



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Notification Number : 2024/0283/IE (Ireland)

Draft Online Safety Code

Date received : 27/05/2024

End of Standstill : 28/08/2024 (closed)

Message

Message 001

Communication from the Commission - TRIS/(2024) 1369

Directive (EU) 2015/1535

Notification: 2024/0283/IE

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésket - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20241369.EN

1. MSG 001 IND 2024 0283 IE EN 27-05-2024 IE NOTIF

2. Ireland

3A. National Standards Authority of Ireland

1 Swift Square

Northwood

Santry

Dublin 9

D09 A0E4

E-mail: EUDirective2015.1535@nsai.ie

Telephone: +353 1 807 3854

3B. Coimisiún na Meán

One Shelbourne Buildings

Shelbourne Road

Dublin 4

D04 NP20



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Contact person: Calum Fabb

Email: cfabb@cnam.ie / Telephone: +353 (0)1 644 1281

4. 2024/0283/IE - SERV - INFORMATION SOCIETY SERVICES

5. Draft Online Safety Code

6. Video-sharing platform services ("VSPS") covered by Directive 2010/13/EU as amended by Directive (EU) 2018/1808 (the "AVMS Directive").

7.

8. Coimisiún na Meán proposes to adopt the Online Safety Code to give effect to Article 28b of the AVMS Directive. The draft Code comprises two parts.

Part A contains introductory provisions which confirm, among other things, that the Code applies only to VSPS providers under the jurisdiction of the State, and does not impose any ex ante control measures which do not comply with Article 8 of the Digital Services Act. Part A contains general obligations for VSPS providers pursuant to Section 139K of the Irish Broadcasting Act 2009 and Article 28b of the AVMS Directive. This includes the measures that VSPS providers shall take, as appropriate, to protect the general public and children.

Part B will impose more specific obligations on VSPS providers and sets out the appropriate measures they must take to provide the protections for children and the general public required by Article 28b(1)(a), (b) and (c) of the Directive, and to comply with the requirements of Article 9(1). These are:

Content: VSPS providers will be required to include, in mandatory terms and conditions, restrictions to preclude users from uploading or sharing restricted video content and restricted indissociable user-generated content (as defined). VSPS providers will also be required in terms and conditions either to restrict the uploading or sharing of adult-only video content (as defined) or to rate the content as not suitable for children. Platforms whose principal purpose (or that of a dissociable section) consists of adult-only video content must preclude use by children of the platform or section.

Audiovisual commercial communications: VSPS providers will be required to ensure that such communications are readily recognisable; to prohibit harmful audiovisual commercial communications and those that are surreptitious; and to put in place functionality for users to declare whether content they upload contains such communications.

Mechanisms and procedures: VSPS providers will be required to establish and operate reporting and flagging mechanisms and procedures for the handling and resolution of complaints. Where terms and conditions do not preclude adult-only video content, age assurance measures and content rating systems will be required. Services permitting users under 16 will be required to provide parental controls. The Code will require VSPS providers to apply their terms and conditions in order to suspend the accounts of frequent infringers.

Other obligations: The Code will require VSPS providers to publish an annual action plan for media literacy; to ensure that children's personal data they collect is not processed for commercial purposes; and to report to Coimisiún na Meán at specified intervals on complaints handling.

9. One of Coimisiún na Meán's key duties under the Broadcasting Act 2009 is to develop online safety codes for VSPS and providers of those services. This reflects the obligations under Article 28b of the AVMS Directive. Coimisiún na Meán has prepared the draft Code, which is intended to ensure that VSPS providers take appropriate measures to protect children from harmful content, including illegal content and adult-only video content. It is also intended to protect the general public from content which amounts to incitement to violence or hatred, provocation to commit a terrorist offence, dissemination of child sex abuse material, offences concerning racism or xenophobia as well as certain commercial



communications. The Code will operate in tandem with other measures to protect users from harm, including the Digital Services Act and the Terrorist Content Online Regulation.

10. References of the Basic Texts: 2020/0782/IRL

The basic texts were forwarded with an earlier notification:
2020/0782/IRL

11. No

12.

13. No

14. No

15. No

16.
TBT aspects: No

SPS aspects: No

European Commission
Contact point Directive (EU) 2015/1535
email: grow-dir2015-1535-central@ec.europa.eu