



Online Safety
Regulation
Spotlight on Ireland

The Online Safety and Media Regulation (OSMR) Act 2022 was enacted on 10th December 2022. OSMR amends the Broadcasting Act 2009, dissolving the Broadcasting Authority of Ireland to establish a new media regulator Coimisiún na Meán (CNM). CNM as Ireland's new media authority will be responsible for overseeing the regulation of broadcasting and Video-on-Demand and for introducing the new regulatory framework for online safety. CNM will work closely with their counterparts in other EU States and the European Commission and will have a leading role in Ireland, where many large online businesses have their EMEA headquarters.

Coimisiún na Meán's Programme of Work

In June 2023, CNM has established its first programme of work, setting out their mission to "ensure a thriving, diverse and safe online and media landscape". Under the programme of work, CNM's objectives include:

- Implementing new regulatory regimes for how online service providers deal with harmful and illegal content
- Regulating broadcasting and on-demand services supporting the development of the wider media sector with funding schemes, together with initiatives to promote the Irish language, media literacy, as well as equality, diversity and inclusion in the media sector
- Building the Coimisiún na Meán organisation

This work programme will run until February 2024, at which point CNM will begin enforcement of the EU's Digital Services Act (DSA) in addition to the functions it has under the Broadcasting Act 2009 and the OSMR Act 2022.

Online Safety

CNM has responsibility for regulating the many large online platforms and search engines that have their EMEA headquarters established in Ireland.

Working closely with regulatory counterparts in the EU and the European Commission, they will protect the interests of users across the EU in relation to platforms based in Ireland, as well as protecting Irish users in relation to platforms based elsewhere.

Supporting their objective to reduce the risk of harmful and illegal online content, CNM will this year focus on adopting two pieces of EU law:

- an **Online Safety Code** setting out the specific requirements for video-sharing platforms such as the protection of minors from harmful video content, hate speech directed against groups with protected characteristics, criminal offences such as terrorism, child sex abuse material and racism. CNM is currently seeking views through a call for inputs from the public and interested parties as it develops this first Online Safety Code. In addition, CNM will designate video-sharing platforms as defined by the EU's Audiovisual Media Services Directive and make this code binding on them. This code/s will be distinct from the the EU Digital Services Act and will carry fines of up to 10% of annual global turnover.
- CNM will take a key role in enforcing the **EU Digital Services Act** and act as the designated Digital Services Co-

Ordinator. While the EU Commission will still have primary responsibility for enforcing the DSA on Very Large Online Platforms (VLOPS), CNM will hold enforcement powers against VLOPs based in Ireland, where no EU investigation is already opened. CNM has stated "we will prepare for our role enforcing the new EU Digital Services Act. This sets rules that platforms must follow. These rules include requirements about how platforms handle complaints about harmful and illegal content, a prohibition on manipulative user interfaces, requirements for a high level of protection for children and so forth. Very large online platforms and search engines must also address the risk of a wider variety of harms, including gender-based violence, disinformation, hate speech, and serious consequences for any person's physical or mental wellbeing. They must also provide access to data to vetted researchers, who can monitor the effectiveness of the measures they take. The European Commission has identified 19 very large platforms and search engines which are subject to these obligations, 11 of which have their European headquarters in Ireland. Coimisiún na Meán will assist the European Commission in the implementation of these obligations by the very large Irish-based providers."

Your contacts

If you would like to speak to the Deloitte Ireland team supporting clients on complying with fast-paced global internet regulation, please contact:



David Kinsella
Partner
Risk Advisory



Nicola Flannery
Director
Data Privacy & Internet Regulation



Sophie Vinti
Senior Manager
Internet Regulation



Amy Pugh
Director
Operations Transformation

Deloitte.

At Deloitte, we make an impact that matters for our clients, our people, our profession, and in the wider society by delivering the solutions and insights they need to address their most complex business challenges. As the largest global professional services and consulting network, with over 415,000 professionals in more than 150 countries, we bring world-class capabilities and high-quality services to our clients. In Ireland, Deloitte has over 3,000 people providing audit, tax, consulting, corporate finance financial advisory, and risk advisory services to public and private clients spanning multiple industries. Our people have the leadership capabilities, experience and insight to collaborate with clients taking them wherever they want to go. This document has been prepared by Deloitte Ireland LLP for the sole purpose of enabling the parties to whom it is addressed to evaluate the capabilities of Deloitte Ireland LLP to supply the proposed services. This document is not an offer and is not intended to be contractually binding. Should this proposal be acceptable to you, and following the conclusion of our internal acceptance procedures, we would be pleased to discuss terms and conditions with you prior to our appointment and no reliance may be placed for any purposes whatsoever on the contents of this document. Deloitte Ireland LLP is a limited liability partnership registered in Northern Ireland with registered number NC001499 and its registered office at 27-45 Great Victoria Street, Lincoln Building, Belfast, BT2 7SL, Northern Ireland. Deloitte Ireland LLP is the Ireland affiliate of Deloitte NSE LLP, a member firm of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee ("DTTL"). DTTL and each of its member firms are legally separate and independent entities. DTTL and Deloitte NSE LLP do not provide services to clients. Please see www.deloitte.com/about to learn more about our global network of member firms. The Deloitte Ireland LLP privacy notice is available at www.deloitte.ie/privacy © 2023 Deloitte Ireland LLP. All rights reserved