



KommAustria
Kommunikationsbehörde Austria

Annual Report of the Austrian Coordinator for Digital Services 2024



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Preface

Dear reader,

We are pleased to present the first report of the Austrian Communications Authority (KommAustria) under Article 55 of the Digital Services Act (DSA), outlining our work as Austria's Digital Services Coordinator. KommAustria was designated as the Digital Services Coordinator under Art. 49(1) and (2) DSA, in conjunction with Art. 2 Par. 1 of the Austrian Digital Services Coordinator Act (KDD-G), when the latter entered into force on 17 February 2024 (Federal Law Gazette 182/2023). This legislation significantly expanded our mandate to include oversight of digital platforms – a role that initially began with video-sharing platforms under the 2021 amendment to the Audiovisual Media Services Act (AMD-G).

The DSA marks a new era for the rights of users in the European Union. A clear and highly ambitious goal has been set: the fundamental rights enjoyed in the analogue world must be equally protected in digital space. Whatever is prohibited in the analogue world is equally prohibited in the digital sphere, and vice versa. Rather than introducing new legal provisions for users, the DSA establishes a code of conduct for platforms and, for the first time, enshrines user rights. Platforms are obliged to ensure that users are able to report unlawful content, as well as file complaints to contest any moderator decisions. Users must also be informed of any decision by a platform, including whether to delete or block a given user's content. Additionally, the DSA introduces sweeping transparency obligations that are progressively more extensive based on platform size. These rules ensure transparency about how platforms handle freedom of expression. As a result of such platform obligations, along with other instruments, the DSA is contributing decisively towards greater freedom of opinion in the digital realm.

With the KDD-G, Austria has implemented the DSA at national level sooner than many other EU countries, thereby creating an effective supervisory instance to enforce both providers' diligence obligations and user rights. During the period under review, Austrian institutions accounted for five of the total of 13 certified trusted flaggers EU-wide. Notably, the RTR Media Division was one of only six out-of-court dispute settlement bodies to be certified in Europe during the reporting period, rendering this service easily accessible for users in Austria. This success reflects our commitment to a collaborative approach – working closely with Austrian partners, the European Commission and civil society to implement fundamental digital rights.

Correspondingly, we extend special thanks both to all those within our organisation involved in this effort, as well as to our external partners for their cooperation in building strong networks at both national and EU levels. Their engagement has been instrumental not only in ensuring effective regulatory oversight, but also in promoting the meaningful involvement of civil society – a vital component in enforcing user rights. Their constructive contributions and tangible support have been and continue to be the fundamental prerequisite for successfully implementing the DSA. Looking ahead, we remain committed to following this path of close cooperation, enabling us to ensure an even safer and more secure digital space for all users.

Mag. Michael Ogris
(Chair)
KommAustria

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(Deputy Chair)
KommAustria

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1. Introduction

Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act, DSA) became applicable in full on 17 February 2024. In Art. 49 the DSA requires Member States to set up one or more competent authorities who will be tasked with supervising the providers of intermediary services as well as enforcing this regulation. With the aim of adopting national implementation measures, Austrian lawmakers passed the Digital Services Coordinator Act (KDD-G, FLG I No. 182/2023), which appoints KommAustria as the competent authority for assuming the duties of a Digital Services Coordinator as defined in Art. 49 Par. 1 and 2 DSA. KommAustria has therefore been the Austrian Digital Services Coordinator since the full application of the KDD-G on 17 February 2024. No other authorities have been designated pursuant to this provision.

The remit of a Digital Services Coordinator encompasses intermediary services that either have their main establishment in the Member State in question or, if lacking an establishment in the European Union, have appointed a legal representative who is established or located in that Member State. The national coordinator is responsible for coordinating matters covered by the DSA at national level. Art. 49 Par. 2 describes the role as follows:

"[...] The Digital Services Coordinator shall be responsible for all matters relating to supervision and enforcement of this Regulation in that Member State, unless the Member State concerned has assigned certain specific tasks or sectors to other competent authorities. The Digital Services Coordinator shall in any event be responsible for ensuring coordination at national level in respect of those matters and for contributing to the effective and consistent supervision and enforcement of this Regulation throughout the Union. For that purpose, Digital Services Coordinators shall cooperate with each other, other national competent authorities, the Board and the Commission, without prejudice to the possibility for Member States to provide for cooperation mechanisms and regular exchanges of views between the Digital Services Coordinator and other national authorities where relevant for the performance of their respective tasks."

Moreover, with regard to all matters related to the application of the Regulation, the Digital Services Coordinator is to serve as the single contact point for the Commission, the European Board for Digital Services ('the Board'), the Digital Services Coordinators of other Member States and other competent authorities of the Member State in question (Recital 110 DSA).

With regard to systemic risks (Art. 34 Par. 1 DSA), the European Commission has designated platforms and search engines that have more than 45 million active users within Europe as very large online platforms (VLOPs) and very large online search engines (VLOSEs). The Commission itself is solely responsible for monitoring and enforcing the obligations incumbent on the providers of these VLOPs and VLOSEs. Large portions of the DSA focus on the accountability that the Act imposes on VLOPs and VLOSEs with regard to systemic risks. In brief, these risks relate to the dissemination of illegal content, negative effects on the exercising of fundamental rights, public discourse and electoral processes, and hazards arising in the context of gender-based violence, public health and the protection of minors. In the event of these platforms failing to implement adequate risk mitigation measures, the European Commission has several means at its disposal – as do the Digital Services Coordinators, with regard to the service providers within their jurisdiction – to enforce appropriate codes of conduct. Such remedies include the imposition of severe financial penalties.

The European Board for Digital Services ('the Board', Art. 61 DSA) has been set up as an independent advisory group with general powers of oversight for DSA compliance. The Board is made up of the Digital Services Coordinators on a 'one member, one vote' basis. The European Commission chairs the Board but has no voting rights. The Board has three main objectives, namely: furthering the consistent application of the DSA and effective cooperation between the Digital Services Coordinators and the Commission in matters covered by the DSA; coordinating guidelines and analyses of the European Commission, the Digital Services Coordinators and other competent authorities on emerging issues across the internal market; and assisting the Digital Services Coordinators and the European Commission in the supervision of VLOPs and VLOSEs.

The adoption of the DSA has created a directly applicable legislative framework that will harmonise conditions for the provision of intermediary services throughout the single market. The aim is to create a safe, predictable and trusted online environment that addresses the dissemination of illegal content online and associated societal risks, effectively protects fundamental rights and facilitates innovation. Playing a key role in this process are the mandatory reporting systems and complaint systems to be established by providers and online platforms, respectively. These are to be supplemented by the certification of 'trusted flaggers' (Art. 22 DSA), the certification of out-of-court dispute settlement bodies (Art. 21 DSA), transparency obligations for service providers, and the provision of data access to researchers on request by providers of VLOPs and VLOSEs.

The scope of the DSA covers intermediary services as defined by Art. 3 DSA. These are services that facilitate access to information provided by service recipients as well as its transmission, storage and dissemination. Examples include mere conduit services, caching services and hosting services. The DSA extends the definition of hosting from the Electronic Commerce Directive (2000/31/EC) to include online platforms, online search engines and online marketplaces as a new hosting subcategory.

