



Coimisiún
na Meán

Trusted Flaggers – Frequently Asked Questions

About Coimisiún na Meán and the Digital Services Act (DSA)

Coimisiún na Meán (“An Coimisiún”) was established in 2023 further to the provisions of the [Online Safety and Media Regulation Act 2022](#) (“OSMR Act 2022”). The OSMR Act 2022 was enacted on 10 December 2022. The OSMR Act 2022 amended the [Broadcasting Act 2009](#) to establish An Coimisiún and dissolved the Broadcasting Authority of Ireland (“BAI”).

In addition to undertaking the functions of the BAI as the regulator for the broadcasting sector in Ireland, An Coimisiún is responsible for Ireland’s Online Safety Framework. This framework makes digital services accountable for how they protect people, especially children, from harm online.

Three different pieces of legislation form the Online Safety Framework:

- The Online Safety and Media Regulation Act 2022
- The EU Digital Services Act
- The EU Terrorist Content Online Regulation

The [Digital Services Act](#) (DSA) is EU-wide legislation that regulates online services like marketplaces, social networks, app stores, and online travel and accommodation platforms. It requires these online services to take some steps to help make the internet safer for users by addressing illegal content on their sites. Article 22 of the DSA gives effect to the statutory Trusted Flagger provision.

Digital Services Coordinators (DSCs) are national authorities designated by the EU Member states to supervise, enforce and monitor the implementation of the DSA. An Coimisiún is the DSC for Ireland.

Disclaimer:

This document is intended to provide information in relation to the Trusted Flagger status. The contents are for general information and guidance purposes only and do not constitute legal advice. The document will be subject to periodic reviews following events such as changes in legislation, introduction of guidance from the European Commission and feedback from relevant stakeholders.

Trusted Flaggers – Frequently Asked Questions

1. What is a Trusted Flagger?

A Trusted Flagger is an entity accredited by the Digital Services Coordinator (DSC) in the Member State in which it is established. The role of an accredited Trusted Flagger is to identify, detect and flag illegal content to online platforms.

2. What are the accreditation conditions?

To be awarded the status of Trusted Flagger, an applicant must meet the following conditions:

- **Expertise** and **competence** for the purposes of detecting, identifying and notifying illegal content.
- **Independence** from any provider of online platforms; and,
- **Diligence, accuracy and objectivity** in carrying out its activities for the purposes of submitting notices.

3. Who is eligible to apply for the Trusted Flagger status?

Trusted Flagger status can only be awarded to entities, and not individuals, provided they meet the accreditation conditions. Only entities established in Ireland can apply to An Coimisiún for Trusted Flagger status.

Examples of entities who are eligible to apply for the Trusted Flagger status include:

- Industry federations and trade associations, e.g., Intellectual Property Owners organisations,
- NGOs, e.g., consumer-rights organisations, child-protection organisations, human-rights organisations, environmental organisations, animal-rights organisations, etc.
- Members of established fact-checkers networks (e.g., IFCN),
- Trade unions,
- Non-regulatory public entities like Internet referral units (Europol) or regulatory bodies (with the exception of DSCs),
- Private or semi-public bodies (e.g., organisations part of the INHOPE network of hotlines).

4. What is the designated area of expertise?

Trusted Flaggers must maintain flagging activity within their area of expertise. Applicants will be asked to state their area of expertise upon submitting the application.

5. What is the maximum period of accreditation?

Currently, An Coimisiún awards the Trusted Flagger status for a period of three years. Upon the expiry of the accreditation period, the Trusted Flagger status will be reviewed and, where appropriate, the status will be re-granted. Trusted Flaggers must continue to comply with the accreditation conditions and the other obligations under Article 22 for the entire period of accreditation.

6. What are the obligations of Trusted Flaggers after accreditation?

If a Trusted Flagger is notified of and/or becomes aware of illegal content online, which is within the scope of their specified area of expertise, they then have the responsibility of flagging this content on the relevant platform.

In terms of a Trusted Flagger's obligations, they must publish an annual report on actions and notices made in the previous year to the DSC in their country of establishment. These reports should be precise, accurate and adequately substantiated. The minimum requirements for this report are listed below:

- identity of the provider of online platforms.
- type of allegedly illegal content notified
- action(s) taken by the provider.

The report should be made publicly available and include an explanation of the procedures in place to ensure that the Trusted Flagger retains its independence from online platforms.

