



4.16. IE – Ireland¹⁰⁴

4.16.1. Key findings

In Ireland, Article 28b (1) of the Audiovisual Media Services Directive (AVMSD) was partially transposed into Irish law through the Online Safety and Media Regulation Act (the OSMR Act), effecting changes in the Broadcasting Act 2009. The jurisdiction of Ireland covers major VSPs offering services in Europe, including YouTube and Facebook, making its regulatory role particularly important for the implementation of the AVMSD.

Under the provisions of the OSMR Act, the national media regulatory authority, the Broadcasting Authority of Ireland (BAI) was replaced by the *Coimisiún na Meán* (CnaM). The CnaM is mandated to oversee a broader spectrum of services, including VSP providers. The act is centrally focused on instituting a regulatory landscape to enhance online safety.

According to the OSMR Act, the CnaM is tasked with developing regulatory online safety codes that will lay down the obligations for VSP providers under the jurisdiction of Ireland. These codes will clarify the primary duties for designated providers that fall within the scope of a particular code. The CnaM is endowed with enforcement powers to ensure compliance with online safety codes. Furthermore, the act stipulates that the CnaM has the authority to issue a content limitation notice to designated online services to remove, disable, or restrict access to harmful online content. The act also delineates categories of harmful online content and defines what constitutes age-inappropriate content.

Specific rules, or guidelines are yet to be formulated. VSPs established in Ireland are expected to become subject to a first binding online safety code which will be adopted by the CnaM. As per the CnaM's work plan, a VSP register should be published in the fourth quarter of the same year. The CnaM has initiated a call for input¹⁰⁵ on the development of online safety codes tailored for VSP services. In its request for consultations, the CnaM collected views on matters like age verification and age assurance features, content rating measures, and parental control mechanisms. When creating an online safety code, the CnaM will also establish which online service providers are subject to the code. In the input for the development of the Online Safety Code for VSPs, the Ombudsman for Children's Office encouraged the CnaM to "seriously consider grounding Ireland's first online safety code in cross-cutting, rights-based principles, which incorporate core child rights principles".¹⁰⁶

¹⁰⁴ The summary on Ireland incorporates the feedback received from Stephanie Comey, Director of Media Development at the Coimisiún na Meán (the Media Commission), during the checking round with the national regulatory authorities.

¹⁰⁵ https://www.cnam.ie/wp-content/uploads/2023/07/20230724_CallForInputs_Update_vFinal-1.pdf

¹⁰⁶ <https://www.oco.ie/library/oco-submission-to-coimisiun-na-mean/>



The CnaM intends to establish a Youth Advisory Committee tasked to advise the CnaM on its online safety work related to the interests of children and people who are 25 years old and younger.

4.16.2. National transposition of Article 28b (1) AVMSD

Title and type of legislation	Key excerpts of legal measures	Link
Online Safety and Media Regulation Act 2022	<p>Designation of online services</p> <p>139E. (1) The Commission may designate a relevant online service as a service to which online safety codes may be applied under Chapter 3.</p> <p>(2) A designation under this section may be made in relation to a named service, or in relation to all services falling within a category of services described in the designation (and a service may be designated both as a named service and as falling within a category). ...</p> <p>139G. (1) The Commission shall designate as a category of services under section 139E the video-sharing platform services the provider of which is under the jurisdiction of the State.</p> <p>(2) The Commission shall designate as a named service under section 139E any relevant online service that appears to the Commission to be a video-sharing platform service the provider of which is under the jurisdiction of the State. ...</p> <p>Chapter 3</p> <p>Online safety codes</p> <p>139K. (1) The Commission may make codes (online safety codes), to be applied to designated online services in accordance with section 139L.</p> <p>(2) An online safety code may make provision with a view to ensuring—</p> <p>(a) that service providers take appropriate measures to minimise the availability of harmful online content and risks arising from the availability of and exposure to such content, ...</p>	Legislation



4.16.3. Types of measures put in place by VSPs

All of the larger VSPs featured in this report, including those under Ireland’s jurisdiction, have imposed a minimum age requirement of 13, with the exception of Vimeo (16 or above the minimum age required by law), BitChute (18) and Onlyfans (18). Age verification systems mostly require users to indicate their date of birth, without additional verifications, but other solutions include age verification by credit card, by the uploading of photo ID, or the use of age estimation technology. Various types of parental control measures responding to the specificities of each VSP can be found (blocking and filtering, recording of activities, limiting time of use, viewing history). X (formerly Twitter) and Vimeo have no such measures, despite being accessible to minors. Neither do BitChute or OnlyFans, as they require users to be over 18. All of the larger VSPs featured in this report make use of flagging and reporting mechanisms as well as other content moderation tools. These are detailed in the tables in sections 3.2 and 3.3.

The CnaM, in exercise of the powers and duties conferred on it by section 139E and section 139G of the Broadcasting Act 2009, as amended by the OSMR Act, has designated VSP services under Ireland’s jurisdiction as a category of relevant online services to which online safety codes may be applied. The designation process of some of the VSPs featured in this report was still ongoing at the time of writing.

In Ireland, under GDPR regulations, the age of digital consent is 16, as implemented by the Data Protection Bill.

4.16.4. VSPs under the jurisdiction of the national regulatory media authority

Name of service	Genre	Targeted countries ¹⁰⁷
Facebook	Generalist	Pan-European
Instagram	Generalist	Pan-European
TikTok (EEA + CH)	Entertainment	Pan-European
YouTube	Generalist	Pan-European

4.16.5. Measures specific to adult VSPs in general

In general, the most common age verification measure applied by adult VSPs is self-declaration of age.

¹⁰⁷ Name of service, genre and targeted countries as indicated in the European Audiovisual Observatory’s MAVISE database, as accessed in December 2023.



4.16.6. Additional rules referring especially to influencers

Measures regarding commercial communications for online services are expected to be stipulated in online safety codes, as is foreseen in the OSMR Act amending the Broadcasting Act, in order for the AVMSD to be fully transposed.

The Executive of the Advertising Standards Authority for Ireland (ASAI) has issued a Guidance Notice¹⁰⁸ concerning affiliate or advertorial ads shared by influencers on social media. The lack of transparency in influencer marketing was a concern for 51% of Irish consumers, according to a 2021 survey by the ASAI.¹⁰⁹

¹⁰⁸ <https://www.asai.ie/wp-content/uploads/ASAI-Guidance-Note-Recognisability-of-Influencer-Marketing-Communications-Feb-21.pdf>

¹⁰⁹ <https://www.asai.ie/press-releases/over-half-51-of-people-in-ireland-say-they-are-concerned-by-a-lack-of-transparency-in-influencer-marketing-according-to-research-conducted-by-the-advertising-standards-authority-for-ireland/>