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Commissioner Briefing

To	Julie Inman Grant
Cc	s 22
From	s 22
Date	7 June 2024
Subject	Virtual signing ceremony – DG CNECT Administrative Arrangement
Purpose	Notify you of the virtual signing of the Administrative Arrangement between eSafety and DG-CNECT on 11 June 2024.
Timing	Urgent
Recommendation	That you: 1. Note the advice provided/ Talking points attached.
Commissioner	1. Noted / Please discuss

Signed and dated by Commissioner

..... Date:.....

Background

1. The International Teams at eSafety and DG-CNECT have reached agreement on the text of an Administrative Arrangement, which serves as a framework for our collaboration regarding online safety regulation. See [Attachment A](#).
2. DFAT, DITRDCA and eSafety Legal team have been consulted on the Administrative Arrangement.

Key points

Virtual signing ceremony

1. A virtual signing ceremony is planned for 11 June at 1700 AEST/0900 CEST. See running order and talking points at [Attachment B](#).

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2. Director General Roberto Viola will be joined by Director s 47F [REDACTED], as well as s 47F [REDACTED]. See biographies at [Attachment C](#).
3. You will be joined by s 22 [REDACTED] and s 22 [REDACTED] in Sydney (TBC).
4. DG-CNECT will stage its room with Australian and EU flags. Your office will be staged with the eSafety banners.
5. Two paper copies of the Administrative Arrangement will be signed and sent via mail. An e-sign option is also being considered.

Promotion of the Arrangement

6. eSafety and DG CNECT will announce the collaboration via a media release.
7. Screen captures from the virtual meeting will be used to promote the signing on social media.
8. The Administrative Arrangement will be noted in a joint communiqué as an outcome from the AU-EU Digital Dialogue, led by DG-CNECT and Australia's Department of Industry, Science and Resource, on 12 June 2024.

Risks and sensitivities

9. Nil

Next Steps

Implementation of the Arrangement

10. The International team will work with DG-CNECT to develop a work program to implement the Arrangement.
11. Activities under the Arrangement may include technical expert dialogues, joint training of technical staff, information exchanges in line with mutual/established data sharing arrangements, sharing of best practices, joint studies, staff exchanges and coordinated research projects.

ATTACHMENT B

Proposed Running Order

CEST/ AEST	Action	Lead	Time
09:00 / 17:00	Login to meeting	All	5 minutes
09:05 / 17:05	Welcome, introductions	s 22 / s 47F (TBC)	10 minutes
09:15 / 17:15	Statement from DG-CNECT	Roberto Viola	10 minutes
09:25 / 17:25	Statement from eSafety	Julie Inman Grant	10 minutes
09:35 / 17:35	Virtual signing of the arrangement & photo	Roberto & Julie	5 minutes
09:40 / 17:40	Way forward and next steps	s 22 s 47F (TBC)	5 minutes

Talking Points – statement from eSafety

- While it is a shame that you were unable to travel to Australia, I am very pleased that we are able to meet virtually and formalise our cooperation. Of course, this is one of the incredible benefits of technology.
- We know that the internet can be a wonderful but sometimes dangerous place. A place where our children can create, connect and explore but also where they may be targeted by predators or bullies and exposed to horrendous abuse or graphic violence through social media.
- Study after study has shown that exposure to violent content makes children feel unsafe, disturbed, frightened, saddened and shocked. Some struggle to forget what they've seen for many years, while others see the violence becoming an increasingly normalised part of their daily online experiences.
- Both research – and experience – demonstrate that vulnerable children – including those from disadvantaged backgrounds, those with pre-existing mental health issues, trauma victims, and neuro-divergent children – are most at-risk to this online manipulation. Exposure is negatively impacting how our children view the world and their expectations for the future.
- As Australia's eSafety Commissioner, sadly my team and I see these harms occur every day.
- Our purpose is to help safeguard Australians from these kinds of harms and promote safer, more positive online experiences. Our legislated role is to balance the needs of communities and industry through coordination,


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education and regulation. We help Australians maximise the significant benefits of online engagement, while minimising the risks.

- But we cannot do this alone.
- International regulatory cooperation is a priority for eSafety. We see it as a vital tool in our toolbox to help create a safer and more responsible digital environment worldwide.
- Australia and the EU are global leaders, with ground-breaking pieces of legislation aimed at making the internet safer, including for children and young people.
- We understand the need to set the rules of the digital road, so that everybody, including those most at risk of online harms, can navigate them safely and reap the rewards of digital connectivity. However, while progress has been made, more needs to be done.
- We share the commitment to promoting and protecting fundamental rights in the digital environment, including the right to access information, to protection from violence, exploitation and abuse, the right to non-discrimination and to freedom of expression. We also are committed to upholding children's rights in the digital environment and ensuring a better internet for every child, leaving no one behind.
- Recognising the importance of international collaboration, this Arrangement serves to ensure closer cooperation in the priority areas of transparency, risk assessment and mitigation efforts by online platforms, with a focus on children's online safety.
- With almost 10 years of regulatory experience, we have a lot to share, but of course we also have a lot to learn.
- The Digital Services Act is an impressive and substantial piece of legislation that I am confident will have a positive effect on people's experiences online not only in Europe, but globally.
- Indeed, as the Australian Government reviews our Online Safety Act, we will be looking at the steps Europe has taken, as well as by our sister regulators in the Global Online Safety Regulators Network.
- But for now, I look forward to building on our existing strong links through this Arrangement, as we both work to achieve our shared goals of a safer digital ecosystem for all.