Online platforms are obliged to ensure that notices of the presence of illegal content, submitted by Trusted Flaggers with expertise in that specific area of illegal content are given **priority** and processed and decided upon without unnecessary delay. Online platforms shall take the necessary technical and organisational measures to ensure that they meet this obligation.

An Coimisiún has responsibility for awarding Trusted Flagger status in Ireland. Entities awarded the Trusted Flagger status in their state of establishment, are recognised as such across the EU.

7. Are Trusted Flaggers a new concept?

Several online platforms have had voluntary trusted flagger type programmes in place prior to the enactment of the DSA. [Article 22](#) of the DSA creates a new statutory Trusted Flagger mechanism, which gives the local DSC the authority to award Trusted Flagger status. This places a legal obligation on all online platforms to ensure that they have the systems in place to ensure that content reported by Trusted Flaggers are given priority and dealt with in a timely manner.

8. What are the advantages of being a Trusted Flagger?

Prior to the enactment of the DSA, suitable entities were selected by platforms to report content which violates the platform's Terms and Conditions. The DSA's Trusted Flagger mechanism puts this concept on statutory footing.

The Trusted Flagger status offers empowerment for organisations by placing obligations on the platforms to give priority to Trusted Flagger notifications and entrusting the DSCs of the Member States with the power to accredit these entities. Entities awarded the Trusted Flagger status in their relevant country of establishment, are recognised as such across the EU.

The Trusted Flagger mechanism is an important tool for organisations, such as NGOs for example, to help achieve their long-term goals by providing a priority gateway for the review and curtailing of illegal content within their specified area of expertise.

Trusted Flaggers will feed into An Coimisiún's identification of trends and issues via annual reports which will be instrumental in establishing an informed, evidence-based approach to our platform supervisory activities.

9. Do notifications submitted by Trusted Flaggers guarantee take-down?

Trusted Flagger status does not guarantee take-down of content. It, instead, provides a fast track to the platform in reporting illegal content, pending platform review of same.

10. What is the definition of 'undue delay'?

There is no specific definition for 'undue delay' provided in the DSA. However, [Recital 62](#) outlines that as Trusted Flaggers have demonstrated expertise and competence in their specified area of illegal content, it is expected that the processing of these notices will be faster as a result.

The average time taken to process such notices may still vary depending on the type of illegal content, the quality of notices, and the technical procedures put in place for the submission of such notices.

Should further information or guidance on the definition of 'undue delay' become available, An Coimisiún will update these FAQs to reflect this.

11. What are the areas of illegal content?

A list of areas of illegal content has been developed by a subgroup of Digital Services Coordinators in collaboration with the European Commission to assist in the development of harmonised approaches to the implementation of the DSA. This list of illegal content is provided in Appendix 3 of An Coimisiún's [Guidance](#) document. Some of the areas covered in this list include but are not limited to; negative effects

on civic discourse or elections, offense to minors, risk for public security and scams and/or fraud. Please note that this list is non-exhaustive and indicative only. Depending on the area(s) of illegal content covered by a Trusted Flagger, this should be defined in EU or national legislation.

This reflects the nature of the Trusted Flagger mechanism and that accreditation in one Member State covers the Union. Certified entities can only flag in a particular Member State what is illegal in that Member State, therefore, if a particular area of illegal content is not covered by laws applicable to Ireland, it cannot be flagged here in Ireland.

Additional information regarding illegal content

The DSA obliges providers of hosting services to inform their users of the content moderation decisions they take and explain the reasons behind those decisions in so-called statements of reasons.

To enhance transparency and facilitate scrutiny over content moderation decisions, providers of online platforms need to submit these statements of reasons to the DSA Transparency Database. The database allows to track the content moderation decisions taken by providers of online platforms in almost real-time. It also offers various tools for accessing, analysing, and downloading the information that platforms need to make available when they take content moderation decisions, contributing to the monitoring of the dissemination of illegal and harmful content online.

Further information about this can be found on [EC website](#).

If your organisation deals with CSAM in particular, please note the following disclaimer and exercise caution when notified of this material.

Entities should only report this material if made aware of its presence online, and not actively seek out this content. It is a criminal offence to knowingly access, possess, produce, distribute, transmit, disseminate, post, publish, show or make available by any means sexually explicit material (image, video, pseudo-photograph, drawing, etc.) of a child (person under 18 years of age). Pro-actively seeking this type of material online, even with the good-will intention of flagging such content is prohibited. Entities with expertise in this particular area of illegal content should set out the relevant methods used to verify CSAM content and include detail around the vetting process and duty of care for staff.

