

EUDAIMONIA comparative table of institutional design obligations

<p>Digital services (Dir. 2000/31, P2B Reg. 2019/1150 and DSA Reg. 2022/2065)</p>	<p>Obligations flowing from EU primary law and/or secondary legislation</p>
<p>Legal form ?</p>	<p>Completely independent administrative or judicial authorities (art. 49(1) and 50(2) DSA), sufficiently resourced and budgetary autonomy to decide on spending within budget limits imposed by Member State (art. 50(1))</p> <p>Preference for administrative authority as Digital Services Coordinator (DSC- art. 49(2), 58 and 62 DSA)</p> <p>Cooperative arrangements necessary between competent authorities, including DSC within one Member State (art. 49(2) DSA)</p> <p>Beyond DSA, only non-specified adequate means of supervision and investigation (Art. 19(1) Dir. 2000/31) – free choice (Reg. 2019/1150)</p>
<p>Composition ?</p>	<p>No specific composition requirements, apart from overall independence (not taking any instructions from public or private authority) (art. 50(2) DSA)</p> <p>Professional secrecy of competent authorities’ members (art. 84 DSA)</p>
<p>Process ?</p>	<p>Impartial, transparent and timely decision-making processes (art. 49(1) DSA)</p> <p>Minimum investigative, decision-making and sanctioning powers (art. 51-52 DSA)</p> <p>Possibility to transfer or reject complaints (Recital 118 and art. 53 DSA – implicit policy priorities’ setting power)</p> <p>Compliance with CFEU and general principles of EU law, in particular access to</p>

	<p>file harmonisation and right to be heard (art. 51(6)) + protection against ne bis in idem (art. 56(7) DSA)</p> <p>Mutual assistance and possibly joint investigations <u>without</u> direct cross-border participation (art. 57-60 DSA) + European Board for Digital Services participation for DSCs (art. 62-63 DSA), supporting the coordination of joint investigations</p>
<p>Modus operandi (accountability, judicial review) ?</p>	<p>Accountability through activity reports made public and transmitted to the Commission and the Board (art. 55 DSA)</p> <p>Right to lodge a complaint (recital 118 and art. 53 DSA)</p> <p>Right to an effective judicial remedy (art. 51(6) DSA)</p>