PRACTICAL APPLICATION OF THE DIGITAL SERVICES ACT - THE CASE OF THE SLOVAK REPUBLIC*

Simona Rudohradská, PhD
University of Pavol Jozef Šafárik in Košice, Faculty of Law
Kováčska 26, 040 75 Košice, Slovakia
simona.rudohradska@upjs.sk

ABSTRACT

The Digital Services Act is currently receiving significant attention not only from experts but also from the general public. As stated in Article 93 of the DSA, the regulation will be fully applicable from February 17, 2024. Member States were required to incorporate its provisions into their national legal systems and begin its practical implementation. The submitted paper addresses the issues associated with implementation of the Digital Services Act into the legal system of the Slovak Republic, which adopted DSA through amendment of the law, No. 264/2022 Coll., on media services. In the context of the Slovak Republic, we are currently witnessing the first decisions of the Council for Media Services, which imposed an obligation to remove illegal content. The objective of this paper is to examine the process of implementation and application of the Digital Services Act and analyse the relevant decisions of the Council for Media Services, focusing on comparison of the concept of illegal content under national Slovak law and European Union law.

Keywords: *application of Digital Services Act, Council for Media Services, Digital Services Act, illegal content, obligation to remove content*

1. INTRODUCTION

The proposals for Digital Services Act, along with the proposal for Digital Markets Act, were presented as drafts of regulations in December 2020. Extensive discussions were held regarding the final text of the relevant regulations, aimed at integrating the views and feedback of relevant stakeholders. The adoption of legally binding legislation in the form of a regulation was preceded by several initiatives, one of which can be identified as the European Commission's Communication

* This contribution was processed as partial output of the projects ALTAML 09I05-03-V02-00049 - Automation of legal text analysis based on machine learning.

"Tackling Illegal Content Online and Increasing the Responsibility of Online Platforms" from 2017.[1] This document already introduces the central idea, which is also incorporated as a principle in the Digital Services Act, namely—what is illegal offline is also illegal online.

In the process of implementing the Digital Services Act, relevant provisions were incorporated into the legal order of the Slovak Republic through Act No. 264/2022 Coll. on Media Services and Amendments to Certain Laws. This law not only incorporates the relevant provisions but also addresses the issue of an independent national regulatory body, which in the context of Slovakia is the Media Services Council. The Media Services Council serves as the coordinator of digital services, empowered to properly enforce the regulation at the national level. The role of the digital services coordinator also entails the responsibility of the Media Services Council for the proper implementation of the regulation at the national level and serving as the national coordinator in relation to other member states, the European Commission, intermediaries, service recipients, and other entities as outlined in the regulation. An essential criterion for the exercise of the digital services coordinator's role was the strict requirement for the independence of this body from both public and private entities.

In the preliminary definition of the issue to be examined in this paper, we found through an initial review of the research conducted on the subject of illegal content in the context of the DSA that this topic resonates significantly in the professional field. A wealth of resources is available on the subject of the Digital Services Act in general. A key question was therefore how to contribute most effectively and from which perspective this issue should be approached. In this regard, we have determined that a valuable contribution to this debate and topic would be to address the practical application of this regulation at the national level, with the aim of clarifying the national regulation and the position of the national authority authorized to enforce the relevant provisions of the regulation.

From a methodological perspective are used primarily methods of analysis, comparative analysis, qualitative research, synthesis and case studies. Within the framework of clarifying the use of methods, each method was used as follows: a) analysis and qualitative research—of the relevant legal texts in the form of applicable legislation or judicial and administrative decisions, b) comparison of the selected parts of Digital Services Act with national law governing the relevant area at the national level, c) synthesis of key general conclusions, and d) case studies of first

[1] Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions. Tackling Illegal Content Online Towards an enhanced responsibility of online platforms, COM/2017/0555 final.

publicly available decisions of Slovak national digital services coordinator. The aim of this contribution is not only to examine the implementation and practical application of the Digital Services Act, but also to compare the concept of illegal content under national Slovak law and European Union law. Given the scope of the main objective of this paper and its partial goals, the implementation process in other Member States of the European Union will not be subject to comparison, as it would exceed the defined framework.

2. DIGITAL SERVICES ACT IN GENERAL

2.1. SCOPE AND APPLICABILITY

According to the Article 1(1) the aim of Digital Services Act is to contribute to the proper functioning of the internal market for intermediary services by setting out harmonised rules for a safe, predictable and trusted online environment that facilitates innovation and in which fundamental rights enshrined in the Charter, including the principle of consumer protection, are effectively protected. As can be inferred from the definition of the objective of the Digital Services Act, its application is aimed at providers of intermediary services on the internal market. The European legislator further divides the regulation in Article 1 (2) of DSA into three main areas, which are as follows: a) a framework for the conditional exemption from liability of providers of intermediary services; b) rules on specific due diligence obligations tailored to certain specific categories of providers of intermediary services; c) rules on the implementation and enforcement of this Regulation, including as regards the cooperation of and coordination between the competent authorities. Intermediary services are further defined in Article 3 (g) as information society services, specifically a) a mere conduit services, a caching service and hosting service.

