



**Technology Ireland opening statement to Joint Oireachtas Committee on the General Scheme of the Online Safety and Media Regulation Bill – 7<sup>th</sup> July 2021**

I would like to start by thanking the members of the Committee for inviting Technology Ireland to participate in these hearings as it conducts its pre-legislative scrutiny of the Online Safety and Media Regulation Bill.

Technology Ireland is an Association within Ibec, which represents the ICT, Digital and Software Technology Sector. Technology Ireland is a member of the National Advisory Council for Online Safety (NACOS) since its establishment in 2018 and continue to participate and support the council.

Technology Ireland has consistently expressed support for the overall goals of the proposed online safety and media regulation bill, which should provide for a systemic approach in regulating online platforms and digital services.

I will not cover the full extent of the Technology Ireland submission to this committee in the three minutes available to me today. I will instead focus on four key points:

First is that this Bill seeks to transpose the **EU Audiovisual Media Services Directive (AVMSD)** into Irish law. This important piece of legislation governs EU-wide coordination of national legislation on all audiovisual media, and it further enshrines the Country of Origin (COO) principle which is of particular importance to Ireland given the number of video sharing platforms established in the State. Since the deadline for the transposition of AVMS into national law has already passed, Technology Ireland members encourage the swift adoption of this Bill to ensure legal certainty in the regulation of video sharing platforms across the EU.

The second key point is on **the Media Commission and the establishment and appointment of the regulator**. The rapid establishment of a fully resourced and staffed regulator is of crucial importance. It is essential that the Commission is staffed with sufficient in-house expertise to negate the need for external consultants, which may result in a process of uneven and inconsistent decision making. In our submission we call for the rapid establishment of an Online Safety Commissioner, and the prioritisation of existing EU Online Safety Law.

The third key point is **on Sanctions for non-compliance and Senior management liability**. Technology Ireland members believe that administrative financial sanctions should be limited to the most serious, repeated and systemic cases to ensure that systemic failures are penalised, rather than isolated individual ones.

Technology Ireland believes that the inclusion of senior management liability could have a detrimental effect on prospective investment into Ireland. Such clauses are also unlikely to be practical in terms of proof of liability and as such could undermine the credibility of the act.

Inclusion of senior management liability could also create an international precedent, which could be utilised by more oppressive regimes, seeking to pressure management of media outlets, without the checks and balances present in Irish law.

My fourth and final key point is on the **Designation of relevant online services**. Technology Ireland supports the two-step process by which a targeted list of in scope services is set out in primary legislation.

The regulator has a duty to designate individual services or categories of service for statutory regulation based on an objective and evidence-based assessment of risk to Irish consumers and in consultation with the service provider. This will ensure that providers have maximum certainty as to which services are in scope and the regulator focuses their resources where the public interest and risk is greatest.

To end, I would like to reiterate that Technology Ireland is strongly supportive of the overall objectives of the Online Safety and Media Regulation Bill, and I look forward to today's engagement and responding to your questions.

ENDS