



STATUTORY INSTRUMENTS.

S.I. No. 270 of 2023

EUROPEAN UNION (ONLINE DISSEMINATION OF TERRORIST
CONTENT) (DESIGNATION OF THE COMMISSIONER OF THE GARDA
SÍOCHÁNA AS A COMPETENT AUTHORITY) REGULATIONS 2023

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I, SIMON HARRIS, Minister for Justice, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021¹ on addressing the dissemination of terrorist content online, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Online Dissemination of Terrorist Content) (Designation of the Commissioner of the Garda Síochána as a Competent Authority) Regulations 2023.

2. (1) In these Regulations, unless the context otherwise requires –

“Garda Commissioner” means the person for the time being appointed as the Commissioner of the Garda Síochána in accordance with section 9 of the Garda Síochána Act 2005 (No. 20 of 2005), or a person performing the functions of the Commissioner of the Garda Síochána pursuant to an authorisation under section 32 of that Act;

“Minister” means the Minister for Justice;

“Regulation (EU) 2021/784” means Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021¹ on addressing the dissemination of terrorist content online.

(2) A word or expression that is used in these Regulations and that is also used in Regulation (EU) 2021/784 has, unless the context otherwise requires, the same meaning in these Regulations as it has in Regulation (EU) 2021/784.

3. The Garda Commissioner –

(a) is designated –

(i) for the purposes of Article 12(1)(a) of Regulation (EU) 2021/784, as the competent authority that is competent to issue removal orders pursuant to Article 3 of Regulation (EU) 2021/784, and

(ii) as the contact point for the purposes of Article 12(2) of Regulation (EU) 2021/784,

and

¹ OJ No. L 172, 17.5.2021, p.79.

- (b) shall, as soon as may be, publish the identity and contact details of the contact point referred to in paragraph (a)(ii) on the website of the Garda Síochána.

4. The Garda Commissioner shall carry out his or her functions as the competent authority referred to in Regulation 3(a)(i) in an objective and non-discriminatory manner, while fully respecting fundamental rights, and shall be independent in the exercise of those functions.

5. The Garda Commissioner shall, before 1 March each year, provide the Minister with the relevant information required to be forwarded to the Commission of the European Union pursuant to Article 21 of Regulation (EU) 2021/784.

6. Where the Garda Commissioner believes an infringement of Article 3(3) or Article 3(6) has occurred, he or she shall, without delay, notify in writing the competent authority –

- (a) designated by the Minister for the purposes of Article 12(1)(d) of Regulation (EU) 2021/784, or
- (b) of the Member State (other than the State) where the hosting service provider has its main establishment or where its legal representative resides or is established that has been designated for the purposes of Article 12(1)(d) of Regulation (EU) 2021/784,

as the case may be, and shall, insofar as is practicable, provide any further details requested by that competent authority that are relevant to his or her belief that the infringement has occurred.

GIVEN under my Official Seal,
31 May, 2023.

SIMON HARRIS,
Minister for Justice.



L.S.

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