The normative part of the DSA, Articles 2(1) and 2(2) of the DSA stipulate that "this regulation applies to intermediary services offered to service recipients who are established in the Union or are located therein, regardless of where the providers of such intermediary services are established. This regulation does not apply to any service that is not an intermediary service, nor to any requirements imposed in connection with such a service, irrespective of whether the service is provided through an intermediary service." Therefore, in determining the specific entities to which the Digital Services Act will apply, the location of their registered office, or in the terminology of the Digital Services Act—the place of establishment—is not decisive. Instead, the key indicator can be considered as the place of establishment of the recipients of these intermediary services (*the user base*), which should be in the territory of the Union. The individuals who can be understood as service recipients are defined in Article 3(b) of the Digital Services Act, where it specifies

that any natural or legal person who uses an intermediary service, particularly for the purposes of searching for or making information accessible, is considered a service recipient. These natural and legal persons thus constitute the user base of intermediary services, encompassing both the consumer spectrum of service recipients as well as commercial users. Within the scope of the regulation, the normative text excludes from its scope all services that are not intermediary services.[2]

2.2. CATEGORIES OF DUTIES AND BRIEFLY ABOUT THE LIABILITY REGIME OF ONLINE PLATFORMS

The obligations of the addressees of the Digital Services Act, i.e., providers of intermediary services, are primarily concentrated in Chapters II and III of the DSA. These chapters are further subdivided into sections. The systematization of specific obligations is organized according to the status of the providers of intermediary services. Chapter II is dedicated to the liability of providers of intermediary services and includes provisions on horizontal liability exemptions, which were previously applied through the Electronic Commerce Directive (E-Commerce Directive).[3] Prior to the adoption of the Digital Services Act, the original legal framework regulating the liability of online platforms was primarily governed by the E-Commerce Directive. This directive laid the foundation for the regulation of information society services, the prohibition of a general monitoring obligation, and the horizontal framework for conditional exceptions from liability. At first glance, it might appear that with the initial trends towards stricter regulation in the form of a new regulation, the regulation would intervene more significantly in the concept of liability. However, this assertion would not be entirely accurate. The relationship between the Digital Services Act and the E-Commerce Directive is characterized by Article 2(3) of the Digital Services Act, which stipulates that the regulation does not affect the application of the E-Commerce Directive. Therefore, the role of the Digital Services Act is not to replace or substitute the E-Commerce Directive. By comparing Articles 12 to 15 of the Digital Services Act with Articles 3 to 9 of the E-Commerce Directive, there are no significant changes in the liability regime for providers of intermediary services, as confirmed by other relevant scholarly literature.[4] In order to maintain the legal certainty provided to providers of intermediary services by the horizontal framework of conditional liability exemptions set out by

[2] Article 2 (2) of Digital Services Act.

[3] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('E-Commerce Directive'), OJ L 178, 17 July 2000, pp. 1–16.

[4] Cauffman, C.; Goanta, C., *A new order: The digital services act and consumer protection*, European Journal of Risk Regulation, Volume 12, Issue 4, 2021, p. 763.

the Electronic Commerce Directive, this framework facilitated the emergence and expansion of many new services across the internal market. For these reasons, this legal framework has been preserved.[5] Frosio and Geiger in this regard state that, past frameworks, such as the ECD, have established limited liability regimes that included exemptions for DSPs, offering robust safeguards for users' fundamental rights. Recent modifications to this paradigm have been introduced through the C-DSM Directive. In this evolving landscape, the DSA deserves praises for its careful effort to preserve the ECD long-standing balance of fundamental rights. Rather than disrupting this equilibrium, the DSA accentuates the importance of fundamental rights online, taking very seriously the task of safeguarding the fundamental rights of users, platforms, and other affected parties.[6]

In addition to the aforementioned exemptions, Chapter II also contains a provision that emphasizes that proactive measures aimed at detecting, identifying, and removing illegal content do not result in providers of such intermediary services being excluded from or ineligible for liability exemptions (Article 7). The user interface differs from one platform to another; however, each platform has its own system for addressing issues related to illegal content or posts—this includes the method and format of reporting such content, the procedural steps taken by the platform, and ultimately the assessment and resolution of the reported case. In this context, a platform's proactivity may also be reflected in the use of filters or algorithms designed to detect and intercept manifestly inappropriate content before it becomes publicly accessible to the wider user base of the platform. At the same time, there is also a prohibition on a general monitoring obligation or an active duty to investigate facts (Article 8), which, according to established literature, protects content creators and gatekeepers of user-generated content, similar to how media privileges protect journalists and news organizations when they publish editorial content.[7]

The categorization of obligations for service providers under the DSA is outlined in Chapter III, which is divided into individual sections. Section 1 is dedicated to provisions applicable to all providers of intermediary services, Section 2 summarizes additional provisions applicable to providers of hosting services, including online platforms, Section 3 focuses on additional provisions applicable to providers of online platforms. Section 4 establishes provisions applicable to providers of online platforms enabling consumers to enter into distance contracts with traders. Section 5 regulates additional obligations for providers of very large online plat-

5 Point 16 of Preamble of Digital Services Act.

6 Frosio, G.; Geiger, C., *Taking Fundamental Rights Seriously in the Digital Services Act's Platform Liability Regime*, European Law Journal, Volume 29, Issue 1-2, 2023, p. 75.