The due diligence obligations incumbent on an intermediary service are proportional to its functionality and size. These obligations therefore become progressively more onerous:

- Certain obligations – specifically the appointment of a single point of contact, obligations relating to general terms and conditions, and transparency reporting obligations – apply to all intermediary service providers.
- Provisions addressing notice and action mechanisms also apply to all providers of hosting services.
- Other due diligence obligations also apply to providers of online platforms. Such obligations include the establishment of an internal complaint-handling system, mandatory participation in out-of-court dispute settlement, the provision of prioritised reporting options for trusted flaggers, codes of practice for advertising, transparency obligations for recommender systems and additional transparency reporting regulations.
- For providers of online platforms that allow consumers to conclude distance contracts with traders ('online marketplaces'), other rules and principles apply, such as 'know your business customer' and 'compliance by design'.
- Lastly, the DSA imposes additional due diligence obligations on providers of VLOPs and VLOSEs, most importantly as regards the mitigation of systemic risks.

Although the DSA entered into force at the end of 2022, it first applied only to VLOPs and VLOSEs. The first (short) year of full applicability (from February 2024) was characterised by the establishment of the corresponding structures at both a national and European level. At national level in Austria, the first step was to inform relevant stakeholders from both civil society and the service provider sector. The legal department within RTR's Media Division also set up a new structure, dubbed the 'Digital Services Team'. At EU level, the process of establishing the European Board for Digital Services also saw the adoption of its rules of procedure as well as the creation of working groups.

The DSA envisages expanded options for exercising user rights. Seeing this as a high-priority task, KommAustria acted to fast-track the certification procedures for trusted flaggers and an out-of-court dispute settlement body.

It should be noted that Austria was one of the first two Member States to introduce the necessary accompanying legislation for the DSA, which most especially involved the appointment of its national Digital Services Coordinator. On the date the DSA became applicable in full – and in contrast to many other Member States – the Digital Services Coordinator (DSC) for Austria was thus able to assume formal responsibility for all intermediary services that are established in Austria or have appointed a legal representative in Austria. Moreover, the DSC was also able to exercise their voting right at the inaugural session of the European Board for Digital Services on 19 February 2024. In this context, it should also be stated that some Member States had not yet appointed their national Digital Services Coordinators within the reporting period. As a result, infringement procedures were therefore opened by the European Commission.

Pursuant to Art. 10 Par. 1 KDD-G, the entry into force of the KDD-G on 17 February 2024 repealed the Austrian Communications Platforms Act (KoPI-G, FLG I No. 151/2020 as amended by No. 112/2023), which has nationally applicable provisions on users rights that are similar to those newly set out in the DSA.

2. Supervision of national service providers

Article 4 of the Electronic Commerce Directive (2000/31/EC) establishes the regulatory principle of excluding prior authorisation for information society services. Accordingly, KommAustria was unable to survey such services for the purposes of the DSA. Moreover, neither the DSA nor the KDD-G mandate any such notification requirement for the services concerned. To fulfil the supervisory duties incumbent on a Digital Services Coordinator, desk research was therefore necessary, which involved consulting various directories in cases where the respective services were not subject to notification requirements pursuant to the Telecommunications Act (TKG).

As a provisional rough estimate, roughly 500 services are subject to the jurisdiction of KommAustria in Austria. Of these, 50 to 60 online platforms and online marketplaces are potentially subject to the corresponding codes of conduct set out by the DSA. The only exceptions would be micro and small enterprises, which are granted certain exemptions by Art. 19 and Art. 29 DSA, particularly as regards reporting obligations.

Before the full application of the DSA, KommAustria took action to inform companies about their obligations under the Act. This included circulating factsheets to Internet Service Providers Austria (ISPA) and the competent section of the Austrian Federal Economic Chamber (WKÖ), and maintaining active dialogue with their representatives.

In the last quarter of 2024, KommAustria also sent requests for information to potential online platforms established in Austria. This communication (once again) informed these platforms about their possible obligations, including the requirement to register with the European Commission's DSA Transparency Database (<https://transparency.dsa.ec.europa.eu/>) pursuant to Art. 24 Par. 5 DSA, a process also known as 'onboarding.' Providers of online platforms must submit moderation decisions and statements of reasons to the Transparency Database. The database, which can be accessed on demand by interested parties, enables various types of visualisations for these decisions, thereby additionally supporting the DSA's transparency principles.

During the 2024 reporting period, five online platforms established in Austria contacted KommAustria proactively regarding Transparency Database onboarding. Another three platforms completed onboarding for the European Commission's database during the reporting period and are now accessible there.

3. Complaints pursuant to Art. 53 DSA

Recipients of intermediary services have several options for filing complaints about such services: they may report content, use an online platform's complaint mechanism to object to decisions made by the platform or contact an out-of-court dispute settlement body (Art. 21 DSA). Service recipients may also complain about a suspected DSA infringement on the part of a service provider (Art. 53 DSA). If service providers are subject to Austrian jurisdiction, KommAustria is also required to issue a decision or – if not competent in the individual case – to forward the complaint to the competent domestic authority pursuant to Art. 6 of the General Administrative Procedure Act (AVG).

Complaints pursuant to Art. 53 DSA are to be filed with the Digital Services Coordinator for the Member State in which the service recipient is located or established. However, a Digital Services Coordinator (DSC) is only competent to examine complaints about services where the main establishment is located or its legal representative resides in the DSC's Member State. Complaints about services mainly established in another Member State must be forwarded; an initial assessment by the DSC can be attached to this communication. Parties have a right to a hearing during the procedure.

In 2024, KommAustria received 34 complaints (the EU-wide figure was 314). In 16 cases, the service provider's main establishment was outside Austria: these cases were duly forwarded to the DSCs for other Member States, where their procedures are now pending. Most of the complaints were about VLOPs or VLOSEs. Typical (valid) reasons for complaints included inadequate statements of reasons for restrictions such as content moderation and service recipient account suspension (Art. 17 DSA), inadequate reviews of such restrictions (Art. 20 DSA, internal complaint-handling system), and the lack of single points of contact to provide a user-friendly channel for rapid and direct communication with the service provider (Art. 12 DSA). The frequency of complaints about service providers having their main establishment in another Member State is attributable to the fact that many of the online platforms with the greatest reach – i.e. social networks categorised as VLOPs or VLOSEs – are established in Ireland. KommAustria reviewed the complaints on receipt, requested any supporting information needed in the interests of efficiency and then forwarded the complaints to the competent DSC together with an initial assessment. The complainant was kept informed of the forwarded complaint at regular intervals, including the receipt of statements from the Digital Services Coordinator of establishment.

In one case during the reporting period, a complaint against an Austrian service provider led to the initiation of a procedure that resulted in legal compliance.

4. Certification of out-of-court dispute settlement bodies (Art. 21 DSA)

As mentioned in the previous section, the DSA envisages the use of out-of-court dispute settlement bodies as a means of supplementing the notification and complaint mechanisms offered by online platforms to service recipients who wish to resolve content moderation disputes with these platforms. Online platforms must inform their service recipients about the option of out-of-court dispute settlement and must further agree to participate in a procedure as initiated with a certified out-of-court dispute settlement body. Such bodies must request certification from a Digital Services Coordinator, with each Coordinator certifying the out-of-court dispute settlement bodies located in their own Member State. Out-of-court dispute settlement bodies must also fulfil a standard set of conditions: these are set out in Art. 21 DSA, and include an appropriate degree of (financial) independence as well as the breadth and depth of expertise needed by the bodies to perform their duties in a fair, swift and cost-effective manner. Bodies must also be capable of conducting dispute settlement in at least one of the EU's official languages. The procedure granting the official status of an out-of-court dispute settlement body follows national procedural rules: pursuant to Art. 2 Par. 3 No. 1 KDD-G, KommAustria must issue a corresponding decision and the procedure is subject to the AVG.

