

**Minister of State for Trade Promotion, Digital and  
Company Regulation**

**Dara Calleary T.D.,**

***Third Stage Reading of***

**Digital Services Bill 2023**

***Dáil Éireann – ETE Select Committee***

***17<sup>th</sup> January 2024***

## **Introduction**

- I would like to thank An Cathaoirleach and members of the Committee for facilitating Committee Stage today, and also for their constructive engagement on the Bill at Second Stage.
- The Members will be aware that thirteen of the Very Large Online Platforms and Search Engines are established in Ireland, and consequently Ireland has a unique, critically important, and high-profile role in the overall EU regulatory framework for digital services. For this reason, it is imperative for our national reputation that Ireland enacts the Digital Services Bill before the EU deadline of 17 February next, when the EU Digital Services Act, comes into full effect.

- This is a technical Bill, necessary to give full effect to the supervision and enforcement provisions of the EU Act. The obligations on regulated entities, namely, the intermediary service providers, are set out in the EU Act and are settled EU law, outside the scope of the Bill.
- All proposed amendments must be considered against this backdrop.

### **Response to Issues Raised at Second Stage**

- I would like to briefly address some of the issues raised at second stage.

- The Digital Services Act places the protection of freedom of expression at its very core. It imposes rules on platforms to enhance the transparency of content moderation decisions. It provides users with a right of appeal if their content is removed, and with the right to access an out-of-court dispute settlement mechanism if the matter is not resolved to their satisfaction through the appeals process.
- A number of Deputies raised concerns regarding trusted flaggers. The Digital Services Act is prescriptive on both who can apply for this designation and the scope of the role.

- The role of a trusted flagger will be to flag *illegal* content, or content that is incompatible with the terms and conditions of service of the provider, not *objectionable* content. Trusted flaggers will have to publish information every year on their notifications, including the type of allegedly illegal content notified, the providers notified, the response and actions taken by the providers.
- Coimisiún na Meán can investigate a trusted flagger on its own initiative, or on foot of information received from a third party, or a complaint from a provider. A database of trusted flaggers will be published by the European Commission, and this must will also include information on trusted flaggers whose status has been suspended or revoked.

- The important issue of resourcing was raised a number of times and while this is not a matter for legislation, I can assure the Members that the Government will ensure that Coimisiún na Meán and the Competition and Consumer Protection Commission are adequately resourced for their respective responsibilities under the Digital Services Act.
- The Government allocated €2.7 million to An Coimisiún for 2023 to set up the Digital Services Coordinator function. This funding has increased to €6 million for 2024. The CCPC's Exchequer funding has also been increased. The resourcing of these authorities will be kept under constant review in the light of operational experience with the Digital Services Act during the year.

## **Government Amendments**

- Since the Bill completed Second Stage, my officials, working in close cooperation with the Office of the Parliamentary Counsel, have identified a small number of issues that necessitate technical amendments to the Bill. These amendments are intended to provide greater clarity and strengthen provisions on matters such as data protection and procedures in relation to cross-border activities and joint investigations.
- No policy change will be effected as a result of any of these amendments.
- Go raibh maith agat a Cathaoirleach, I look forward to the debate.