7 Husovec, M., *Principles of the Digital Services Act*. Oxford: Oxford University Press, 2024, ISBN 978-0-19-288245-5, p. 67.

forms and very large internet search engines to manage systemic risks. Finally, the last Section 6 governs other provisions concerning due diligence obligations. The obligations, status, and competencies of the authorities responsible for the enforcement and application of the relevant provisions of the DSA are concentrated in Chapter IV. This area will be addressed in more detail in the section focused on Digital Services Coordinators.

3. NATIONAL IMPLEMENTATION CONTEXT

Prior to the entry into force of the Digital Services Act and its implementation into national law, the regulation of digital services in Slovakia was not governed by a unified framework. The principal legal act governing digital services, or more precisely, information society services, was Act No. 22/2004 Coll. on Electronic Commerce, which was based on the E-Commerce Directive. It is also important to mention that the first version of Act No. 264/2022 Coll. regulated selected digital services, particularly video-sharing platforms. In the context of data collection concerning users of digital platforms, reference must also be made to Act No. 18/2018 Coll. on the Protection of Personal Data. All of the aforementioned laws have remained in force and effect even after the implementation of the Digital Services Act into the Slovak legal order. The most significant amendments, however, were made to Act No. 264/2022 Coll. on Media Services.

As mentioned in several parts of this contribution, the Digital Services Act was adopted in the form of a regulation. According to Article 288 TFEU, a regulation has general applicability, is binding in its entirety, and is directly applicable in all Member States. Given the chosen form of the legal act, it can be deduced that the aim was to unify respectively highly harmonize the regulated area. For the purposes of mapping the process of applying the DSA Regulation, we will analyse the explanatory report published during the adoption process of Act No. 264/2022 Coll. on Media Services. In the general section of this explanatory report, the Slovak national legislator states that the objective of the national implementation through the draft law is to ensure the enforceability of the rights and obligations arising from Regulation (EU) 2022/2065.[8] Furthermore, the explanatory report notes that the DSA introduces new harmonized rules for providers of intermediary services, including social networks, online marketplaces, internet search engines, web hosting and cloud services, online travel and accommodation platforms, app stores, and other types of online platforms. It is emphasized that the regulation will also apply

[8] National Council of the Slovak republic. Explanatory Report to the Draft Act on Amendments to Act No. 264/2022 Coll. on Media Services., available at: [https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=547911], pp. 1-3, Accessed 14 April 2025

to providers from third countries if they offer services to users in the EU. In addition to regulating intermediary services, the DSA also aims at more effective action against illegal content disseminated through online intermediary services and introduces new obligations for providers of these services, differentiated by the size and type of provider. The proposed pan-European supervisory framework, which is to be based on intensive cooperation between digital service coordinators and the European Commission, is designed to ensure a safe, predictable, and trustworthy online environment.[9] The Slovak Republic initiated the implementation process only after repeated calls from the European Commission, which launched infringement proceedings against it pursuant to Article 258 of the TFEU.[10]

Another crucial aspect of the implementation process is the designation of the so-called Digital Services Coordinator, who is responsible for the proper enforcement of the DSA Regulation at the national level. This authority shall act as the national point of coordination in relation to other Member States, the European Commission, providers of intermediary services, recipients of such services, and other relevant entities as defined by the Regulation. A key requirement for the exercise of the Digital Services Coordinator's role is strict independence from both public and private entities. In the context of the Slovak Republic, the Council for Media Services has been identified as the most suitable candidate for assuming this coordinating role.[11] This institution may build on its existing competences concerning content-sharing platforms and video-sharing platforms under the current Act No. 264/2022 Coll. on Media Services. Furthermore, it is stipulated that the DSA requires that the Coordinator should be provided with sufficient technical, financial, and human resources to enable the impartial, transparent, and timely exercise of oversight in the online environment.[12]

Interestingly, in the course of implementing the DSA, the national legislator also decided to incorporate Regulation (EU) 2019/1150[13] of the European Parliament

---

9 *Ibid.,* p. 1.

10 According to the information contained in the explanatory report to the Act on Media Services, infringement proceedings against the Slovak republic were conducted under the reference number INFR(2024)2042, with a Letter of Formal Notice issued by the European Commission under the number C(2024)2188 final.

11 National Council of the Slovak republic. Explanatory Report to the Draft Act on Amendments to Act No. 264/2022 Coll. on Media Services, available at: [https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=547911], p. 1, Accessed 14 April 2025.

12 This follows primarily from Article 50 of Digital Services Act, but it is also emphasized in the preamble of Digital Services Act, point 111.

