

Regulatory cooperation and the DSA



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My background



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Digital Services Act (DSA)



Lets talk about the DSA...

- **The Digital Services Act:** ensuring a safe and accountable online environment.
 1. **Better protect consumers and their fundamental rights online**
 2. **Establish a powerful transparency and a clear accountability framework for online platforms**
 3. Foster innovation, growth and competitiveness within the single market

=> DSA is the GDPR for Speech

DSA Key questions



1. Should **platforms** be treated as **trusted actors**?
2. Pre-defined or **iterative** approach to **data transparency categories**?
3. How much **(sensitive) data** do regulators/auditors need?
4. Is **additional specialist personnel** capacity needed?
5. How to ensure **effective compliance**?
6. More **federated or more centralised** structure for DSA-Regulator?
7. Effective **mechanism for verification** of platform transparency data?
8. How to deal with **legal content** moderated by online platforms?

1. Should **platforms** be treated as **trusted actors**? **NO**
2. Pre-defined or **iterative** approach to **data transparency categories**?
3. How much **(sensitive) data** do regulators/auditors need? **LITTLE**
4. Is **additional specialist personnel** capacity needed?
5. How to ensure **effective compliance**? **Regulatory capacity**
6. More **federated or more centralised** structure for DSA-Regulator?
7. Effective **mechanism for verification** of platform transparency data?
8. How to deal with **legal content** moderated by online platforms?

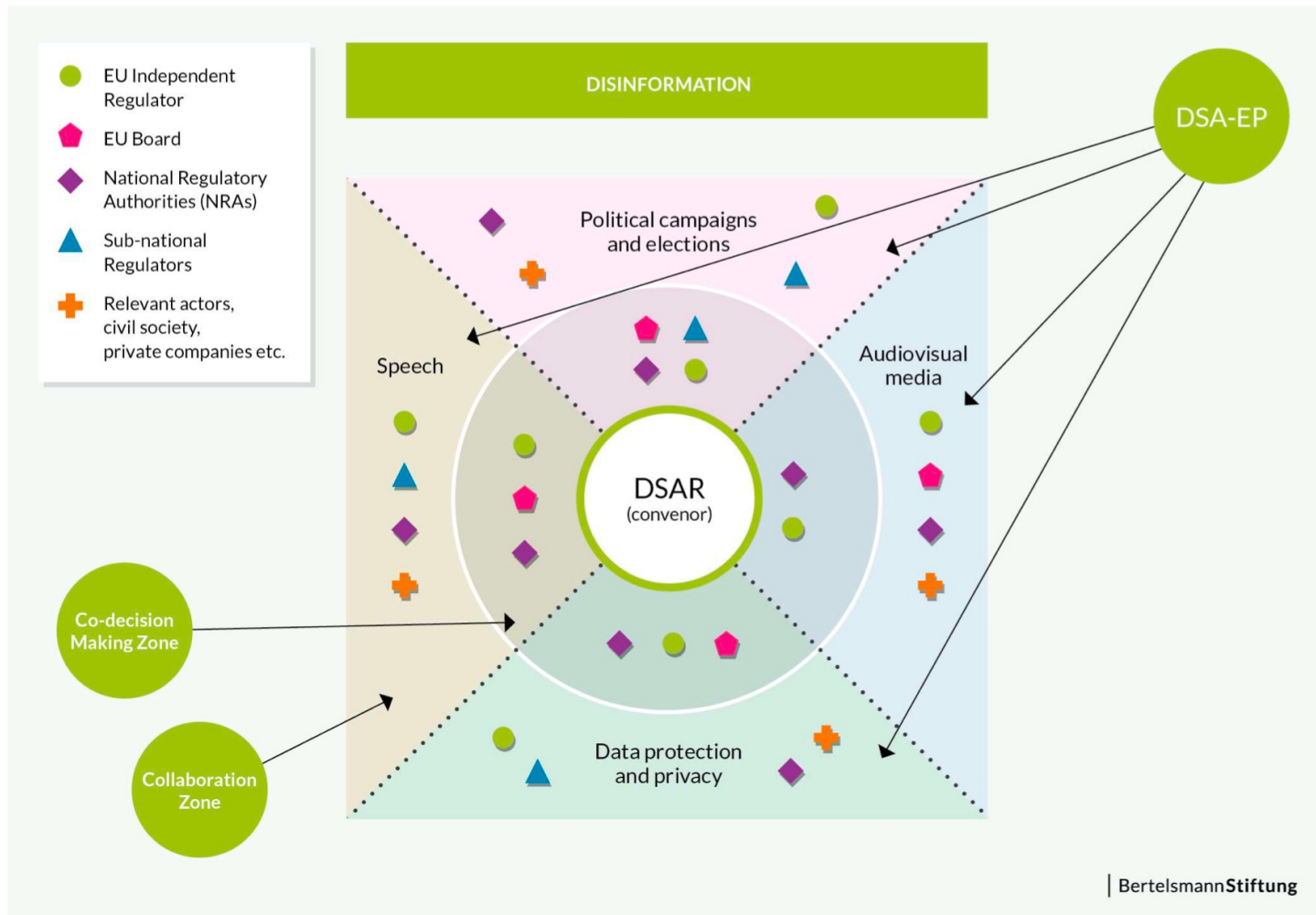
A photograph of a modern, multi-story glass building at dusk. The building's interior lights are on, and the sky is a deep blue. In the foreground, there is a large area covered with fallen yellow and brown leaves. A semi-transparent teal rectangular overlay is positioned on the left side of the image, containing the text "Who governs?" in white, serif font.

