

Ministry of Economic Affairs
and Climate Policy

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Mr Roberto Viola
Directorate-General for Communications Networks,
Content and Technology
European Commission
1049 Brussels
BELGIUM

Date 13 February 2024
Re Designation of Digital Services Coordinator in light of the
establishment of the European Board for Digital Services

Dear Mr Viola,

I am writing in response to your letter of 11 January 2024 to the Permanent Representative of the Netherlands to the EU. In this letter, you urge Member States to designate their Digital Services Coordinator (DSC) pursuant to Article 49 of the Digital Services Act (DSA) by 17 February 2024 and to communicate to the Commission the designated DSC and the name of any other Competent Authorities and their respective tasks. You indicate that Member States may proceed with such designation without any prescribed formal requirements, provided that this is in line with the national legal framework.

The Netherlands attaches great importance to the DSA and its enforcement. We are therefore working hard to ensure that the necessary national implementing legislation enters into force as soon as possible. The draft Implementation Act was published for public consultation in July and August 2023 and was subsequently submitted to the Council of State for its advisory opinion, which was received on February 8, 2024. Once we have taken the necessary action pursuant to that advisory opinion, the required legislation (Implementing Act) will be submitted to the Dutch parliament, where it will be debated first by the House of Representatives, and then by the Senate. We will advise the House of Representatives of the urgency of processing the Implementation Act. Given the fact that a motion has been adopted stressing the importance of the DSA's enforcement, the government's hope is that the House will take swift action in this regard.

As communicated to you earlier, the Netherlands intends to appoint the Netherlands Authority for Consumers and Markets (Autoriteit Consument & Markt, ACM) as our DSC and as the competent authority for the supervision of the majority of the DSA's provisions. In addition, the government intends to task the Dutch Data Protection Authority (Autoriteit Persoonsgegevens, AP) with the supervision of Article 26, paragraph 3, and Article 28, paragraph 2 of the DSA.

Further to your letter, and in view of the approaching implementation deadline, please note that in anticipation of the Implementation Act's entry into force, I have issued a ministerial order (designation decision) formally designating the

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ACM as our DSC. Although the ACM's full authorisation to supervise, monitor and enforce the DSA requires the entry into force of the Implementation Act, the order allows the ACM to participate in the European Board for Digital Services as of 17 February, and to exercise certain tasks under the DSA, such as receiving contact information from legal representatives based in the Netherlands of intermediary services established outside the Union. Please find a copy of the order attached to this letter.

Please do not hesitate to contact my Ministry should you have any questions or queries.

Yours Sincerely,

Micky Adriaansens
Minister of Economic Affairs and Climate Policy