One application for certification as an out-of-court dispute settlement body was received by KommAustria in the reporting period. As a dispute settlement body established by law pursuant to Art. 21 Par. 6 DSA, RTR's Media Division submitted proof of meeting all requirements set by Art. 21 Par. 3 DSA and was duly certified by a decision dated 24 October 2024 for a period of five years. Service recipients can access the body at [The out-of-court dispute settlement body | RTR](#). The out-of-court dispute settlement body at RTR's Media Division is thus one of the six such bodies certified pursuant to Art. 21 DSA by the end of the reporting period. Details of these bodies, whose certification is valid throughout the EU, are published at <https://digital-strategy.ec.europa.eu/en/policies/dsa-out-court-dispute-settlement>.

5. Certification of trusted flaggers (Art. 22 DSA)

Within the scope of the DSA, trusted flaggers are responsible for taking swift and reliable action against illegal content on online platforms. Notices submitted by trusted flaggers must be given priority treatment by online platforms. Trusted flaggers always operate within their area of designated expertise, in which they possess the competence necessary to identify certain types of illegal content online, including hate speech, online bullying or unfair trading practices. Entities must meet certain requirements before being granted certified trusted flagger status. Such requirements include significant expertise and competence in handling certain types of illegal content, and the ability to perform their duties diligently, accurately and objectively. In Austria, this certified status was granted during the reporting period solely to entities who are known to have established decades of relevant expertise in relation to certain groups of users and the typical issues associated with these users.

The procedure for granting certified trusted flagger status is subject to procedural rules similar to those applicable to the certification of out-of-court dispute settlement bodies: pursuant to Art. 2 Par. 3 No. 3 KDD-G, KommAustria must issue a corresponding decision and the procedure is subject to the AVG.

In the reporting period, a total of eight applications for certification were received.

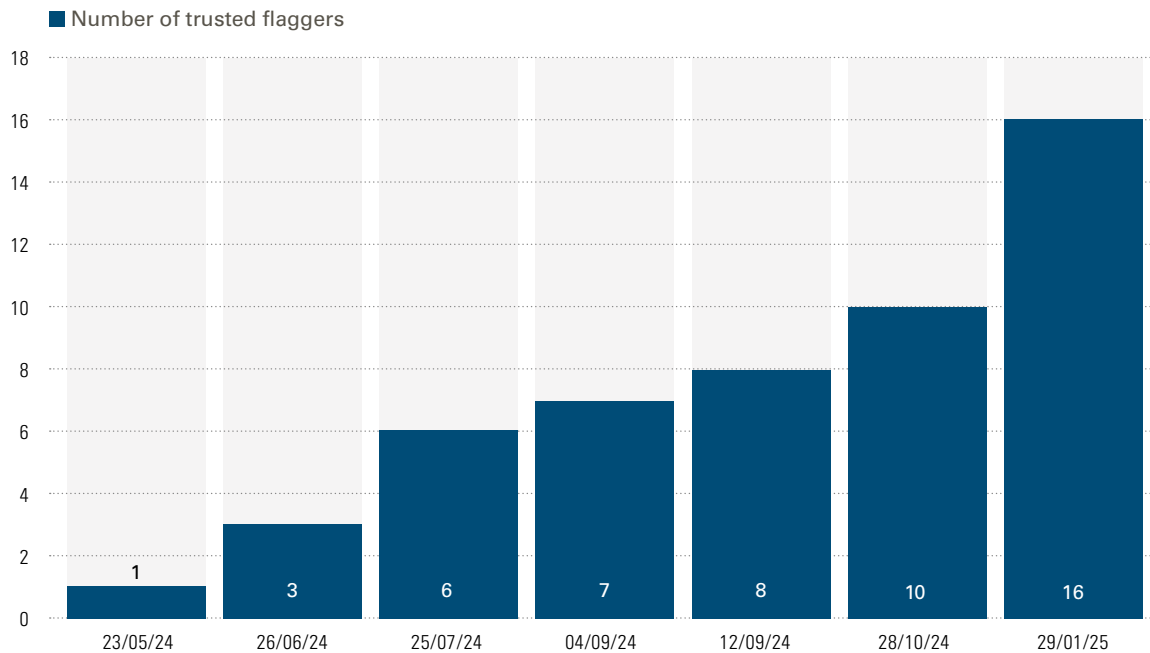
During this period, KommAustria granted certified trusted flagger status to five entities:

- The Schutzverband gegen unlauteren Wettbewerb (Association Against Unfair Competition) was granted the status of a trusted flagger by a decision dated 23 May 2024 (KOA 16.400/24011) regarding the protection of fair competition and industrial property rights.
- Rat auf Draht gemeinnützige GmbH (a crisis line operator) was granted the status of a trusted flagger by a decision dated 7 June 2024 (KOA 16.400/24013). The operator received this status regarding the protection of the rights of the child pursuant to Art. 24 of the Charter of Fundamental Rights of the European Union, the protection of the mental and physical health of children, adolescents and young adults, the protection of adolescents, and protection against child sexual abuse images and other illegal actions perpetrated against minors online.
- The Österreichische Institut für angewandte Telekommunikation (Austrian Institute for Applied Telecommunications, ÖIAT) was granted the status of a trusted flagger by a decision dated 26 July 2024 (KOA 16.400/24017), relating to personality rights, copyright and internet fraud.
- LSG – Wahrnehmung von Leistungsschutzrechten GmbH (a licensing agency) was granted the status of a trusted flagger by a decision dated 4 October 2024 (KOA 16.400/24024), in relation to copyright and related rights.
- The Kammer für Arbeiter und Angestellte für Wien (Vienna Chamber of Labour) was granted the status of a trusted flagger by a decision dated 28 October 2024 (KOA 16.400/24023), relating to consumer protection, data protection and privacy, and personality rights.

During the reporting period, three other applications for certified trusted flagger status were received; the respective procedures have yet to be completed.

As a result of the above activities, the greatest proportion of all trusted flaggers in Member States (five of 16, see figure below) was therefore certified in Austria during the first year in which the DSA applied in full. This achievement was also facilitated by the Austria legislation to accompany the DSA entering into force early, on 17 February 2024, and the organisation of an informational event for potentially suitable organisations by the Austrian Digital Services Coordinator. The most important categories of illegal content are now already accounted for by the Austrian trusted flaggers as listed above.

Figure 01: Number of trusted flaggers at EU level



As with the certifications of out-of-court dispute settlement bodies, the certifications of trusted flaggers are also valid throughout the EU.

6. Orders pursuant to Art. 9 and 10 DSA

As with similar provisions in the Electronic Commerce Directive, the legal framework established by the DSA imposes key responsibilities on service providers for the removal of illegal content. A provider with knowledge of illegal content – notices from service recipients are now considered sufficient to provide such knowledge – may lose their liability exemptions; the DSA includes this provision largely unchanged from the Electronic Commerce Directive. In the case of VLOPs and VLOSEs, a cluster of incidents involving the dissemination of illegal content may also imply an infringement of due diligence obligations to mitigate systemic risks.

