Administrative arrangement between the Irish regulatory Authority and the European Commission to support the enforcement of the DSA

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On 20 October 2023, the Directorate General Communications Networks, Content and Technology of the European Commission – DG CONNECT – responsible for digital policies, signed an administrative arrangement with the Irish media regulator (*Coimisiún na Meán*) to support the enforcement of the Digital Services Act (DSA). This bilateral arrangement follows the Commission Recommendations to member states for coordinating their response to the spread and amplification of illegal content on Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs), ahead of the deadline for Member States to play their role in the enforcement of the DSA.

According to the European Commission, ensuring closer cooperation with member states and national regulatory authorities has become even more crucial to achieve this in the current context of conflict and uncertainty.

This agreement establishes that both participants "intend to cooperate in order to increase common supervisory expertise in the area of digital regulation and, in particular, with regard to those services designated by the Commission as [VLOPs] and [VLOSEs]". The Agreement also sets out, *inter alia,* a list of objectives, fields of cooperation, and modes of cooperation. According to Jeremy Godfrey, Executive Chair of the Irish regulatory authority, "thirteen of the nineteen VLOPs and VLOSEs have their EU headquarters in Ireland, [meaning] that *Coimisiún na Meán* will have a special role, working in tandem with the European Commission (…)".

Although not intended to create any rights or obligations on any of the participants under EU or national law, the agreement aims to enhance cooperation and share knowledge in relation to the enforcement of the DSA. This applies in particular as regards the assessment of systemic risks, and the early flagging of emerging ones, and to contribute to ensuring that the results obtained are used to support supervisory expertise and capabilities. The objectives pursued cover in particular the exchange of information, data, good practices, methodologies, technical systems and tools with the purpose of supporting supervisory efforts.

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As per the agreement, the participants are intended to share with each other research, reports or any other general information falling within the scope of the arrangement. Besides, either party may ask for specific information or data. In addition, DG CONNECT may ask the Irish regulator to collect evidence to support the Commission's powers in connection with the supervision, investigation, enforcement and monitoring of VLOPs and VLOSEs, and to produce a report on a specific situation with potential regulatory implications, also within the scope of the arrangement.

A similar agreement has been established between the European Commission and French regulatory Authority (ARCOM). According to the Commission, DG CONNECT is in discussions with other national regulators and EU bodies to sign similar administrative arrangements to support it in its assessment of systemic and emerging issues under the DSA. Thierry Breton, Commissioner for Internal Market, welcomed "these first agreements with national regulators which will ensure their expertise supports the Commission's assessment of the risks stemming from illegal and harmful content on very large online platforms."

Administrative arrangement between Directorate General Communications Networks, Content and Technology of the European Commission and Coimisiún na Mean

https://www.cnam.ie/wp-content/uploads/2023/10/AA-CONNECT-Coimisiun-na-Mean.pdf

Commission recommendation of 20.10.2023 on coordinating responses to incidents in particular arising from the dissemination of illegal content, ahead of the full entry into application of Regulation (EU) 2022/2065 (the 'Digital Services Act')

https://ec.europa.eu/newsroom/dae/redirection/document/99469

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