookkeeping engagements. Nevertheless, he is obligated to indicate to the engaging party any material errors he has identified.

(2) The tax advisory engagement does not encompass procedures required to observe deadlines, unless the German Public Auditor has explicitly accepted a corresponding engagement. In this case the engaging party must provide the German Public Auditor with all documents required to observe deadlines – in particular tax assessments – on such a timely basis that the German Public Auditor has an appropriate lead time.

(3) Except as agreed otherwise in writing (Textform), ongoing tax advice encompasses the following work during the contract period:

a) preparation and electronic transmission of annual tax returns, including financial statements for tax purposes in electronic format, for income tax, corporate tax and business tax, namely on the basis of the annual financial statements, and on other schedules and evidence documents required for the taxation, to be provided by the engaging party
b) examination of tax assessments in relation to the taxes referred to in (a)
c) negotiations with tax authorities in connection with the returns and assessments mentioned in (a) and (b)
d) support in tax audits and evaluation of the results of tax audits with respect to the taxes referred to in (a)
e) participation in petition or protest and appeal procedures with respect to the taxes mentioned in (a).

In the aforementioned tasks the German Public Auditor takes into account material published legal decisions and administrative interpretations.

(4) If the German Public auditor receives a fixed fee for ongoing tax advice, the work mentioned under paragraph 3 (d) and (e) is to be remunerated separately, except as agreed otherwise in writing (Textform).

(5) Insofar the German Public Auditor is also a German Tax Advisor and the German Tax Advice Remuneration Regulation (Steuerberatungsvergütungsverordnung) is to be applied to calculate the remuneration, a greater or lesser remuneration than the legal default remuneration can be agreed in writing (Textform).

(6) Work relating to special individual issues for income tax, corporate tax, business tax and valuation assessments for property units as well as all issues in relation to sales tax, payroll tax, other taxes and dues requires a separate engagement. This also applies to:

a) work on non-recurring tax matters, e.g. in the field of estate tax and real estate sales tax;
b) support and representation in proceedings before tax and administrative courts and in criminal tax matters;
c) advisory work and work related to expert opinions in connection with changes in legal form and other re-organizations, capital increases and reductions, insolvency related business reorganizations, admission and retirement of owners, sale of a business, liquidations and the like, and
d) support in complying with disclosure and documentation obligations.

(7) To the extent that the preparation of the annual sales tax return is undertaken as additional work, this includes neither the review of any special accounting prerequisites nor the issue as to whether all potential sales tax allowances have been identified. No guarantee is given for the complete compilation of documents to claim the input tax credit.

## 12. Electronic communication

Communication between the German Public Auditor and the engaging party may be via e-mail. In the event that the engaging party does not wish to communicate via e-mail or sets special security requirements, such as the encryption of e-mails, the engaging party will inform the German Public Auditor in writing (Textform) accordingly.

## 13. Remuneration

(1) In addition to his claims for fees, the German Public Auditor is entitled to claim reimbursement of his expenses; sales tax will be billed additionally. He may claim appropriate advances on remuneration and reimbursement of expenses and may make the delivery of his services dependent upon the complete satisfaction of his claims. Multiple engaging parties are jointly and severally liable.

(2) If the engaging party is not a consumer, then a set-off against the German Public Auditor's claims for remuneration and reimbursement of expenses is admissible only for undisputed claims or claims determined to be legally binding.

## 14. Dispute Settlement

The German Public Auditor is not prepared to participate in dispute settlement procedures before a consumer arbitration board (Verbraucherschlichtungsstelle) within the meaning of § 2 of the German Act on Consumer Dispute Settlements (Verbraucherstreitbeilegungsgesetz).

## 15. Applicable law

The contract, the performance of the services and all claims resulting therefrom are exclusively governed by German law.

Deloitte.

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