Providers of hosting services must establish notice and action mechanisms that allow service recipients to report illegal content or content that breaches the general terms and conditions of the respective provider. The DSA does not explicitly grant a right to have content deleted. Rights relating to the removal of content and their associated procedures are established elsewhere in national or EU law. In this context, it should further be noted that the DSA also includes a prohibition on imposing general monitoring obligations on providers of intermediary services.

While the DSA includes a clear set of procedural rules for orders to act against illegal content (Art. 9 DSA), this provision does not establish a substantive basis for the issuing of such orders.

On receiving an order, which must also meet the (formal) requirements of the aforementioned provision (cf. Art. 9 Par. 2 DSA), the provider of an intermediary service must notify the issuing court or the issuing authority (or other authority as designated in the order) about the implementation of the order, and state whether or when the order was implemented. Art. 9 DSA therefore works to harmonise the minimum standards (conditions) for these orders as issued by national courts or authorities.

The issuing court or issuing authority must share the order, together with all information from the provider about order implementation, with the Digital Services Coordinator of the Member State, of the issuing court or of the issuing authority. The coordinator in turn shares this information with all other Digital Services Coordinators.

Art. 10 DSA also includes procedural rules for orders to provide information. Such orders are those that require providers of intermediary services to disclose specific information about one or more specific, individual recipients of the service. Pursuant to Art. 10 DSA, providers of intermediary services who receive an order to provide information are to inform the court or authority issuing the order without undue delay about receipt and execution of the order.

As is the case for Art. 9 DSA, Art. 10 DSA also sets out (formal) conditions for orders to provide information but does not establish a substantive legal basis for such orders. The issuing court or issuing authority must also share the order itself, together with all information about its implementation, with the Digital Services Coordinator of the Member State, who then forwards this information to all other coordinators.

During the reporting period, the national procedures for forwarding orders to remove content and provide information were still in preparation. No such orders were therefore shared with KommAustria during this period. As will be discussed subsequently in this report, KommAustria has the role of vice-chair in the relevant working group of the Board. Talks held with other Digital Services Coordinators and the European Commission to share experience gained to date have also demonstrated a need to clarify many issues of a legal and practical nature.

7. Cooperation with authorities and stakeholder dialogue

The work of national coordination bodies also includes liaising with authorities who are involved with matters covered by the DSA. In particular, such authorities include the Federal Ministry of Justice (BMJ), the Federal Chancellery (BKA), the Federal Ministry of Social Affairs Health and Consumer Protection (BGSK), and the Federal Ministry of the Interior (BMI). Key points of contact also exist with the Austrian Data Protection Authority (DSB); in light of this fact, a memorandum of understanding on the DSA was signed between the DSB and the RTR's Media Division on 23 April 2024.

Alongside cooperation with authorities, the effective implementation of the DSA also relies on the inclusion of civil society organisations, first and foremost the representatives of groups who are more strongly impacted by the dissemination of illegal content. This topic was also discussed at length.

7.1 Dialogue with authorities (Art. 3 Par. 5 KDD-G)

In accordance with Art. 3 Par. 5 KDD-G, KommAustria has a legal obligation to engage in regular dialogue with other authorities that are also tasked with the monitoring and implementation of codes of conduct for providers of intermediary services.

The first such session was held on RTR's premises on 30 September 2024. The participants in attendance represented the following institutions: Federal Office for Consumer Health (BAVG), Federal Office of Metrology and Surveying (BEV), BMJ, BMI, Telekom-Control-Kommission (TKK), Federal Chancellery (BKA), Data Protection Authority (DSB), Austrian Agency for Health and Food Safety GmbH (AGES), City of Vienna, RTR's Telecommunications and Postal Services Division, Office of the Provincial Government of Upper Austria, BMSGK, Federal Competition Authority (BWB), E-Control GmbH, Office of the Provincial Government

of Lower Austria, Federal Public Attorney for Cartel Matters, Office of the Provincial Government of Styria, Austrian Association of Municipalities, Austrian Institute for Structural Engineering (OIB), Austrian Institute for Applied Telecommunications (OIAT), Rat auf Draht gemeinnützige GmbH, Schutzverband Unlauterer Wettbewerb, and ZARA Verein für Zivilcourage. Reports detailing the rollout of structures for the DSA at both national and European level were presented at this session. Most questions raised by the authorities present concerned the procedure for removal orders and orders to provide information (Art. 9 and 10 DSA) as well as the corresponding requirements for authorities.

A written session update with details of interim developments was sent to the attendees of the authority dialogue session on 20 December 2024.

Another session is being planned in the reporting period; acknowledging the cross-sectoral scope of the DSA, there are also plans to invite additional participants.

7.2 Dialogue with stakeholders

Aiming to better understand the challenges created by the impacts on users from VLOPs and VLOSEs in particular, KommAustria contacted several institutions possessing significant expertise regarding violence against women, youth protection, antisemitism, victim protection and other forms of discrimination.

Data access for researchers plays a key role in enabling the assessment of systemic risks in the context of the DSA and KommAustria therefore also prioritised talks with members of the academic community.

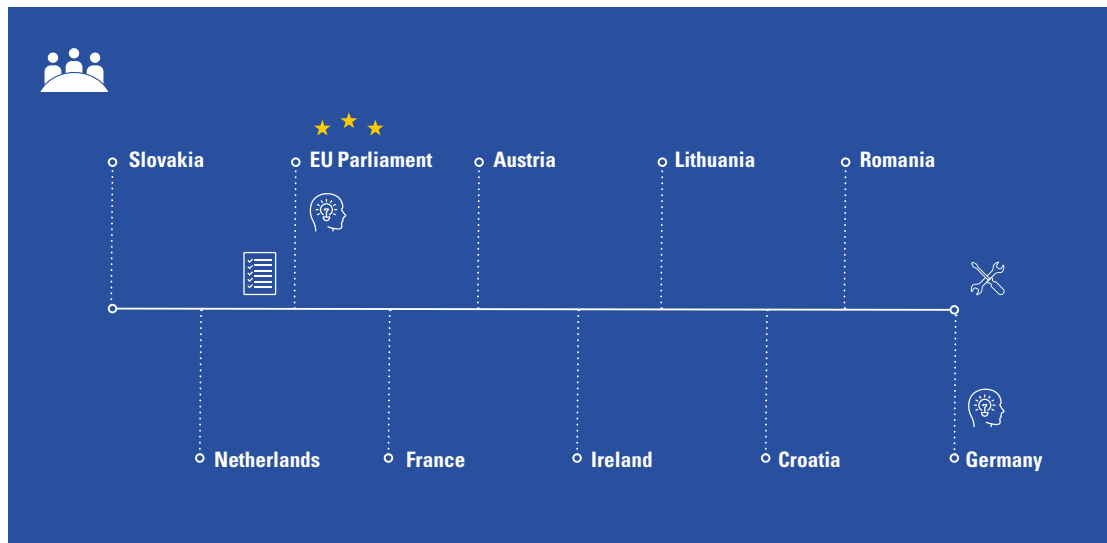
Noting the significance of data manipulation, KommAustria held regular meetings with both the German-Austrian Digital Media Observatory (GADMO) and the Austrian Institute of Technology (AIT). GADMO, the German-Austrian hub of the European Digital Media Observatory, is an independent institution with recognised expertise in the field of fact-checking, while AIT possesses considerable expertise in tackling the challenges posed by generative artificial intelligence with respect to disinformation.

