

## **Opening Statement by the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media**

Meeting of the Joint Oireachtas Committee on Tourism, Culture, Arts, Sport  
and Media on the Online Safety and Media Regulation Bill and the Digital  
Services Act

Wednesday, 19 January 2021

### **Introduction**

Chair, Members: I would like to thank the Committee for the invitation to participate in this meeting. The recently published Online Safety and Media Regulation Bill is an important milestone in the regulation of media and online services in Ireland and across Europe. I hope today's exchange will be of assistance to the Committee in further scrutinising its wider EU legislative context, including in relation to the Digital Services Act.

### **Pre-legislative scrutiny**

I would first like to re-iterate Minister Martin's appreciation of the thorough pre-legislative scrutiny work carried out by this Committee. A significant number of the Committee's recommendations are addressed by the Bill and the Minister intends to address a number of others as the Bill passes through the Oireachtas, including in relation to an individual complaints mechanism.

### **Key Features of the Online Safety and Media Regulation Bill**

The Bill has a number of key features. It will provide for:

- The implementation of the EU's revised Audiovisual Media Services Directive into Irish law. This forms the foundations of much of the Bill

and provides that Ireland will regulate certain online platforms and media services established here for the whole of Europe;

- The dissolution of the Broadcasting Authority of Ireland and the transfer of its remit and staff to be part of a new multi-person Media Commission;
- The provision of a modern and robust suite of investigative, enforcement and sanction powers to the Commission;
- The creation of a new regulatory framework for online safety, to be overseen by an Online Safety Commissioner. This will allow certain categories of harmful online content to be addressed through risk-based systemic regulation and binding codes; and
- The updating of the rules applicable to television broadcasters and video on-demand services to reflect changes to the way we consume these services.

A key driver behind the OSMR Bill is the implementation of the Audiovisual Media Services Directive, which requires the establishment of a new, robust and adaptable regulator. As Committee members are aware, the Digital Services Act is currently being negotiated at European level, and will address a wide range of issues from illegal and harmful online content to consumer rights issues such as the availability of illegal goods on online platforms.

Negotiations are being led by the Department of Enterprise, Trade and Employment on Ireland's behalf. The DSA is, of course, not yet finalised and it's important to note that the AVMS Directive will not be replaced by the Digital Services Act. Rather it is explicitly recognised in the proposed text of that Act as complimentary to it. Therefore the requirement to transpose the AVMS

remains and it is important that this is done as soon as possible through the enactment of the OSMR Bill, in light of the infringement proceedings that are currently underway.

### **Digital Services Act**

The Digital Services Act envisages the creation of networks of digital regulators at both EU and national level. These will provide the framework for enforcing both the DSA and the raft of digital legislation that is currently under development or coming down the tracks over the next decade to safeguard European citizens and support European enterprises. Work is ongoing in scoping out the appropriate regulatory structures in Ireland to implement the DSA and this is being led by our colleagues in the Department of Enterprise, Trade and Employment.

As a horizontal legislative instrument, the DSA overlaps with the remit of a wide range of existing regulators and laws, including aspects of the Online Safety and Media Regulation Bill. These overlaps will need to be worked through when the DSA is finalised and is being implemented into Irish law over the coming years.

In this regard, we will continue to work with our colleagues from the Department of Enterprise, Trade and Employment to monitor the regulation as it moves through the EU legislative process.

### **Conclusion**

To conclude, I re-iterate my hope that today's meeting will assist in the Committee's consideration of the Bill in its wider EU legislative context.

I look forward to answering your questions. Thank you.

