

Published the Project for a Proposal!

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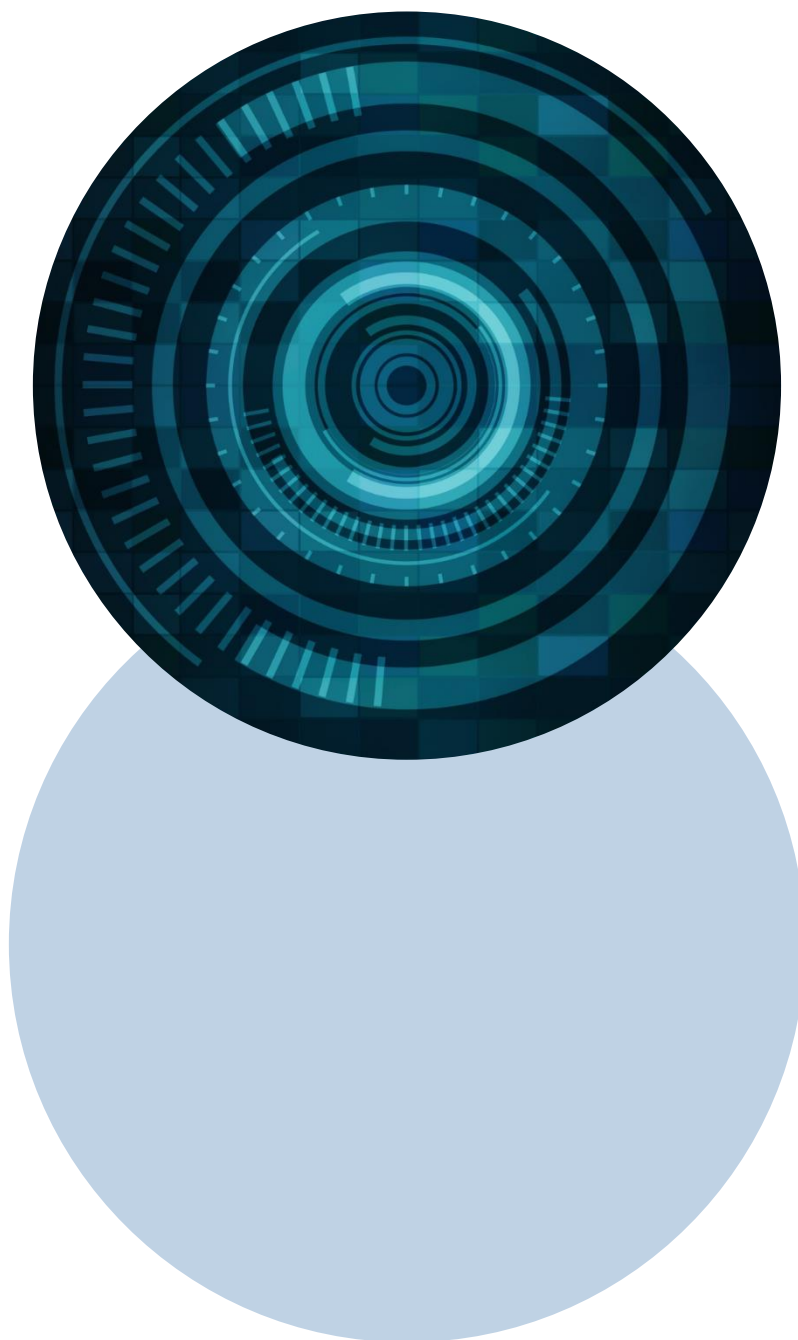
The Portuguese Council of Ministers, meeting on October 24, 2024, approved a piece of legislation containing a draft law that ensures the implementation, in the national legal order, of the Digital Services Regulation (Regulation (EU) 2022/2065 of the European Parliament and of the Council of October 19, 2022).

This Regulation, as has been said, establishes common duties for digital service providers and the rules applicable to intermediary service providers to act against illegal content and provide the necessary information.

The national implementing law specifies how these rules are to be applied and also confirms the identity of the competent authorities for the respective supervision and enforcement in the national context, specifying their powers and the cooperation model between them and the other judicial and administrative authorities, defining the rules applicable to supervision and enforcement, and establishing the sanctioning regime in the event of non-compliance with the legally established obligations.

On February 15, 2024, it was decided to set up a working group at parliamentary level to assess the need for legal or regulatory changes in Portugal that may be relevant to ensuring the implementation of the Digital Services Regulation. The working group is coordinated by ANACOM and made up of representatives from 32 relevant public bodies. Its mission is to present the government with legislative proposals for the effective and efficient implementation of the Digital Services Regulation in Portugal. ANACOM had already been appointed as the Digital Services Coordinator on February 16, and the Media Regulatory Authority (ERC) was also initially appointed as the competent authorities for the DSO, in terms of the media and other media content, and the General Inspectorate for Cultural Activities (IGAC), in terms of copyright and related rights.

On April 30, the working group sent the government its final report, which includes the proposed law implementing the Digital Services Regulation, to be adopted by the Portuguese Republic. This implementation proposal was then evaluated by the relevant members of the government over the last few months, and presumably underwent changes before being approved by the Council of Ministers. It will now have to be sent to Parliament and discussed publicly. Only after general and special approval and publication in the *Diário da República* will the diploma be enshrined in law.



Contacts Abreu Advogados

Ricardo Henriques – Partner
ricardo.henriques@abreuadvogados.com