7.3 Activities in relation to national elections

Pursuant to Art. 34 DSA, providers of VLOPs and VLOSEs must identify, analyse and assess any systemic risks stemming from their services. Part of that risk assessment addresses actual or foreseeable negative effects on civil discourse and electoral processes. In light of the increasing prevalence of such risks, the European Commission, in cooperation with the Digital Services Coordinators pursuant to Art. 35 Par. 3 DSA, published '*Commission Guidelines for providers of Very Large Online Platforms and Very Large Online Search Engines on the mitigation of systemic risks for electoral processes pursuant to Article 35(3) of Regulation (EU) 2022/2065*' (C/2024/3014). As a result, these guidelines were applied to electoral processes at EU and national level (cf. the table given below).

With no fewer than two national elections being held in Austria during 2024 – the European Parliament election on 9 June and the National Council election on 29 September – the risk mitigation measures described in the guidelines needed to be implemented accordingly.

Figure 02: Elections in 2024 following the full application of the DSA



Source: RTR

On 24 April 2024, in preparation for the European Parliament elections, the European Commission worked with representatives of VLOPs and VLOSEs, the Digital Services Coordinators and civil society representatives to organise a stress test in Brussels to simulate the various risk scenarios (cf. [Commission stress tests platforms' election readiness under the Digital Services Act](#)).

Prior to the European Parliament elections in Austria, KommAustria held talks with VLOPs and VLOSEs as well as the competent Austrian authorities, and launched a website about the manipulation of information in an election context. The European Board for Digital Services produced a report detailing the activities conducted by the Digital Services Coordinators and the European Commission (cf. [European Board for Digital Services publishes post-election report on the EU elections | Shaping Europe's digital future](#)).

The Austrian National Council election proceeded as scheduled on 29 September 2024. Although this was the first national parliamentary election to be held in an EU Member State since the full application of the DSA, KommAustria was able to draw on at least some of the insights gained during the European Parliament elections. On 30 August 2024, a roundtable was organised together with the European Commission. The event kicked off with a discussion between VLOPs and VLOSEs (Meta, TikTok, X, Google), KommAustria, the European Commission and the competent national authorities, which was followed by another session in which representatives of Austrian civil society took the place of the national authorities.

During an 'election training' event, KommAustria also presented the relevant provisions of the DSA to the ISPA (details in German at <https://www.ispa.at/news-events/alle-veranstaltungen/alle-veranstaltungen-detailansicht/ispa-election-training-nationalratswahl-2024/>). KommAustria once again launched its own website to inform the public about electoral integrity and the risks posed by the manipulation of information. The authority also used social networks to post a short video on the topic of data manipulation (produced by the European Regulators Group for Audiovisual Media Services, ERGA) and a factsheet about identifying deepfakes. KommAustria also participated for the first time in the monitoring process for the Code of Practice on Disinformation, with respect to the labelling of (political) advertising on Facebook. For a short period of time before and after the election, the platforms, KommAustria, the competent national authorities and the European Commission were monitored to ensure that they remained available and unaffected by any coordinated attempts at manipulation during the election process.

8. Contributions to activities of the European Board for Digital Services and its working groups

In 2023, several prospective Digital Services Coordinators already designated as such by their Member States began to collaborate as part of an informal process. These activities helped to develop a common understanding of the requirements for trusted flaggers and out-of-court dispute settlement bodies as well as data access for researchers, and resulted in the adoption of informal guidelines to be used by the respective authorities. The guidelines flesh out the requirements as mentioned in these DSA provisions.

8.1 European Board for Digital Services

The Board pursues the goal set out in its mission statement, namely to contribute to a safe, predictable and trusted online environment that facilitates innovation and in which fundamental rights are effectively protected. Achieving this aim will ensure that digital services are made available for the benefit of all European citizens, and its society and economy. The Board, the European Commission and the Digital Services Coordinators cooperate as a cohesive team that constitutes an oversight structure for the Digital Services Act and takes an EU-wide approach to enforcement. The activities of the Board therefore play an important role in ensuring the consistent application of the DSA. Accordingly, the participation of KommAustria in the Board and its working groups is also a key requirement for the efficient enforcement of this legislation at national level in Austria.

The Board serves as a forum for discussing relevant legal issues and priorities in the context of applying the DSA. For the effective and coherent enforcement of the DSA, it is imperative to maintain a strong and successful working relationship, as well as a coordinated approach that simultaneously considers the specific impacts of intermediary services in individual Member States. The European Commission keeps the Board informed about procedures against VLOPs and VLOSEs. The Board also discusses strategic points of interest, with electoral integrity being a key priority during the reporting period.

During the reporting period, the Board held thirteen sessions in all (alternating between in-person and online). These included ad-hoc sessions that addressed elections in Romania as well as the Board's involvement in a European Commission procedure against a service provider. The sessions provided a common forum for exchanging information about the ongoing implementation and enforcement of the DSA at EU level and within Member States. During the reporting period, the members of the Board tackled complex issues such as elections, youth and consumer protection, as well as administrative matters that included pending appointments of coordinators in Member States and the allocation of duties (for further details, see [European Board for Digital Services | Shaping Europe's digital future](#)).

As the Digital Services Coordinator for Austria, KommAustria participated in all sessions of the Board.

8.2 Working groups of the Board

The Board has also established a number of working groups (see table below), which have the aim of addressing various aspects of the DSA in greater depth. All working groups are chaired by the European Commission. During the first meeting of the working group, each group also elects a coordinator to serve as its vice-chair for a period of one year. KommAustria was elected to serve as the vice-chair for Working Group 7, which focuses on orders and criminal issues.

Table 01: Working groups of the DSA Board

DSA Board							
WG 1 Horizontal and legal issues	WG 2 Working Together	WG 3 Content moderation and data access	WG 4 Integrity of the information space	WG 5 Consumers and online marketplace	WG 6 Protection of Minors	WG 7 Orders and criminal issues	WG 8 IT issues
<ul style="list-style-type: none"> Definitions/scope of DSA General legal issues Fees (levied by DSCs) Cooperation with civil society 	<ul style="list-style-type: none"> General working arrangements Cross-border cooperation Annual report and early systemic risks detection Rules of Procedure Capacity building Complaints Incident and threat response 	<ul style="list-style-type: none"> Trusted flaggers (support to COM guidance) Out-of-court dispute settlement Transparency IPR issues Data access/Article 40 	<ul style="list-style-type: none"> Electoral processes Foreign information manipulation and interference Mis- and disinformation Other civic discourse issues 	<ul style="list-style-type: none"> Articles 30-32 Interplay DSA and Consumer protection Cooperation with consumer protection, customs, market surveillance and other relevant authorities 	<ul style="list-style-type: none"> Article 28 Guidelines Task Force on Age Verification Adult content Media literacy 	<ul style="list-style-type: none"> Articles 9-10 (orders) Article 18 Cooperation with law enforcement authorities Illegal content 	<ul style="list-style-type: none"> Maintaining AGORA New functionalities in AGORA Future ICT developments

Source: RTR

KommAustria is represented in each working group and contributes actively to group activities.

Working Group 1 – Horizontal and legal issues

This working group focuses on questions of interpretation. Such activities include the legal definition of certain services within the DSA terminology (which builds on and expands that of the Electronic Commerce Directive) and the sometimes ambiguous question of a provider's main establishment.

