

Michael Hennigan,
Head of Function, Consumer Policy and Research Division,
Central Bank of Ireland,
North Wall Quay,
Dublin 1,
Co Dublin

07/06/2024

Re: Central Bank of Ireland consultation on revisions to its Consumer Protection Code

Dear Michael,

I am writing to you in connection with the Central Bank's public consultation on its Consumer Protection Code.

As you know, Coimisiún na Meán is responsible for the regulation of broadcasting and video on-demand as well as online intermediary services that are based in Ireland for the purposes of the Digital Services Act¹ and Audiovisual Media Services Directive.² Coimisiún na Meán and the Competition and Consumer Protection Commission are competent authorities for the purposes of the Digital Services Act³. Coimisiún na Meán has responsibility for the provisions of the DSA relating to advertising on online platforms.

Where information regarding financial products and services offered by entities regulated by the Central Bank is communicated through broadcast, on-demand or on online platforms, it is important that regulatory instruments issued by Coimisiún na Meán and by the Central Bank cohere.

Coimisiún na Meán therefore welcomes the Central Bank's position that it is unnecessary to make specific provision in its revised Code with respect to targeted advertising. We consider that this will ensure alignment with the maximum harmonisation objectives of the Digital Services Act.⁴

Section 2.6 of the Central Bank's Consultation Paper considers frauds and scams, with some specific consideration of the growing prevalence of digital frauds and scams. Where: (a) these frauds or scams are hosted on an online platform, and (b) the activity is illegal under Irish or European law, there are relevant provisions under the Digital Services Act. These provisions allow users of the online platform, for example, to flag the content to the platform as being illegal content, which triggers obligations for the

¹ 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.

² Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services.

³ See section 7(6) of the Broadcasting Act 2009 (designation of Coimisiún na Meán) and section 44 of the Digital Services Act 2024 (designation of Competition and Consumer Protection Commission).

⁴ See further recital (9) of the Digital Services Act.

platform under paragraph 1(b) of Article 6 of the Digital Services Act to act expeditiously in removing the illegal content or disabling access to it upon becoming aware of it.

Coimisiún na Meán notes that in many cases effective regulatory responses to fraudulent activity will involve a variety of regulators and we look forward to fostering collaboration with the Central Bank in the future on matters of shared regulatory interest.

Yours sincerely,

Anne-Marie Pollock

Director of Policy, Democracy and Fundamental Rights