ATTACHMENT C

Biographies

	<p>Roberto Viola s 47F [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted] [Redacted]</p>
s 47F	[Redacted]

ADMINISTRATIVE ARRANGEMENT

BETWEEN

**THE DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS,
CONTENT and TECHNOLOGY OF THE EUROPEAN COMMISSION**

AND

THE AUSTRALIAN ESAFETY COMMISSIONER

Background

- (1) DG CONNECT, with official address at B-1049 Brussels, Belgium, is the European Commission's Directorate General responsible for digital policies. Through its Directorate F "Platforms policy and enforcement", it is tasked with the implementation and enforcement of the Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services (Digital Services Act)¹ ("Regulation 2022/2065"), in particular to ensure that providers of very large online platforms and very large online search engines comply with their obligations under that regulation. The Digital Services Act is one among other instruments of Union law regulating the digital space for which DG CONNECT is tasked with implementation and enforcement.
- (2) The eSafety Commissioner, with official address at 65 Pirrama Road, Pyrmont NSW, Australia, is Australia's independent regulator for online safety, and is tasked with the implementation and enforcement of the *Online Safety Act 2021* (Cth)² ("OSA"), which includes regulating online services providers, safeguarding Australians at risk from online harms, and promoting safer, more positive online experiences.
- (3) DG CONNECT and the eSafety Commissioner, together, "the Participants", intend to cooperate through exchange of information on matters relating to the enforcement and implementation of their respective online platform regulation in instances where the Participants are the designated regulators, in areas of common interest. Areas of common interest for the purpose of this Administrative Arrangement are those indicated at Section 2.

Section 1: Objectives

- 1.1 The purpose of this Administrative Arrangement is to establish a framework to cooperate through information exchange, to the extent permitted by law, in particular in areas related to risk assessment and mitigation efforts by providers of online platform services

¹ OJ L 277, 27.10.2022, p. 1.

² s 27.

including in relation to the Areas of cooperation listed at Section 2. This should support the implementation, compliance, enforcement and continuous improvement efforts under the Participants respective legal frameworks. The specific objective of this Administrative Arrangement is to facilitate the exchange of information, data, good practices, methodologies, and of information about technical systems and tools.

- 1.2 This Administrative Arrangement does not concern the exchange of confidential information including in relation to regulated entities, as set out in Section 7.

Section 2: Areas of cooperation

- 2.1 To pursue the objectives listed under Section 1, the Participants intend to cooperate on the following specific areas of common interest:
 1. the transparency and accountability measures of online platform services;
 2. risk assessment and mitigation measures to be implemented by providers of online platforms, notably concerning the fight against illegal content and the protection of fundamental human rights online, including the right to access information, to protection from violence, exploitation and abuse, to non-discrimination and to freedom of expression;
 3. algorithms and artificial intelligence, including recommender systems, as well as emerging technologies, including increasing degrees of immersiveness, where relevant for societal risks and mitigations relating to online safety;
 4. measures of online platforms to detect and report illegal content online, including the transparency of terms and conditions, any notice-and-action procedures, transparency reporting tools, any trusted flagger reporting channels and dispute settlement; and,
 5. the rights and safety of children online, including age-appropriate design methodologies and research on emerging, privacy-preserving age assurance methods and age verification technologies.

Section 3: Modes of cooperation

- 3.1 The Participants intend to inform each other about the developments in the areas covered by this Administrative Arrangement.
- 3.2 Each Participant intends to share with each other, subject to any applicable confidentiality rules set out in Section 7 below, information that may be of relevance to the other Participant, and that falls within the scope covered by this Administrative Arrangement.
- 3.3 The Participants intend to carry out such cooperation through information exchange notably through technical expert dialogues, joint training of technical staff, information exchanges about their regulatory activities for instance regarding transparency and enforcement strategies, sharing of best practices, and may consider joint studies, staff exchanges and coordinated research projects.

Section 4: Point of contact

4.1 The Participants intend to each designate one person to serve as its point of contact to facilitate the implementation of this Administrative Arrangement. The points of contact may delegate their tasks.

4.2 The points of contact for each of the Participants should be:

- For the eSafety Commissioner: s 22 [redacted]; and
- For DG CONNECT: s 47F [redacted].

4.3 The Participants are expected to address all written communications in connection with this Administrative Arrangement to the respective point of contact or to the respective delegates.

4.4 Each Participant is expected to notify the other Participant in writing of any changes concerning relevant administrative details, including its point of contact.

Section 5: Legal effect

5.1 This Administrative Arrangement is not intended to create any rights or obligations under international or domestic law.

Section 6: Funds and resources

6.1 This Administrative Arrangement does not have any financial implication on either Participant, and is not intended to constitute a basis for any funding of one Participant by the other and vice versa. Each Participant is expected to bear its own expenses incurred in relation to this Arrangement, subject to the availability of appropriations.

Section 7: Confidentiality

7.1 The Participants are expected to treat as confidential any information, data, documents or other material (in any form) relating to the activities under this Administrative Arrangement supplied by the other Participant, including information given orally, subject to and in accordance with any law that may be applicable to such information, data, documents or other material.

7.2 Any information under Chapter IV, Section IV of Regulation 2022/2065 should only be shared with the express agreement of the source concerned.

Signed in two originals in the English language.

e-Signed in Brussels on 11 June 2024	e-Signed in Sydney on 11 June 2024
Roberto Viola	Julie Inman Grant
Director-General, Directorate-General for Communications Networks, Content and Technology, of the European Commission	eSafety Commissioner