Working Group 2 – Working together

This working group focuses on Board reporting, which includes the Digital Services Coordinator activity reports as required by Art. 55 DSA and the reports on systemic risks pursuant to Art. 35 Par. 2 DSA. The group also addresses the cross-border complaints process as set out in Art. 53 DSA as well as the corresponding coordination between the Member States.

Working Group 3 – Content moderation and data access

The European Commission's project to publish guidelines for the certification of trusted flaggers (as defined in Art. 22 Par. 8 DSA) was one point of focus for this group during the reporting period. The group also worked on preparations for a key achievement of the DSA, namely making available to certified research institutions inaccessible data from VLOPs and VLOSEs. Preparatory work also covered the respective delegated act governing the technical conditions (cf. Art. 40 Par. 13 DSA) and its adoption, so as to facilitate certification as set out in Art. 40 Par. 8 DSA.

Working Group 4 – Integrity of the information space

A key point of focus for this working group is the electoral process in the various Member States. The group also worked on converting the code of conduct on disinformation into a code of conduct as required by Art. 45 DSA and developed an evidence-based elections toolkit for use in Member States. The code of conduct and the toolkit were both adopted by the Board during the reporting period.

Working Group 5 – Consumers and online marketplaces

The activities of this group included surveying opinion among national actors in the context of a European Commission procedure conducted against the Temu online marketplace. Discussions here also focused on cooperation between the Consumer Protection Cooperation (CPC) Network and the Board as well as potential synergy effects.

Working Group 6 – Protection of minors

Pursuant to Art. 28 DSA, the European Commission may issue guidelines that specify more detailed requirements to ensure minors enjoy an optimal level of protection when using online platforms. A [public consultation](#) was held on these guidelines in 2024. In related discussions, an age verification app was proposed as an interim solution until the full implementation of the eIDAS Regulation.

Working Group 7 – Orders and criminal issues

As vice-chair of this working group (see above), KommAustria has a key role to play in determining this group's agenda, timetable and remit. During the reporting period, the group completed analyses of the provisions for removal orders and orders for information (Art. 9 and 10 DSA), and the notification of suspected criminal offences pursuant to Art. 18 DSA (together with Europol). In summer 2024, the group worked intensively on the Board's conclusions for the code of conduct on illegal hate speech. These efforts ensured the adoption of the code by the Board before the end of the reporting period. Seeking to obtain a uniform understanding of Art. 18 DSA, the members of the working group used a questionnaire as a starting-point to draft a list of the national (criminal) codes to be classified under the terminology of this provision. Another survey to be conducted within Member States addressing the legal basis for orders pursuant to Art. 9 and 10 DSA was pending at the end of the reporting period. Following the completion of these comprehensive survey activities, the aim is to develop practical guides to these key provisions for use by the authorities (Digital Services Coordinators, national authorities and courts). In particular, these guides will facilitate a rapid response to the acute dangers posed by illegal content online.

Working Group 8 – IT issues

Article 85 of the DSA codifies the requirements for an information sharing system that is intended to play a key role within the context of the DSA. This system must be especially secure and must be optimised on a continuous basis.

9. Bilateral affairs

Although the cooperation between Digital Services Coordinators is multilateral in nature, a need was identified for bilateral consultation with Digital Services Coordinators from other Member States to work on some matters in greater detail. During the reporting period, sessions were held with the German Federal Network Agency, the French Arcom, the Irish Coimisiún na Meán, the Czech Český telekomunikační úřad, the Slovakian Rada pre mediálne služby and the European Commission.

10. Public relations work for the DSA

Public relations work is important for the DSA, as a key part of its success necessarily involves raising awareness among users about their new opportunities and rights. Accordingly, an extensive set of articles about the DSA was prepared, which can be accessed at [Der Digital Services Act - DSA | RTR](#).

In 2024, KommAustria also organised a large programme of events with the aim of raising public awareness about the challenges that the DSA had been designed to meet while also engaging in dialogue with stakeholder groups and affected parties.

On 15 February 2024, KommAustria and the RTR's Media Division hosted a launch event. Dietmar Dokalik talked about the legal developments leading up to the legislation, and explained the aims of the new legal framework and expectations for the DSA. As senior public prosecutor and department head at the BMJ, Mr Dokalik is also Austria's chief negotiator in the EU's Council work group tasked with negotiating the DSA. This was followed by a panel to discuss expectations for the new regulatory scheme. Participants were lawyer Maria Windhager, consumer protection expert Daniela Zimmer (Austrian Chamber of Labour), Natalie Ségur-Cabanac (ISPA) and Dietmar Dokalik.

A very well-attended information event for potential trusted flaggers and out-of-court dispute settlement bodies was held on 28 February 2024. The aim of this event, which included a Q&A session, was to provide information about certification requirements and modalities to organisations interested in taking on these roles. This event was instrumental in securing early applications by interested parties in Austria, with trusted flaggers being duly certified by KommAustria only shortly afterwards.

Reflecting the current interest in discussions of electoral fraud, on 23 April 2024 an event was held to address "Democracy in the age of information: finding a balance between freedom of speech and disinformation". These issues were debated by Alexander Schindler (Data Science & Artificial Intelligence, Austrian Institute of Technology/AIT), Florian Schmidt (APA Fact Check for GADMO) and Prof. Christiane Wendehorst (Department of Innovation and Digitalisation in Law, University of Vienna).

An event entitled "Transparency about platform data: what drives the algorithm?" was held on 21 May 2024. This event focused on questions of research access to the relevant platform datasets and the practical obstacles that researchers face here in their day-to-day work. The panel discussion featured Julian Jaurisch (project lead for "Empowering the digital public", Stiftung Neue Verantwortung, now with the German Federal Network Agency), Ulrike Schiesser (Federal Office for Cult Affairs), Hannah Metzler (Institute of the Science of Complex Systems, Medical University of Vienna) and Rania Wazir (mathematician, co-founder and CTO of leiwand.ai).

On the eve of the National Council election, an event was organised on 21 September 2024 to focus on "Cyberviolence against women and female politicians – how can the Digital Services Act help?" Lawyer Maria Windhager reported on the difficulties encountered when enforcing cyberviolence legislation. In the panel discussion that followed, Josephine Ballon talked about the legal assistance that was provided by HateAid in the landmark case on hate speech online brought by German ex-minister Renate Künast, while Fiorentina Azizi-Hacker from ZARA presented her own insights from practice.

The last event of the year, addressing the complex issue of youth protection in the digital age, was held on 5 December 2024. Guests at this event included Barbara Buchegger (saferinternet.at), Dominik Eberle (KIJA) and Julia Dier (Sigmund Freud Private University).

On 13 March 2025, an event was held to present the study [Protecting Freedom of Speech in the Digital Services Act | RTR](#) (Prof. Matthias Kettemann et al.), which is the first in a series of publications planned by the Digital Services Coordinators. This study refutes the putative 'censorship' of social networks by the DSA, which has been a common theme in the heated debate on this topic that was fanned by the recent US elections. On the contrary, the study shows how the DSA includes provisos that reduce the problem of overblocking and – together with measures to protect users – help prevent illegal content from restricting users' freedom of expression.

11. Evaluation pursuant to Art. 7 KDD-G

On 17 February 2024, the Federal Act enacting legislation including the Digital Services Coordinator Act (KDD-G, FLG I No. 182/2023), as part of the DSA accompanying legislation, entered into force.