12. What expertise or previous experience is a Trusted Flagger expected to have?

It is desirable that an applicant has practical experience of engagement with pre-DSA type trusted flagger programmes. However, if the applicant does not have previous experience in using existing trusted flagger programmes, the applicant should clearly demonstrate their expertise in dealing with reports of illegal content and/or their suitability for undertaking this accreditation in one or more areas of illegal content.

The means of demonstrating such expertise is outlined in An Coimisiún's Trusted Flagger [Guidance](#) document.

13. My organisation is in receipt of grants or funding from online platforms – how do I provide proof of independence?

While receiving grants or funding from online platforms for particular projects does not automatically disqualify an organisation from applying for Trusted Flagger status, the independence criteria must still be met.

If the applicant is in receipt of funding from an online platform, this funding must be fully disclosed as part of an application and the applicant must demonstrate their independence from the platform(s) accordingly.

Appropriate governance policies and procedures along with a clear rationale maintaining independence from the platform(s) in regard to decision making must be in place to fulfil this condition. For example, constitutional documents such as a conflict-of-interest policy or a signed statement of independence may satisfy the independence criteria.

An Coimisiún will then assess whether the steps taken by the applicant body have satisfied the independence requirement.

14. As a Trusted Flagger, would I need to have capacity to handle all types of illegal content online within scope?

There is no expectation for a Trusted Flagger to submit notices for all types of illegal content, only those in which they have the required expertise. Applicants are required to list the **specific area(s) of illegal content** (from the indicative list provided in Appendix 3 of An Coimisiún's [Guidance](#) document) in which their entity has flagging expertise.

The applicant should be as clear as possible when providing this information. This will determine the scope of the accreditation which will be awarded. Trusted Flaggers may only submit notices in relation to the areas of illegal content in which they are certified and must contain flagging activity within the designated area of their expertise to maintain the integrity of the award.

In the case that a Trusted Flagger identifies illegal content outside their area of expertise, it could notify the platform but only through the standard notification and reporting procedure.

15. Can I apply for more than one category of illegal content at once or am I required to apply for each specific area separately? Is there a limit to how many categories I can apply for?

Applicants can list multiple areas of illegal content once they can demonstrate the required expertise in each area. In the case where an entity expands its expertise and can demonstrate new/additional Trusted Flagger expertise, it can apply for the award of Trusted Flagger status that permits that entity to identify, detect and/or notify this illegal content.

16. Is there an expectation that Trusted Flaggers will pro-actively search for illegal content online?

There is **no expectation** that Trusted Flaggers will pro-actively search for illegal online. If a Trusted Flagger becomes aware of illegal content online which is within the scope of their specified area of expertise, they then have the responsibility of notifying the platform of that content. This notification must be processed by the platform without undue delay.

17. Do I need to have the capacity to receive and review notices from end-users (the public)?

There is no mandatory requirement for Trusted Flaggers to receive and review notices from the public. Trusted Flaggers may wish to receive and review notices from the public where appropriate. However, it may be noted that the notice and action mechanism established under the DSA for reporting illegal content is open to everyone. [Article 16](#) of the DSA outlines the obligations for platforms to implement a user-friendly notice and action mechanism, allowing users to report the presence of illegal EU content by electronic means.

18. How much time and resources is my organisation expected to dedicate to flagging activities?

There are no specific quotas outlined in the DSA regarding how much time or resources a Trusted Flagger is expected to dedicate to flagging activities. Similarly, there is no quota given in relation to how many flags are expected to be raised with platforms. This will depend on a number of factors including but not limited to illegal content type, methodology and technology. It is up to the individual organisations to set this out in their application based on their projections and previous experience. While there is no quota on the number of flags, flagged notices (or flags) must be submitted diligently, accurately and objectively.

19. Can a Trusted Flagger make reports to online platforms across the EU, or only to online platforms based in the country where the Trusted Flagger is established?

Entities awarded the Trusted Flagger status in their country of establishment, are recognised as such across the EU. What this means in practice, is that An Coimisiún certified entities will have the ability to directly report illegal content to platforms that are established outside of Ireland (provided they are within the scope of the DSA).

20. How will Trusted Flaggers report illegal content to the platforms?

Reporting methods will vary from platform to platform. As outlined in Article 16 of the DSA, providers of online platforms are obligated to implement notice and action mechanisms for the purpose of being notified of illegal content by individuals or entities. These mechanisms are intended to be user-friendly and accessible by electronic means. Examples include reporting directly via the post in question, the use of webforms, portals and separate interfaces for Trusted Flaggers. Accredited Trusted Flaggers will be informed of the notification process once onboarded by the relevant platforms.

