

## ADMINISTRATIVE ARRANGEMENT

between

**Directorate General Communications Networks, Content and Technology of the European Commission**, with official address at B-1049 Brussels, Belgium, and represented by Roberto Viola, Director-General

and

**Autorité de régulation de la communication audiovisuelle et numérique (Arcom)**, with official address at 39-43 Quai André Citroën, 75015 Paris, France, and represented by Roch-Olivier Maistre, President

### BACKGROUND

- (1) The Directorate General Communications Networks, Content and Technology ('DG CONNECT') is the European Commission's ('the Commission') directorate general responsible for digital policies. Through its Directorate F "Platforms", it is tasked with the implementation of the Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services ("Regulation 2022/2065<sup>1</sup>"), among other instruments of Union law regulating the digital space.
- (2) The French Audiovisual and Digital Communication Regulatory Authority (*Autorité de régulation de la communication audiovisuelle et numérique*), ('Arcom') is an independent public authority created by the Law no. 2021-1382 of 25 October 2021 on the regulation and protection of access to cultural works in the digital age. It carries out regulatory and supervisory functions in the areas of audiovisual and online platforms.
- (3) DG CONNECT and Arcom, together "the Participants", intend to cooperate in order to increase common supervisory expertise in the area of digital regulation and in particular, with regard to those services designated by the Commission as very large online platforms and very large online search engines, in accordance with Regulation 2022/2065.
- (4) Under Article 64(4) of Regulation 2022/2065, Member States are required to cooperate with the Commission, in particular through their respective Digital Services Coordinators and other competent authorities, where applicable, including by making available their expertise and capabilities.
- (5) To do so, relying on the reliable and secure information sharing system as allowed or required respectively under Article 85(1) and 85 (2) of Regulation (EU) 2022/2065 where applicable, the Participants intend to collaborate in accordance with their respective legal frameworks and with the objectives set out in this Administrative Arrangement.

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<sup>1</sup> OJ L 277/1 of 27.10.2022.

## **SECTION 1: OBJECTIVES**

- 1.1 The purpose of this Administrative Arrangement is to enhance cooperation and share knowledge to support the enforcement of Regulation (EU) 2022/2065 in relation to very large online platforms and very large search engines, in particular as regards the assessment of systemic risks, and the early flagging of emerging ones, and to contribute to ensuring that the results obtained are used to support supervisory expertise and capabilities.
- 1.2 In particular, the specific objectives of this Administrative Arrangement are the exchange of information, data, good practices, methodologies, technical systems and tools with the purpose of supporting supervisory efforts around very large online platforms and very large online search engines.
- 1.3 This Administrative Arrangement is without prejudice to the supervisory framework involving the Commission, the Digital Services Coordinators, other national competent authorities and the Digital Services Board under Chapter IV of Regulation 2022/2065.
- 1.4 This Administrative Arrangement is not intended to create any rights or obligations on any of the Participants under EU or national law.

## **SECTION 2: FIELDS OF COOPERATION**

- 2.1 The Participants intend to collaborate in full respect and within the limits of the supervisory framework set out by Regulation (EU) 2022/2065 to pursue the objectives indicated under Section 1 by cooperating on the following matters:
  - (a) Support to the Commission's exercise of its powers in connection with the supervision, investigation, enforcement and monitoring of the effective implementation and compliance with Regulation (EU) 2022/2065 as regards very large online platforms and very large online search engines;
  - (b) Support to the Commission's monitoring actions on the basis of Article 72(2) of Regulation 2022/2065;
  - (c) Support to the Commission's powers of investigation under Article 66(3) of Regulation (EU) 2022/2065;
  - (d) Support to the Commission's requests for information under Article 67(5) of Regulation (EU) 2022/2065 in connection with Section 4 of the same regulation;
  - (e) Support to the Commission's actions linked to data access on the basis of Article 40 of Regulation (EU) 2022/2065;
  - (f) Support to the development of expertise and capabilities on the basis of Article 64(4) of Regulation (EU) 2022/2065;
  - (g) Support to the Commission's actions related to trusted flaggers on the basis of Article 22 of Regulation (EU) 2022/2065;
  - (h) Development of joint exploratory research projects;
  - (i) Elaboration of joint studies, reports and other analyses;
  - (j) Organisation of joint workshops for knowledge exchange;
  - (k) Joint collaboration with third parties, where applicable and of mutual interest;
  - (l) Exchange of methodological approaches and best practices;
  - (m) Exchange of information on existing technical systems and tools, developed by one Participant that may be of interest to the other Participant;
  - (n) Joint public communication; and

- (o) Any other activities that may be of interest for both Participants while pursuing the objectives of and being conducted in accordance with Regulation (EU) 2022/2065.