Who governs?

Who governs cybersecurity?

Cyber Agency (ENISA)	National Cybersecurity Agency	Ministry of Communication Post or Media	Ministry of Interior, Economy Justice or Defense	Military or Intelligence	Office of the President
Country	Belgium, Croatia, Bulgaria, Estonia, France, Germany, Poland, Portugal, Romania	Cyprus, Finland, Greece, Ireland, Sweden	Austria, Hungary, Italy, Lithuania, Luxembourg, Netherlands, Slovenia	Czech Republic, Denmark, Latvia, Slovakia, UK	Malta, Spain

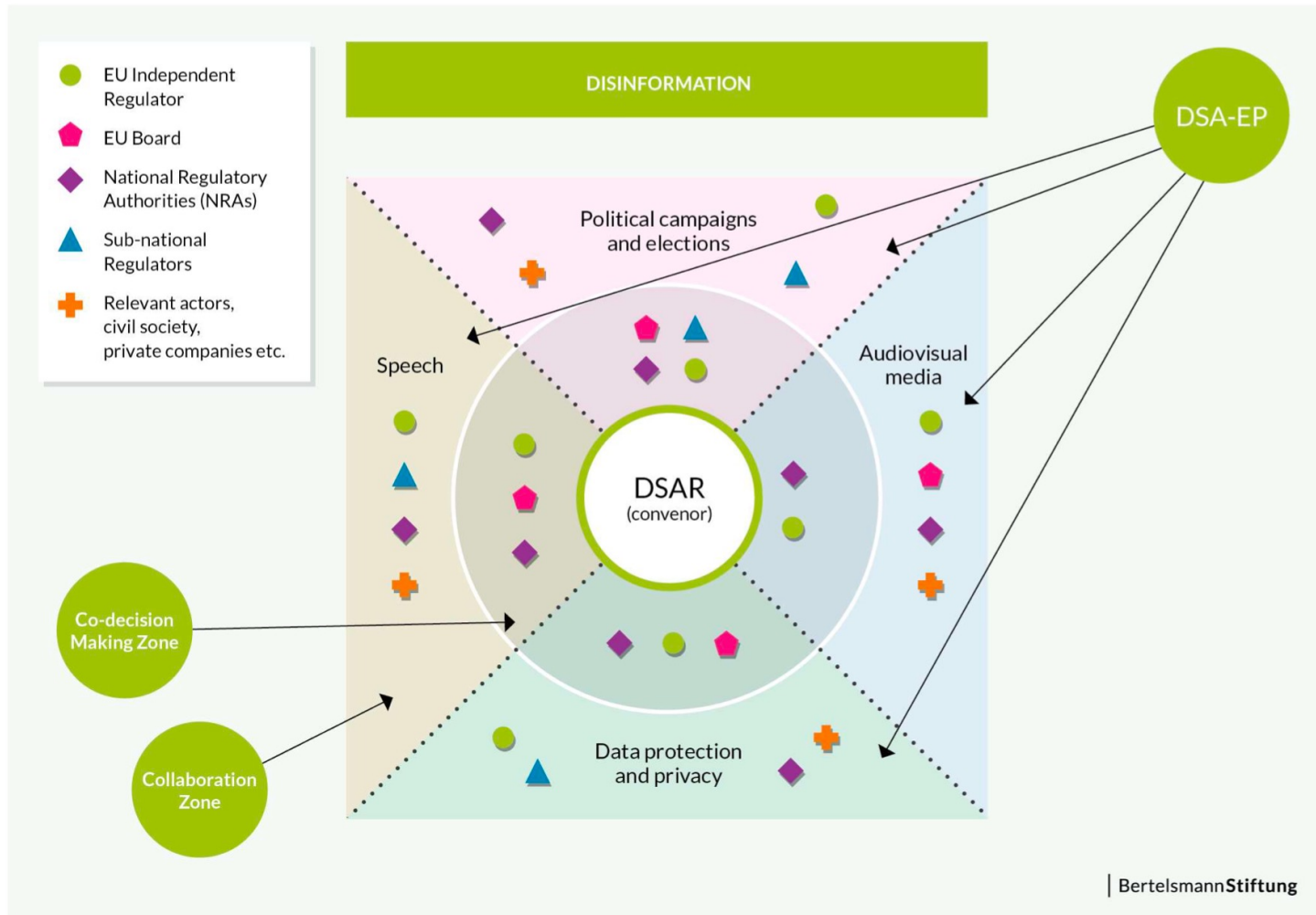
Who governs in the DSA?



Specialist personnel capacity?



Who governs in the DSA?



- Doesn't just have to happen within the DSA
- Expert pooling could also happen at a Council of Europe level
- This needs to be part of DSA/DMA, AIA and other relevant digital regulation
- Could even take a cross-regulatory approach to expert pool, i.e. pool of experts who have worked at competition, media and privacy regulators

Conclusion



1. DSA innovative piece of legislation that copies the GDPR and proposes to establish new rules for online speech.
2. Defining (just) one regulatory agency per country won't work
3. Need for minimum standards for agencies appointed under the DSA (independence, transparency, accountability, etc.)
4. Additional regulatory capacity pool integrated into DSA/DMA/AIA
5. Regulatory capacity pool can exist both in EU and CoE area
6. Cross-regulatory collaboration needed for effective regulatory action

Thanks for listening



**If you have any comments, suggestions or ideas,
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