Article 7 of the KDD-G states:

"Every other year, as part of the activity report (Art. 19 Par. 2 of the KommAustria Act, KOG), KommAustria shall conduct an evaluation of the measures provided for in this Federal Act and the financing of such measures. The first evaluation must be carried out in the activity report covering the year 2024."

Accordingly, that 'first evaluation' must be completed as part of this communications report pursuant to Art. 19 Par. 2 KOG. Before turning to this evaluation, it should be noted that 2024 constitutes a short year, as the KDD-G entered into force on 17 February.

11.1 Outcome-oriented impact assessment (OIA) of the government bill concerning (inter alia) a Digital Services Coordinator Act dated 22 November 2023 (78/22)

The OIA to assess the impacts and the resources needed for the government bill dated 22 November 2023, with which the KDD-G as DSA accompanying legislation was submitted to the National Council, summarises the aims of the proposed legislation as described below.

1. Creation of a secure, predictable and trusted online environment

Regulation (EU) No 2022/2065 of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act, DSA) became applicable in full in every Member State of the EU on 17 February 2024. The act aims to ensure the smooth operation of the internal market for intermediary services. In particular, this overall aim will ensure a safer and more transparent online experience for users within the EU. As one example, the DSA requires very large online platforms (VLOPs) and very large online search engines (VLOSEs) to establish a notice and action mechanism, so as to tackle more effectively illegal content in the context of digital services.

The following measures are to be used to achieve these objectives:

- Measure 1: Designation of an authority as the Digital Services Coordinator
- Measure 2: Trusted flagging of illegal content
- Measure 3: Out-of-court dispute settlement
- Measure 4: Access to data from VLOPs and VLOSEs for researchers

2. Effective protection of fundamental rights

The DSA creates a legal framework that offers improved protection for users and their fundamental rights online. On the one hand, users should avail themselves of the notice and action mechanisms or complaint systems that providers must offer their service recipients by law. User rights are to be additionally strengthened by the establishment of out-of-court dispute settlement bodies.

Furthermore, research projects should also be able to use data supplied by VLOPs and VLOSEs to identify and assess any risks impacting the protection of fundamental rights.

3. Promotion of innovation

With the specific aim of avoiding systemic risks and contributing to a resilient risk management system, researchers should, as noted above, be given access to data from VLOPs and VLOSEs; this includes publicly accessible data and – under certain conditions – data not in the public domain. The DSA essentially defines four categories of systemic risks, namely: the dissemination of illegal content; negative effects on the exercising of fundamental rights; effects on civic discourse and electoral processes as well as public security; negative effects on gender-based violence, on public health, on the protection of minors, and serious negative consequences for a person's physical and mental well-being. Mitigating these risks as far as possible is a primary objective of the DSA, and is also to be achieved in particular by granting data access to researchers so that they can obtain the necessary insights. The latter approach also aims to ensure that VLOPs and VLOSEs meet their obligations in relation to the prevention and/or removal of illegal and harmful content.

The OIA makes the following statement about financing the tasks arising from the DSA, which the KDD-G delegates to KommAustria and the RTR's Media Division:

"In relation to the enforcement of the applicable provisions, additional expenditure has been incurred to the federal government as a result of assuming responsibility for these new tasks as delegated to the regulatory authority and its operative arm, in the amount of EUR 2,761,000 for 2024 (this figure includes a one-time loss coverage in the context of the KoPI-G of EUR 260,000). The value-adjustment rule stated in Art. 35 Par. 1 KOG shall be applied to the amount of EUR 2,501,000 from 2025 onwards.

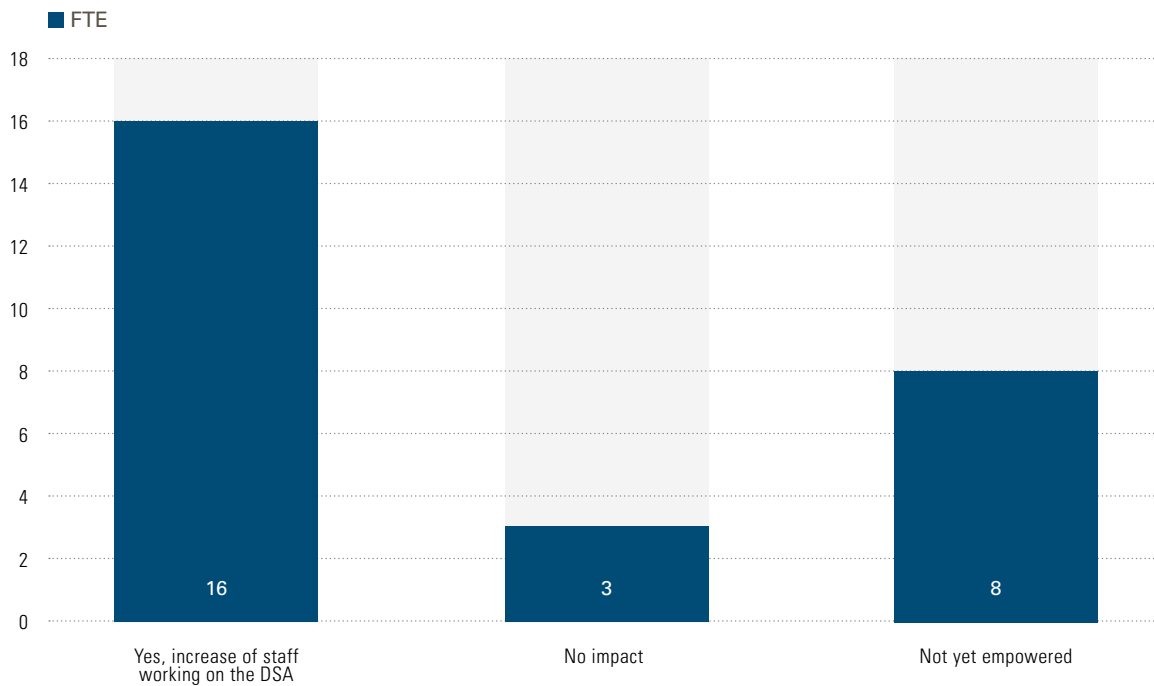
The draft envisages a total of 16.5 FTEs for the new tasks; those FTEs do not affect the planned operating expenses for posts within budget subgroup 10. The 16.5 FTEs will be recorded as administrative costs/expenses (settlement/transfer to RTR-GmbH)."

11.2 Implementation of the KDD-G during the first evaluation period

The work of the Austrian Digital Services Coordinator (DSC) is supported by the newly created Digital Services team, which forms part of the Legal Department Media within RTR's Media Division. The roles within this team could not, however, be completed as rapidly as originally planned in the short year of 2024. While this reflects the supply-side challenges currently faced in the Austrian labour market, we also need to bear in mind that DSA enforcement work in some cases requires individuals with highly specialised expertise in digital services: these specialists are currently in high demand in the labour market. Building a new team within an existing organisational structure, such as at RTR, has always been and continues to be a gradual process; other Member States have experienced similar problems here.

The OIA has provided a realistic estimate of the personnel resources needed by the Austrian Digital Services Coordinator. This can clearly be seen from the overview below, which compares the staff increases seen at these kinds of authorities in other Member States. In interpreting this chart, we should remember that no other Member State has created a new authority to handle the needs of the DSA. When comparing figures, we need to bear in mind that the costs/resources estimated by the legislation include those incurred by the out-of-court dispute settlement bodies established pursuant to Art. 2 Par. 4 KDD-G.