### **SECTION 3: MODES OF COOPERATION**

- 3.1 The Participants intend to inform each other about the developments in the fields covered by this Administrative Arrangement.
- 3.2 Without prejudice to the Commission's supervisory tasks under Regulation 2022/2065 and its duty of professional secrecy, and in full respect of the confidentiality of any documents processed or drafted in this context by the Commission, the Participants intend to share with each other research, reports or any other general information that fall within the scope covered by this Administrative Arrangement.
- 3.3 Without prejudice to the Commission's supervisory tasks under Regulation 2022/2065 and the Participants' duty of professional secrecy, and in full respect of the confidentiality of any documents processed or drafted by either Participant, either Participant may ask the other Participant for specific information or data within the scope of this Administrative Arrangement. If, for any reason, the receiving Participant is not able to fulfil the request, for instance as regards the Commission because its supervisory tasks prevent it from sharing the information, the receiving Participant should inform the other Participant about this as soon as possible, and, if the information or data can be provided at a later stage, inform the other Participant when it is expected to be provided.
- 3.4 DG CONNECT may ask Arcom to collect evidence to support the Commission's powers in connection with the supervision, investigation, enforcement and monitoring of very large online platforms and very large online search engines under Regulation 2022/2065 in accordance with the latter legal framework. DG CONNECT should indicate in the request the goal, the scope of the request to collect evidence, and the proposed date of delivery. Arcom should inform DG CONNECT about the possibility of collecting such evidence, including the timeline, without delay, to the extent possible within 3 working days of receipt of the request. This period may be shortened in urgent situations if jointly decided by the Participants. DG CONNECT should keep the other Participant informed about any follow-up actions in compliance with the confidentiality regime of any document processed or drafted in connection with the Commission's supervisory tasks under Regulation (EU) 2022/2065.
- 3.5 DG CONNECT may also ask Arcom to produce a report on a specific situation with potential regulatory implications within the scope of this Administrative Arrangement. Arcom should deliver the report to DG CONNECT to the extent possible within 15 working days upon receiving the request. This period may be shortened in urgent situations if the Participants jointly so decide. DG CONNECT should keep the other Participant informed about any follow-up actions to the extent that this is compatible with the exclusive competences of the Commission under Regulation (EU) 2022/2065 and in compliance with the confidentiality regime of any

document processed or drafted in connection with the Commission's supervisory tasks under Regulation (EU) 2022/2065.

#### **SECTION 4: POINTS OF CONTACT**

- 4.1 Each Participant intends to designate one person to serve as point of contact for any issue pertaining to the functioning of this Administrative Arrangement. The points of contact may delegate their tasks. The points of contact or their respective representatives are expected to attend any meeting convened by the Participants to monitor the progress of work, outline future work, and identify the need for any changes to the fields of cooperation under Section 2.
- 4.2 The points of contact should be:
- (a) for DG CONNECT: Head of Unit CNECT.F4 (Marco GIORELLO, [marco.giorello@ec.europa.eu](mailto:marco.giorello@ec.europa.eu), +32 229-69563). Emails concerning this Administrative Arrangement should always be sent in copy to the following generic email address of CNECT.F4: [CNECT-F4@ec.europa.eu](mailto:CNECT-F4@ec.europa.eu).
  - (b) for Arcom: Directorate for European and International Affairs (Martine COQUET, [martine.coquet@arcom.fr](mailto:martine.coquet@arcom.fr), +33 (0)6 82 98 28 10). Emails concerning this Administrative Arrangement should always be sent in copy to the following generic email address of Arcom: [dsa-europe@arcom.fr](mailto:dsa-europe@arcom.fr).
- 4.3 All written communications between the Participants in connection with this Administrative Arrangement should be addressed to the points of contact or their respective representatives.
- 4.4 Each Participant intends to notify the other Participant in writing of any changes concerning relevant administrative details, including its respective point of contact.

#### **SECTION 5: VISITING PERSONNEL**

- 5.1 The Participants may temporarily exchange personnel if this is jointly decided by the Participants for the purpose of carrying out certain of the different activities under this Administrative Arrangement.

#### **SECTION 6: FUNDS AND RESOURCES**

- 6.1 This Administrative Arrangement does not have any financial implication on either Participant, and is not intended to constitute a basis for any funding of one Participant by the other and vice versa. Each Participant is expected to bear its own expenses and is responsible for any expenditure incurred in relation to this Administrative Arrangement, subject to the availability of appropriations.

#### **SECTION 7: CONFIDENTIALITY**

- 7.1 The Participants are expected to treat as confidential any information, data, documents or other material relating to the activities under this Administrative Arrangement

supplied by the other Participant and identified as confidential, including information given orally, in accordance with the applicable law.


**SECTION 8: DURATION, MODIFICATION, AND TERMINATION**

**8.1** This Administrative Arrangement is to be operational for 1 year from the date of its signature, unless one Participant discontinues its participation in it at an earlier point in time giving two-month written notice to the other Participant. If this is not the case, the operation of this Administrative Arrangement is considered to be automatically extended each time by 1 year. This Administrative Arrangement may be modified by the Participants if jointly decided by them in writing.

Signed in two originals in the French and English languages.

**For the Directorate General for Communication Networks, Content and Technology of the European Commission**

Signed in Brussels on [date], 20-10-23

[Signature] 

*Roberto VIOLA*

**For the Autorité de régulation de la communication audiovisuelle et numérique**

Signed in Paris on [date] 20-10-23

[Signature] 

*Roch-Olivier MAISTRE*