[IE] Online Safety Code notified to the European Commission

IRIS 2024-6:1/6

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Following its public consultation launched between 8 December 2023 and 31 January 2024, and consultation with its Youth Advisory Committee, *Coimisiún na Meán*, the Irish regulator, published an updated draft Online Safety Code on 27 May 2024. The Code, which will apply to video-sharing platforms (VSPs) headquartered in Ireland, was submitted to the European Commission on the same day. Back in December 2023, Coimisiún na Meán had already designated 10 VSP providers as falling under its jurisdiction (Facebook, Instagram, LinkedIn, Pinterest, Reddit, TikTok, Tumblr, Udemy, X, and YouTube). For more information on the designation decision framework refer to IRIS 2023-10:1/2.

The submission process under the Technical Regulations Information System (TRIS) Directive (Directive (EU) 2015/1535) involves a standstill period of 3 to 4 months, during which the European Commission and other EU countries may make comments or submit opinions on the Code. Following this, Coimisiún na Meán will finalise the Code and publish a final decision, after what it will apply to the 10 designated VSPs.

The final Code will be part of the Irish regulator's overall Online Safety Framework, which is composed of the Digital Services Act (DSA), the Online Safety and Media Regulation Act 2022 and the Terrorist Content Online Regulation (TCOR). This Framework will make digital services accountable for how they protect people, especially children, from harm online. The revised draft Code has been developed and revised to ensure that VSP providers take appropriate measures to provide the protections set out in Article 28b(1)(a), (b), and (c), in Article 28b(2), 28b(3), and to comply with the requirements of Article 9(1) of the Audiovisual Media Services Directive (AVMSD).

Following the public consultation, Coimisiún na Meán restructured the draft Code into a Part A and a Part B.

Part A contains introductory provisions and general obligations applying to VSP providers. It also intends to address the measures contained in Article 28b of the AVMSD. It applies to content which may impair the physical, mental, or moral development of children, content inciting hatred or violence on the grounds of protected characteristics, and content the dissemination of which is a criminal

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offence under EU law – child sex abuse material, terrorism, racism, and xenophobia. Part A further requires VSPs to take measures as appropriate to protect the general public and children.

Part B mostly contains the revisions introduced following public consultation. It provides for further mandatory specific obligations to be applied to VSP providers.

The Code notably introduces measures:

- Prohibiting the uploading or sharing of harmful content on VSP services including cyberbullying, promoting self-harm or suicide and promoting eating or feeding disorders as well as incitement to hatred or violence, terrorism, child sex abuse material, racism and xenophobia.

- Using age assurance to prevent children from encountering pornography or gratuitous violence online and having age verification measures in place as appropriate.

- Providing parental controls for content which may impair the physical, mental, or moral development of children under 16.

Once the Online Safety Code is enacted, Ireland will have fully completed its transposition of the AVMS Directive.

Response to consultation

https://www.cnam.ie/wp-content/uploads/2024/05/Response-to-Consultation_vFinal-3.pdf

Draft Online Safety Code

https://www.cnam.ie/wp-content/uploads/2024/05/Online-Safety-Code_vFinal.pdf

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