



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY

The Director-General

11 January 2024, Brussels
CNECT.F.1/GC

The Excellency
The Deputy Permanent Representative
of the Kingdom of the Netherlands
to the European Union

Subject: Digital Services Act – Designation of Digital Services Coordinators in light of the establishment of the European Board for Digital Services

Your Excellency,

The Regulation (EU) 2022/2065¹ (“Digital Services Act” or “Regulation”) sets groundbreaking harmonized rules to secure its online information environment, protecting vital informational freedoms, especially in times of conflict, but also requiring effective responses to the dissemination of illegal content online and threats to civic discourse, elections and public security.

The enforcement of these rules is of critical importance and the expectations are high to demonstrate the success of the Digital Services Act in practice. The Commission takes its responsibilities as enforcer under the Digital Services Act very seriously and already deploys the enforcement powers entrusted to it under Section 4 of Chapter IV of that Regulation in respect of the very large online platforms and of very large online search engines it designated on 25 April 2023.

The Digital Services Act will become fully applicable by 17 February 2024. In this new phase, the effective monitoring and enforcement of this Regulation relies also on Digital Services Coordinators. Even the role of the Commission as “enforcer” in relation to very large online platforms and very large online search engines requires the assistance of and active cooperation with Member State national authorities. The European Board for Digital Services (“the Board”) will meet on the 19 February 2024 for the first time, and it is key that all Digital Service Coordinators are appointed by then. The failure by one or

¹ Regulation 2022/2065 of the European Parliament and of the European Council on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) was published in the Official Journal on 27 October 2022, and entered into force on 16 November 2022.

more Member States to designate a Digital Services Coordinator should not prevent the Board from performing its tasks under this Regulation (Art. 62(1) Digital Services Act).

It is of utmost importance that European citizens, businesses, potential trusted flaggers or researchers can exercise their newly acquired rights under the Digital Services Act. In that context, it is essential, as stressed by the Commission in the Competitiveness Council meeting (Internal Market and Industry) on 7 December 2023, that the **Member States designate their Digital Services Coordinators according to Article 49 of the Digital Services Act by 17 February 2024** and empower them to supervise, monitor and enforce this Regulation.

Considering this, I would like to invite Netherlands to proceed without an undue delay separately with the designation of Digital Services Coordinators and, where applicable, Competent Authorities, on the one hand, and with the empowerment of these authorities, on the other hand. Provided that it is in line with the national legal framework, and subject to their complete autonomy in this regard, Member States could proceed with such designation without any prescribed formal requirements.

The Digital Services Act **only requires that Member States communicate to the Commission the name of their competent authorities including the Digital Services Coordinator** and information on how it can be contacted. Still, the supervision and enforcement by the Digital Services Coordinators and of Competent Authorities requires pursuant to Article 51(6) that the Member States lay down specific rules and procedures for the exercise of powers.

Against this background, I would be grateful if Netherlands communicates via a **letter the designated Digital Services Coordinator and the name of the other Competent Authorities, as well as their respective tasks**, at the earliest convenience, and no later than 17 February 2024. Please send this letter to CNECT-DSA-BOARD@ec.europa.eu.

In this context, I would like to remind you that Digital Services Coordinators and Competent Authorities need to act with complete independence, perform their tasks in an impartial, transparent and timely manner and have sufficient autonomy in managing their budget within the budget's overall limits.

My services stand ready to support you in all your preparations for the appointment of the national Digital Services Coordinators and Competent Authorities and I remain at your disposal for any clarifications you may need.

Yours faithfully,

(e-signed)
Roberto Viola