13 Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services, OJ L 186, 11 June 2019, pp. 57–79.

and of the Council into the Act on Media Services, which, pursuant to Article 19(2) thereof, has been applicable since 12 July 2020. Busch and Mak state that Regulation 2019/1150 served as a significant model for the Digital Services Act.[14] It is commonly referred to as the P2B Regulation and applies to providers of online intermediation services and online search engines—particularly online marketplaces, app stores, social media platforms for businesses, price comparison tools, and general online search engines—through which traders established in the EU offer goods or services to consumers within the EU. The aim of this Regulation is to enhance fairness and transparency in the online business environment, thereby enabling businesses to operate across borders within the EU internal market. Regulation (EU) 2019/1150 introduces a range of obligations for online intermediation services and online search engines designed to prevent unfair commercial practices by platforms towards business users, which may otherwise restrict domestic and cross-border online sales and negatively affect consumers in the EU. To date, the enforcement of Regulation (EU) 2019/1150 in the Slovak Republic has fallen within the competence of judicial authorities. However, no increased interest in the assertion of rights under this Regulation has been observed, and no publicly available court decisions applying the Regulation have been identified. In this context, it should also be noted that the European Commission has initiated infringement proceedings against the Slovak Republic under Article 258 of the TFEU for failing to ensure sufficiently appropriate and effective enforcement of this Regulation.[15]

4. THE CONCEPT OF ILLEGAL CONTENT

4.1. ILLEGAL CONTENT IN EUROPEAN LAW

The issue of illegal content was addressed in the European Commission's Communication from 2017, but since it was a legal act with no binding force, it had more of a recommendation character.[16] The European Commission regards the issue of illegal content as an urgent matter that must be addressed. Through this Communication, online platforms were "urged" to intensify efforts to tackle this problem

---

14 Busch, C.; Mak, V., *Putting the Digital Services Act into Context: Bridging the Gap between EU Consumer Law and Platform Regulation,* Journal of European Consumer and Market Law (EuCML), Issue 3, 2021, p. 109.

15 National Council of the Slovak Republic. Explanatory Report to the Draft Act on Amendments to Act No. 264/2022 Coll. on Media Services, available at: [https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=547911], p. 1-2, Accessed 14 April 2025.

16 Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions tackling Illegal Content Online Towards an enhanced responsibility of online platforms, COM/2017/0555 final.

in relation to the responsibility arising from their central role in society. In the context of detecting and reporting illegal content, the European Commission outlined various ways in which online platforms may become aware of the existence of illegal content, primarily highlighting: a) court orders or administrative decisions; b) notifications from competent authorities (such as law enforcement agencies), c) specialized "trusted flaggers," intellectual property rights holders, or ordinary users; or the platform's own investigation or knowledge.[17]

The purpose of the European Commission's Communication was not to harmonize the definition of illegal content, as it states that "what is illegal is determined by specific legal provisions at the EU level, as well as national legislation."[18] Prior to the adoption of the DSA, this area was regulated by the E-Commerce Directive. The E-Commerce Directive included the so-called notice and takedown model, whereas the DSA regulates the so-called notice and action model.[19] The DSA similarly approaches the definition of illegal content. Article 3(1)(h) of the Digital Services Act defines illegal content as any information that, either by itself or by referring to any activity, including the sale of products or the provision of services, is not in accordance with the laws of the Union or any Member State, regardless of the specific subject or nature of those laws. Interpreting this definition leads to the conclusion that illegal content can essentially be considered anything that is in conflict with the legal provisions of Member States or the legal provisions of individual Member States.

At first glance, it might seem that illegal content primarily refers to content that conflicts with criminal law. However, such an understanding of illegal content cannot be considered correct and, for the purposes of regulating digital services, it would be highly restrictive. According to the wording of the DSA, the term "illegal content" should be defined broadly to encompass information related to illegal content, products, services, and activities. Specifically, this term should be understood to refer to information that, regardless of its form, is considered illegal under applicable laws, either by being inherently illegal - such as illegal hate speech, terrorist content, or illegal discriminatory content - or because the applicable rules are illegal due to their relation to unlawful activities.[20]

---

17 Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions tackling Illegal Content Online Towards an enhanced responsibility of online platforms, COM/2017/0555 final.

18 *Ibid.,* p. 6.

19 Rojszczak, M., *The Digital Services Act and the Problem of Preventive Blocking of (Clearly) Illegal Content*, Institutiones Administrationis-Journal of Administrative Sciences, Vol. 3, No. 2, 2023, p. 46.

20 Point 12 of Preamble of Digital Services Act.

Illustrative examples of illegal content include the sharing of child sexual abuse material, the unlawful distribution of private images without consent, online harassment, the sale of unsafe or counterfeit products, the offering of goods or services in violation of consumer protection laws, the unauthorised use of copyrighted content, the illegal offering of accommodation services, or the unlawful sale of live animals. Conversely, a video recording by an eyewitness of a potential crime should not be considered illegal content solely on the grounds that it depicts an unlawful act, provided that the recording or public dissemination of such footage is not prohibited under national law or Union law.[21] As follows directly from the operative part of the definition of illegal content, in conjunction with the recitals of the DSA, the objective is to encompass a broader range of illegal content, with due regard to multiple areas of law, including but not limited to intellectual property law, consumer protection law, unfair competition law, privacy law, and others.