Figure 03: Comparison of support team sizes for Digital Services Coordinators in EU Member States (as of 31 January 2025)



To date, only eleven of the FTEs described above for the Digital Services team have been hired, for the above-mentioned reasons. Taking into account the positions yet to be filled, a total of five additional FTEs need to be recruited to ensure that the authority can properly carry out its duties. The respective skills profiles are now being prepared internally, with the aim of starting recruitment for the corresponding team vacancies as soon as possible. During the DSA ramp-up phase, the current members of the team were able to handle these tasks at least to some extent, however. Priority is now being given to filling these vacancies as soon as possible. On the one hand, this is necessary in order to complete the outstanding surveying, auditing and categorisation work for intermediary services falling under Austrian jurisdiction, and to facilitate the initiation of procedures relating to compliance with the DSA's due diligence obligations, including rules on online advertising, the protection of minors and consumer protection. Beyond that, a fully staffed team is also needed to handle the national coordination activities for certain categories of illegal content and the exercising of co-determination rights for the Austrian Digital Services Coordinator within the various matters addressed by the European Board for Digital Services ('the Board') pursuant to Art. 61 DSA (reports on systemic risks, assessment of codes of conduct, participation in procedures targeting VLOPs and VLOSEs, and cooperation on certain pieces of legislation). Here we also need to bear in mind the high public expectations for authorities to take (or coordinate) activities within the context of the broad scope of the DSA, be it to address the rise in online hate crimes, the sharp upward trend in financial losses incurred by internet fraud, or online radicalisation of youth.

In terms of specific measures, a significant proportion of those described in the OIA were implemented by KommAustria in the short year of 2024 (for details, see the section on the KDD-G). In particular, these include:

- Initial surveying of providers of intermediary services falling under Austrian jurisdiction, as well as provisional legal categorisation within the terminological system of the DSA
- Guide to the process of onboarding identified online platforms into the European Commission's DSA transparency database, for the purpose of obtaining data on the reasons for moderation decisions pursuant to Art. 24 Par. 5 DSA
- Review of eight applications for certification as trusted flaggers pursuant to Art. 22 DSA; decisions issued for the certification of five institutions
- Certification of the RTR Complaints Board as an out-of-court dispute settlement body pursuant to Art. 21 DSA
- Review of some 40 complaints against intermediary services located in Austria or forwarding of complaints falling under the jurisdiction of other Member States pursuant to Art. 53 DSA
- Organisation and hosting of informational events addressing DSA topics such as trusted flaggers, data access for researchers, youth protection and cyberviolence against women
- Regular meetings with members of groups representing the interests of intermediary services
- Regular meetings with representatives of civil society and the research community
- Coordination with regulatory authorities affected by DSA topics
- Participation in the Board and its eight working groups. As Digital Services Coordinator (DSC), KommAustria plays a leading role in the working group for removal orders and orders for information, notification of criminal acts and illegal content.

It should be noted that the OIA estimate of the resources needed does not yet encompass the task areas assigned to the DSC concerning DSA-specific risks, as these assignments first took shape during 2024. In that context, it is important to mention the identification of specific risks relating to the illegal manipulation of information by the European Commission and the competent national authorities, which threatened to materialise with the upcoming European elections. In response, the European Commission published a set of guidelines for electoral processes at EU and national level, the '*Commission Guidelines for providers of Very Large Online Platforms and Very Large Online Search Engines on the mitigation of systemic risks for electoral processes pursuant to Article 35(3) of Regulation (EU) 2022/2065*' (C/2024/3014). All in all, this decision had the effect of intensifying KommAustria's coordination activities as the Digital Services Coordinator together with the European Commission. In 2024, no fewer than two elections were held in Austria: the European Parliament election on 9 June and the National Council election on 29 September. The corresponding risk mitigation measures were therefore taken accordingly (cf. report section on KDD-G implementation).

Moreover, the workload for the Austrian Digital Services Coordinator in terms of activities for the Board proved to be significantly larger than the original estimate as given in the OIA. A key contributory factor was the sheer volume of questions of legal interpretation that needed clarification (such as the categorisation of services, data access, trusted flaggers, etc.) and the corresponding enforcement of the DSA, for which eight working groups were set up (cf. report section on KDD-G implementation). The results of these working groups had and continue to have a direct impact on the DSA enforcement activities of the Digital Services Coordinator in the respective Member State. As the Digital Services Coordinator for Austria, KommAustria also played a key role in the working group for removal orders and orders for information, notification of criminal acts and illegal content. As previously mentioned, KommAustria holds the position of Vice Chair for this group.

The legal categorisation of intermediary services under Austrian jurisdiction utilised provisional results from desk research as a starting-point to conduct case-by-case checks of candidate online platforms. This was a task that can rightly be described as complex, given the often hybrid and wide-ranging nature of these services, coupled with the lack of applicable case law. The situation is further complicated by the need to assess whether a specific service is eligible to claim exemption as a micro or small enterprise (cf. Art. 19 and Art. 29 DSA), with the aim of deriving the applicable legal obligations.

In a decision dated 24 October 2024 (KOA 16.400/24025), KommAustria certified RTR as a dispute settlement body pursuant to Art. 22 DSA. In light of the fact that 2024 was the first year in which RTR began to perform the duties associated with this role, an evaluation of the impact on resource usage from these activities may therefore seem somewhat premature. However, we might legitimately compare these activities with experience gathered in the context of the Communications Platforms Act (KoPl-G), which was repealed with the entry into force of the KDD-G. Such a comparison reveals a significant uptick in the complaints received in the first months after assuming this new role. Staffing needs must therefore be re-evaluated as a matter of some urgency.

Turning to measure 4 as described in the OIA (data access for researchers), only partial implementation of this measure proved possible. This is attributable to the fact that the delegated act referred to in Art. 40 Par. 13 DSA had yet to be adopted by the European Commission, thus preventing the issuing of certification anywhere in the EU. For the sake of completeness, it should also be noted that the DSA legalises research data access only in the case of VLOPs and VLOSEs. Typically, these entities are established in Ireland (at least in the case of the platforms that attract the most attention from research projects). Accordingly, most of the effort for this measure arises in that country (cf. Art. 40 Par. 8 DSA). Although Art. 40 Par. 9 DSA makes provisions for an initial assessment to be carried out by the DSC in the research institution's country of establishment, such applications – whether in the place of establishment of the VLOP/VLOSE or in that of the research institutions themselves – could not be made in 2024 for the reasons stated above. Accordingly, no research proposals were approved nor was any researcher certified pursuant to Art. 40 Par. 8 and 9 DSA during 2024. That notwithstanding, Art. 40 Par. 12 DSA does grant the right of access to generally accessible data (in real time) to other eligible entities (including civil society organisations conducting research in the field of systemic risks). In reality, however, some platforms tie this right of access to highly restrictive conditions (of a financial nature or related to liability law). Accordingly, several procedures investigating putative infringements of these provisions were initiated with the coordinator in the country of establishment or the European Commission.

11.3 Evaluation summary

When assessing what expenses were incurred or funds not yet fully utilised, we need to remember – as stated above – that because of actual delays or legal gridlock many measures could not yet be undertaken.

In light of this fact, one may assume resource allocations are sufficient for the time being.

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