

Question for written answer E-001281/2023
to the Commission
Rule 138
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Subject: Impact of the DSA and DMA on regulatory bodies and constitutional law in Member States, particularly Portugal

The Digital Services Act (DSA) and the Digital Markets Act (DMA) are two legislative proposals that aim to help build a secure, fair and transparent digital environment, as well as to boost innovation, growth and competitiveness among digital platforms and services. However, since they are draft regulations rather than directives, these proposals may conflict with Member States' constitutional law by infringing upon matters that are their jurisdiction. In Portugal, the Social Communication Regulatory Body (ERC) is responsible for supervising and regulating the media. Given that the proposals for regulations may run counter to Portuguese constitutional law in Portugal and the fundamental rights protected by its constitution:

1. Is the Commission aware of the challenges these proposals represent in terms of coordination and implementation?
2. How does the Commission plan to ensure coordination and cooperation between national and EU regulators?
3. How does the Commission plan to deal with possible conflicts concerning regulatory oversight?

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