According to Wilman, with regard to certain specific forms of illegal content, those other instruments include for instance the Regulation on combating terrorist content online ('TCO Regulation') and the Directive on copyright in the digital single market ('CDSM Directive').[22] It can also be deduced from the above that the concept of illegal content goes beyond the criminal law understanding of this term. In the section devoted to general remarks and implications at national level, Wilman raises an important question: whether the aim of the DSA is to combat the dissemination of illegal content by users through intermediary services, or rather to protect users from over-removal of their information and other practices detrimental to their interests by the providers of such services. He argues that the DSA essentially seeks to pursue both objectives, though it places greater emphasis on the *protective* rather than the *repressive* dimension - one that reflects a form of "consumer-like" protection.[23] At the same time, Wilman links the scope of the DSA to its "sister" regulation, the Digital Markets Act (DMA), noting that moreover, if the DMA succeeds in strengthening competition in the online services sector, it will be easier for users – also thanks to the transparency achieved under the DSA – to choose another provider if they do not like, for example, the content moderation or the recommender system of their current provider. Better functioning of the market can therefore also bring about the necessary improvements.[24] Pursuant to Khan the broad definition of illegal content provides uncertainty for

21 Point 12 of Preamble of Digital Services Act.

22 Wilman, F., *The Digital Services Act (DSA) – An Overview*, [https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4304586], p. 2, Accessed 14 April 2025.

23 *Ibid.,* pp. 16-18.

24 *Ibid*, p. 18.

implementation of specific mechanisms. The act adequately suggests there is a difference between non – illegal harmful content and illegal content.[25]

4.2. ILLEGAL CONTENT IN SLOVAK NATIONAL LAW

As it is stated by Husovec, the DSA does not harmonise what content or behaviour counts as illegal (Article 3(h)). The DSA basically refers to the entire legal system of its Member States to express what is illegal for the purpose of the DSA. In some areas, such laws can be harmonised, but this remains an exception.[26]According to Švec and coll. definition should encompass not only the content itself but also any associated information related to illegal content, products, services, and activities. Specifically, "illegal content" should include, regardless of its form, information that is illegal in itself or connected to unlawful activities under applicable law. This includes, but is not limited to, hate speech, terrorist content, discriminatory material, images depicting sexual abuse of children, and online harassment.[27] Act No. 264/2022 Coll. on Media Services defines illegal content for the purposes of the Act in § 151(2) as content that a) meets the criteria of child pornography or extremist material, b) incites conduct that constitutes any of the criminal offenses related to terrorism, c) approves conduct that constitutes any of the criminal offenses related to terrorism, d) or constitutes the criminal offense of denying or approving the holocaust, crimes of political regimes, and crimes against humanity, the criminal offense of defamation of a nation, race, and belief, or the criminal offense of incitement to national, racial, and ethnic hatred.[28] From the above citation, it is clear that the Slovak legislator, for the purposes of the Media Services Act, has defined illegal content by focusing on what are arguably the most serious manifestations of illegal content in the online space with the regard to the criminal law. *Argumentum a contrario*, if the content does not pertain to the enumerated categories of criminal offenses under Section 151(2)(a) to (d) of the Media Services Act, the affected entity would not be able to refer its complaint to the Digital

---

25 Khan, F., *Does the Digital Services Act achieve a balance between regulating deepfakes and protecting the fundamental right to freedom of expression?*, available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4868290], p. 10, Accessed 14 April 2025

26 Husovec, M., *Principles of the Digital Services Act*. Oxford: Oxford University Press, 2024. ISBN 978-0-19-288245-5, p. 31.

27 Švec, M.; Madleňák, A.; Hladíková, V.; A Mészáros, P., *Slovak Mimicry of Online Content Moderation on Digital Platforms as a Result of the Adoption of the European Digital Services Act,* Media Literacy and Academic Research, Vol. 7, No. 2, 2024, p. 91.

28 Act No. 264/2022 Coll. on Media Services and on Amendments and Additions to Certain Acts. English version of this Act is available from: [https://www.culture.gov.sk/wp-content/uploads/2019/12/Act-No.-264_2022-Coll.-on-media-services-and-amending-certain-acts-Media-Services-Act-1.pdf].

Services Coordinator. In such a case, for example, if intellectual property rights were violated, the affected entity would have to use other means of legal protection. In the illustrated case, an effective remedy could be, for instance, a lawsuit filed with the competent court, primarily aiming at injunctions and reparative claims regarding the rights of the injured party.

For the purposes of a more in-depth analysis of the concept of illegal content, we examined the relevant section of the explanatory memorandum adopted in connection with the amendment of Act No. 264/2022 Coll. on Media Services.[29] As previously noted, the definition of illegal content for the purposes of the Media Services Act is contained in Section 151(2)(a) to (d) of Act No. 264/2022 Coll. on Media Services. Upon reviewing the relevant part of the explanatory memorandum (p. 55 et seq.), it may be stated that the legislator does not further elaborate or substantiate the underlying concept of illegal content. Instead, the memorandum merely asserts that, in the case of the specified categories of illegal content, it is desirable that complaints concerning such content be addressed without undue delay.[30] Another relevant source in this context appears to be the form through which a complaint may be submitted to the Council for Media Services. This form is available in template format on the official website of the Council for Media Services.[31] For the purposes of analysing which specific attributes are addressed in the Media Services Council's form submission as part of the assessment of the targeting procedure, in the next section we will focus on the specific text of the form submission, which is publicly available on the Media Services Council's website.[32]

From a practical perspective, the complaint form contains fields identifying the complainant and includes a notice stating that, if the Council for Media Services is not materially competent to assess the complaint, the complainant consents to the forwarding of their submission, including all annexes, to the competent authority, including an institution established in a Member State in which the relevant intermediary service is established- consent does not apply in the case of referral of a complaint based on the law.[33] The complainant is further required to specify the

---

29 National Council of the Slovak republic. Draft Act amending and supplementing Act No. 264/2022 Coll. on Media Services and on Amendments to Certain Acts, 2024, available at: [https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=547911], Accessed 26 June 2025

30 *Ibid.,* p. 55.

