

Follow up on infringement proceedings against EU member states for their failure to designate digital services coordinators

IRIS 2025-1:1/8

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In December 2024, the European Commission took further action against several EU member states for non-compliance with the Digital Services Act (DSA). Belgium, Bulgaria, the Netherlands, Poland and Spain were informed of their failure to properly nominate or empower national Digital Services Coordinators (DSCs) as required by Article 49(1) of the DSA. According to DSA Article 49(3), member states were required to designate DSCs by 17 February 2024.

DSCs play a role in implementing the DSA, being responsible for all matters relating to supervision and enforcement within their respective member states (Article 49(2) DSA).

The infringement procedure, as detailed in Article 258 of the Treaty on the Functioning of the European Union (TFEU), involves several steps. The European Commission sends a formal notice to a non-compliant member state. The member state must respond and take appropriate measures. If the Commission deems the response unsatisfactory, it issues a reasoned opinion. If non-compliance persists, the Commission may refer the case to the European Court of Justice.

The status of the infringement procedures for the countries mentioned as of December 2024 was as follows:

Belgium received a formal notice on 25 July 2024 and a reasoned opinion on 16 December 2024 for failing to designate and empower its DSC (INFR(2024)2164).

Bulgaria received a letter of formal notice on 16 December 2024 for failing to empower the nominated DSC (INFR(2024)2241).

The Netherlands received a formal notice on 25 July 2024 and a reasoned opinion on 16 December 2024 for failing to designate and empower its DSC (INFR(2024)2163).

Poland received a formal notice on 24 April 2024 and a reasoned opinion on 16 December 2024 for failing to designate and empower its DSC and for failing to establish penalty rules (INFR(2024)2041).

Spain received a formal notice on 25 July 2024 and a reasoned opinion on 16 December 2024 for failing to empower its DSC (INFR(2024)2165).

More information on the above procedures can be found in this previous article: IRIS 2024-8:1/23.

December 2024 infringements package (press release of the European Commission)

https://ec.europa.eu/commission/presscorner/detail/en/inf_24_6006

Search infringement decisions (European Commission database)

https://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement_decisions/?lang_code=en&langCode=EN

Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act)

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R2065>

