

Platform regulation and DSA implementation: ARCOM and European Commission increase cooperation

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While the wars in the Middle East and Ukraine, together with recent terrorist attacks in France and Belgium, have only served to exacerbate the online dissemination of hate content and disinformation, these events and their repercussions have highlighted and increased the urgent need to implement the Digital Services Act (DSA). In this context, on 18 October, the European Commission adopted a recommendation urging each EU member state to appoint an independent authority to join a network of Digital Services Coordinators before 17 February 2024.

Shortly afterwards, on 23 October, Roch-Olivier Maistre, president of the *Autorité de régulation de la communication audiovisuelle et numérique* (the French audiovisual regulator – ARCOM), and Roberto Viola, Director-General for Communications Networks, Content and Technology at the European Commission, signed a cooperation agreement strengthening the operational links between their respective institutions with regard to the regulation of online platforms. This agreement should make it possible to monitor more effectively the compliance of very large online platforms and search engines with obligations under the DSA that came into force on 25 August 2023. It will also make it easier for the Commission to investigate potential infringements of the DSA.

To this end, the agreement facilitates the exchange of information and analysis between ARCOM and the European Commission. ARCOM will, in particular, present its findings and specific expertise relating to the activities of large online platforms in France. As the first practical illustration of this enhanced cooperation, it is already sharing with the European Commission its initial findings, gathered with the help of the administrative authorities and civil society stakeholders, on the moderation of content linked to the conflict in the Middle East.

Concluded for a renewable one-year term, the agreement is immediately applicable. It therefore covers the period leading up to the official appointment of France's Digital Services Coordinator, which needs to be completed by 17 February 2024. Under the *Projet de loi visant à sécuriser et réguler l'espace numérique* (Digital Safety and Regulation Bill), which is currently being debated by the French parliament, this role will be filled by ARCOM. ARCOM will therefore be responsible for ensuring coordination between the various national authorities

concerned, the *Commission Nationale de l'Informatique et des Libertés* (the French data protection authority – CNIL), the competition and consumer protection authority and itself. It will also sit on the Board of Digital Services Coordinators and help to monitor very large online platforms and search engines that fall under the European Commission's jurisdiction. At national level, ARCOM will be in charge of monitoring the obligations of services established in France. If these services fail to meet their obligations, ARCOM will be able to issue sanctions, including fines of up to 6% of their global turnover.

The agreement may be amended in the future, taking into account the experience gained and changing priorities.

Arcom, communiqué du 23 octobre 2023

<https://www.arcom.fr/sites/default/files/2023-10/CP-R%C3%A8glement%20sur%20les%20services%20num%C3%A9riques-IArcom%20et%20la%20Commission%20europ%C3%A9enne%20renforcent%20leur%20coop%C3%A9ration%20op%C3%A9rationnelle.pdf>

ARCOM, press release of 23 October 2023