31 Council for Media Services, Complaints regarding online intermediation services and internet search engines under the DSA, 2024, available at: [https://rpms.sk/sites/default/files/2024-09/podnet_DSA.pdf], Accessed 8 April 2025.

32 The procedure for submitting a complaint is available at the following link: [https://rpms.sk/podanie-podnetu-na-preverenie-tykajuceho-sa-sprostredkovatelskej-sluzby].

33 Council for Media Services. Complaints regarding online intermediation services and internet search engines under the DS, available at:

grounds for the complaint by selecting relevant checkboxes - namely, whether the service provider has failed to designate or provide a single point of contact; whether such a contact point is difficult to locate or not up to date; whether the service provider cannot be contacted electronically; or whether the service provider only offers communication via automated means (e.g. a chatbot).[34] An "Other" option is also provided, in accordance with Article 12 of the DSA. Another section of the form is dedicated to matters governed by Article 14 of the DSA, which concerns the requirements applicable to terms and conditions.[35] The complainant may refer to elements they believe the provider has omitted or, alternatively, may specify the reasons for which they consider the terms and conditions to be incompatible with the relevant provisions of the DSA. Subsequently, the complainant may refer a matter to the Council on the grounds that the service provider has failed to publish a transparency report as required, which ought to be easily accessible, available in a machine-readable format, and include information regarding content moderation activities carried out during the relevant period.[36] A crucial part of the form, particularly in the context of illegal content, relates to the notification mechanism under Article 16 of the DSA.[37] The form lists seven primary grounds -presented as checkboxes - on the basis of which a complainant may contact the Council. These include: the absence of a mechanism in the provider's interface for reporting illegal content; the reporting mechanism not being easily accessible; the mechanism being user-unfriendly or not operable exclusively through electronic means; failure by the provider to issue an acknowledgement of receipt despite the user providing electronic contact details; failure to inform the user of the outcome of the complaint or failure to do so within a reasonable time; the decision not including information on available redress mechanisms; and failure of the notification to result in the removal of the illegal content. An open-ended "Other" category is also provided.[38] The final section of the form contains items relating to internal complaint-handling systems (Article 20 DSA), out-of-court dispute settlement (Article 21 DSA), measures and safeguards against misuse (Article 23 DSA), design and organisation of the online interface (Article 25 DSA), advertising (Article 26 DSA), and the transparency of recommender systems (Article 27 DSA).[39]

[/https://rpms.sk/sites/default/files/2024-09/podnet_DSA.pdf], p. 1., Accessed 8 April 2025.

34 *Ibid*., p. 1.

35 *Ibid*, p. 2.

36 *Ibid,* p. 2.

37 *Ibid,* p. 3.

38 *Ibid*, p. 3.

39 *Ibid,* pp. 4-7.

5. MECHANISM FOR EXERCISING RIGHTS

In addition to the strict requirement to respect the fundamental rights of affected parties, the online environment also reveals tendencies whereby shared content may not necessarily be illegal or infringing upon anyone's rights. Nonetheless, due to frequent reporting by other users without legitimate grounds, or as a result of erroneous assessments made by the platform's algorithms, individuals who have not violated either national law or European Union law may still be deprived of their freedom of expression in a targeted and biased manner. In such cases, platforms should carefully assess any restriction of a user's ability to access or use their account. This concern is directly addressed in Article 16 of the DSA, which imposes an obligation on providers of hosting services to implement mechanisms for the reporting of illegal content. These mechanisms must be easily accessible, user-friendly, and must allow submission of notifications exclusively through electronic means.[40] Among the requirements for a valid and reasoned notice, as outlined in Article 16(2)(a) to (d) of the DSA, particular emphasis is placed on point (d), which requires a declaration by the individual or entity submitting the notice that they act in good faith, believing the information contained in the notice to be accurate and complete. Such a notice should provide the platform with actual knowledge of the illegal content in question, without requiring any detailed legal analysis (Article 16(3) of the DSA). When deciding on reported illegal content, service providers may make use of automated means, provided that users are duly informed of such use. Furthermore, the handling of notices by hosting service providers must be timely, diligent, non-arbitrary, and objective (Article 16(6) of the DSA).