21. How will platforms be held accountable for failure(s) to prioritise Trusted Flagger notifications?

Annual reports provided by Trusted Flaggers will feed into An Coimisiún's supervisory functions and inform us of systemic risks and/or failures to comply. Supervisory and enforcement procedures are in place to deal with instances of non-compliance. The European Commission is also equipped with enforcement powers to deal with breaches of the DSA when it comes to Very Large Online Platforms. This includes investigation and potential fines.

22. Is there a limit on the number of Trusted Flaggers that can be awarded this status by An Coimisiún at any one time?

To avoid diminishing the value of the Trusted Flagger mechanism, the DSA states that the overall number of Trusted Flaggers should be limited. The DSA specifically encourages industry associations representing their members' interests to apply for the Trusted Flagger status to streamline the number of entities applying for the status in the same areas of illegal content.

An Coimisiún will continuously review the quantity of Trusted Flaggers awarded this status and pause the acceptance of applications if necessary.

23. Can Trusted Flagger status be revoked?

If an online platform provider has reason to believe that a Trusted Flagger has submitted a number of insufficiently precise, inaccurate or inadequately substantiated notices, it is entitled to communicate this to the relevant DSC. Following a complaint of this nature, the DSC will consider if there are legitimate reasons to open an investigation. If the DSC decides to carry out an investigation the status of the Trusted Flagger will be suspended during the period of investigation.

In circumstances where it is established following an investigation that an entity no longer meets the Award Conditions, An Coimisiún is required to revoke the award. Before revoking that status, An Coimisiún shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as Trusted Flagger.

24. How do I apply to become a Trusted Flagger?

Bodies which are established in Ireland may apply to An Coimisiún to be awarded Trusted Flagger status under Article 22. An Coimisiún has prepared this [Application Form](#) and [Guidance](#). If you would like to apply for Trusted Flagger status or if you have any queries in relation to the application process, please email TrustedFlaggerApplications@cnam.ie.

Please note that only entities with an establishment in the EU may apply for the Trusted Flagger status under the DSA.

25. How does the application process work?

An Coimisiún are available to facilitate calls and meetings to discuss any queries an entity may have regarding eligibility, suitability and practicality. The team can be reached at TrustedFlaggerApplications@cnam.ie.

An Coimisiún shall endeavour, within three to four months of receipt of all information that enables the application to be processed, to communicate in writing its approval of, or its refusal to approve, the

award of Trusted Flagger status. The timeframe indicated is based on An Coimisiún having a complete application and all of the requisite information and supporting evidence to make its determination on accreditation. An Coimisiún will provide the applicant with a statement of reasons as to why your application for Trusted Flagger status was approved or refused.

Please note that clarity or additional information may be sought from the applicant to undertake a comprehensive review of the application.

26. Not all sections of the Application Form apply to my organisation – what do I do?

The Application Form has been designed to capture the broad range of entities who may apply to An Coimisiún for Trusted Flagger status.

With this in mind, some fields may not be relevant to all entities. Please do not leave a section blank or mark as 'Not Applicable'. A rationale must be provided to set out why a section may not be applicable. Please provide us with as much information as possible regarding how your entity can meet the conditions of the Trusted Flagger status for the accreditation period without that specific requirement in place. This information is required to aid a robust assessment of the application.

27. Is there a deadline to apply for Trusted Flagger status?

There is no deadline to submit an application. This is a rolling application process, but it is subject to being paused if An Coimisiún takes the view that the number of Trusted Flaggers should be limited to avoid diminishing the value of the status.

28. If I am awarded the status of Trusted Flagger what happens next?

The decision and award granted by An Coimisiún will be published on its website.

An Coimisiún is required to notify to the European Commission the bodies it has awarded Trusted Flagger status in accordance with [Article 22](#). The European Commission will also publish a list of Trusted Flaggers on its website: [EC Trusted Flaggers list](#).

The DSA does not impose a maximum period for the award of Trusted Flagger status. Currently, An Coimisiún grants the Trusted Flagger status for a period of three years. Upon the expiry of the accreditation period, the TF status is reassessed and, where appropriate, re-granted. Trusted Flaggers must continue to comply with the accreditation conditions and the other obligations under Article 22 for the entire period.

This FAQ document is regularly updated, however, if you have not found the answer you were looking for or need further assistance, please contact us at TrustedFlaggerApplications@cnam.ie.