Article 18 of the Digital Services Act (DSA) governs the obligations of hosting service providers in cases where there is a suspicion of criminal offences. Specifically, when a provider becomes aware of any information giving rise to a suspicion that a criminal offence has occurred, is occurring, or is likely to occur—particularly where such offence poses a threat to the life or safety of a person—it shall, without undue delay, inform the law enforcement or judicial authorities of the relevant Member State.[41] Article 53 of DSA regulates situations in which a recipient of the service—or another entity, such as a body or organisation—is entitled to submit a complaint to the Digital Services Coordinator. The right to lodge such a complaint arises where the provider of the intermediary service has committed an infringement of the provisions of the DSA.[42]

40 Article 16 (2) (a) to (d) of Digital Services Act.

41 Article 18 (1) of Digital Services Act.

42 Article 53 of Digital Services Act.

5.1. AUTHORITY RESPONSIBLE FOR NATIONAL ENFORCEMENT OF THE DSA AND ITS COMPETENCES – DIGITAL SERVICES COORDINATORS

5.1.1. Legal framework within the meaning of the DSA

In several parts of this contribution, we refer to the fact that, under the legal framework of the Slovak Republic, the Digital Services Coordinator within the meaning of the DSA is the Council for Media Services. Each Member State is obliged to designate such an authority and equip it with the necessary powers. The list of designated authorities is published by the European Commission.[43] Within the framework of the DSA, the status and competences of Digital Services Coordinators are primarily set out in Articles 49, 50, and 51 of DSA. However, this enumeration is merely illustrative, as the powers of the Digital Services Coordinators extend beyond these provisions, and their tasks are "dispersed" throughout the Regulation.[44] The designated Digital Services Coordinator is responsible for all matters relating to the supervision and enforcement of the DSA within the respective Member State, unless such tasks have been assigned to other authorities. Its role also includes contributing to the effective and consistent enforcement of the Regulation. The requirements laid down in Article 50 DSA emphasise that Digital Services Coordinators must carry out their tasks impartially, transparently, and in a timely manner.[45] It remains the responsibility of the Member States to ensure that these authorities are equipped to effectively exercise their competences.[46] The scope of competences and powers of Digital Services Coordinators in relation to providers of intermediary services is set out in Article 51 DSA, which includes the power to request information from such providers, to conduct on-site inspections, or when necessary, to request the judiciary or other public authorities in their Member State to examine, seize, make copies, or otherwise obtain access to relevant information suspected of being linked to an infringement. The Coordinator is also entitled to request any employee or representative of the provider to supply relevant explanations.[47] In the area of law enforcement, Digital Services Coordi-

---

43 European Commission, Digital Services Coordinators. Brussels: European Commission, 2024, available at:
[https://digital-strategy.ec.europa.eu/en/policies/dsa-dscs], Accessed 14 April 2025

44 For instance, the power of the Digital Services Coordinator to request, in cases of a well-founded suspicion of a violation of the DSA that negatively affects service recipients, the adoption of necessary measures by the Digital Services Coordinator of the Member State of establishment of the provider of the intermediary service, pursuant to Article 58 of the DSA, as well as various other related powers.

45 Article 50 (1) of Digital Services Act.

46 Article 50 (1) of Digital Services Act.

47 Article 51 (1)(a) to (c) of Digital Services Act.

nators are empowered to accept commitments offered by providers in connection with their compliance with the DSA. They also have the authority to order the cessation of infringements of legal obligations, impose remedial measures proportionate to the infringement, issue fines, impose periodic penalty payments, adopt interim measures, or request the competent judicial authority to do so.[48]

5.1.2. Legal framework within the meaning of the national media services law

Under Slovak national law, specifically Act No. 264/2022 Coll. on Media Services, the Council for Media Services is referred to as a "regulator" (§ 1(c)). However, its responsibilities are not limited to the implementation of the DSA, it also holds competences in the field of broadcasting and retransmission.[49] As a comprehensive overview of all powers and competences of the Council for Media Services within the legal framework of the Slovak Republic would exceed the scope of this contribution, the focus here is restricted to a selected area and the related provisions.

With regard to the competences exercised under the DSA, the relevant provisions are found in § 150-153 of the Media Services Act. These articles regulate the submission and handling of notices requesting review (§150 of Media Services Act), filing a complaint regarding illegal content (§151 of Media Services Act), the procedure for preventing the dissemination of illegal content (§152 of Media Services Act), and the issuance of decisions on such prevention (§153 of Media Services Act). Several of these provisions have been discussed throughout this contribution, particularly in the context of the national legislator's approach to defining illegal content. The Senate of the Council examines the substance of notices concerning illegal content and must discuss the notice at a meeting held no later than 45 days from the date of registration of the respective submission.[50] The Council may also initiate proceedings *ex officio*, if it becomes aware -either on its own initiative or from external sources -of the existence of illegal content and if the matter is urgent.[51] It is the duty of the Council to inform the provider of content services about the initiation of proceedings aimed at preventing the dissemination of illegal content (in accordance with the Administrative Procedure

48 Article 51(2)(a) to (e) of Digital Services Act.

49 The competence of the Council for Media Services, not only in the area of regulating providers of intermediary services, is defined by § 110 of Act No. 264/2022 Coll. on Media Services within the framework of national legislation.

50 § 152(1) of Media Services Act.

51 § 152(3) of Media Services Act.

Code No. 71/1967 Coll.),[52] including a description of the content in question and the reasoning as to why the content may be considered illegal.[53]

The Council shall also inform the notifier of the outcome of the proceedings.[54] A content-sharing platform may remove content on its own initiative if it considers the content to be illegal, in such cases, the regulator is authorised to review the removal in the course of the proceedings. If it is found that the content is not illegal, the Council issues a decision to that effect.[55] A decision on the prevention of the dissemination of illegal content must include sufficient information to identify the content concerned - a justification as to why the content is deemed illegal, a statement explaining why the dissemination of such content threatens the public interest or significantly interferes with individual rights or legitimate interests of a person, and a time limit within which the provider must remove the illegal content.[56] Any person who believes that the effects of such a decision infringe their rights may submit an objection. However, the objection has no suspensive effect and the provisions of the Administrative Procedure Code do not apply to it.[57] Given the short period of application of the relevant provisions of the Digital Services Act, and taking into account the limited number of proceedings conducted under the DSA within the legal framework of the Slovak Republic, it would be premature to assess the application of the DSA or the Act on Media Services in the national context of the Slovak Republic and its potential effect on EU level.

6. CASE STUDIES

6.1. IN GENERAL ON DECISIONS APPLYING THE DIGITAL SERVICES ACT

Through the examination of decisions published thus far on the official website of the Council for Media Services, several recurring elements can be identified. These decisions are partially issued in both Slovak and English language. This bilingual format is justified by the need to address the removal order directly to the platform hosting the illegal content. Both decisions reference not only national legislation but also the DSA and the E-Commerce Directive.

---

52 § 152(4) of Media Services Act.

53 § 152(4) (a) to (b) of Media Services Act.

54 § 152(5) of Media Services Act.

55 § 152(7) of Media Services Act.

56 § 153(2) (a) to (d) of Media Services Act.

57 § 153(4) of Media Services Act.

The decisions further engage with the application of the so-called country-of-origin principle under Article 3 of the E-Commerce Directive, according to which providers of information society services are subject to the jurisdiction of the Member State in which they are established. This principle is further clarified by Recital 38 of the DSA, which states that "orders to act against illegal content and to provide information are subject to the rules protecting the jurisdiction of the Member State in which the provider concerned is established, and in certain cases to the rules laying down possible exceptions to that jurisdiction set out in Article 3 of Directive 2000/31/EC, but only if the conditions of that Article are fulfilled. As such orders relate to specific items of illegal content and information, if they are addressed to providers of intermediary services established in another Member State, they do not in principle limit the freedom of those providers to provide services across borders. Therefore, such orders do not fall within the rules laid down in Article 3 of Directive 2000/31/EC, including the rules requiring justification of any measures derogating from the jurisdiction of the Member State of establishment by certain specific reasons and the rules on notification of such measures."

As a result, where an order is issued to remove a specific item of illegal content hosted on a content-sharing platform by one of its users, there is no need to apply the country-of-origin principle under Article 3(2) of the E-Commerce Directive. Consequently, it is not necessary to follow the procedural framework set out in Article 3(4) and (5) of the E-Commerce Directive, or in § 3(5) and (6) of Act No. 22/2004 Coll. on Electronic Commerce, which provide for derogation from that principle.

6.2. DECISION ON THE OBLIGATION TO REMOVE ILLEGAL CONTENT – SOCIAL NETWORK X

For the purposes of analysing the decision-making activity of the Digital Services Coordinator, we examined the database of decisions published by the Council for Media Services.[58] At the time of preparing this contribution, two decisions were available on the Council's official website concerning the obligation to remove illegal content under the DSA. The first decision in the legal context of the Slovak Republic applying the DSA is Decision No. RNO/1/2024 of the Council for Media Services, which concerns the removal of illegal content from the social network X (formerly Twitter).[59] This decision serves as a practical example of applying the rules arising

[58] Council for Media Services, Decisions regarding the content of broadcast and provided services: Case No. RNO/1/2024, available at: [https://rpms.sk/sites/default/files/2024-10/RNO_1_2024.pdf], Accessed 12 April 2025.

[59] Council for Media Services, Decisions regarding the content of broadcast and provided services: Case No. RNO/1/2024, [https://rpms.sk/sites/default/files/2024-10/RNO_1_2024.pdf], Accessed 12 April 2025.

from Regulation (EU) 2022/2065 within a national administrative procedure. The Council ordered the platform X to remove a specific user post that had been assessed as illegal under Slovak law. The territorial scope of the decision extended across the entire European Union, with the exception of the Slovak Republic (since, upon verification, the content was no longer available at the relevant URL and the administrative proceedings were therefore discontinued). However, the post remained accessible in other Member States of the EU. The decision was thus qualified as an order to act against illegal content within the meaning of Article 9 of the DSA.

The decision clearly indicates that the DSA does not provide a standalone legal basis for issuing removal orders and it rather operates as a procedural and enforcement framework, harmonising formal requirements for decisions with cross-border effects. The Council's legal authority was based on § 153(1) of the Slovak Media Services Act, while the DSA served to ensure compatibility with EU rules, particularly regarding the content, delivery, and territorial scope of the order. In line with Article 9(2) of the DSA, the decision included a reference to the legal basis, justification of the illegality of the content, precise identification and location data (URL), as well as information on remedies available to affected parties.

A key element of the decision was its cross-border application, as the obligation to remove the content applied only in the territory of other EU Member States. This aspect aligns with Recital 31 of the DSA, which emphasises the need for effective and harmonised implementation of national decisions with cross-border impact. The Council correctly noted that the DSA merely codifies and develops existing practices, previously defined for example by the case-law of the Court of Justice of the European Union (C-18/18, Glawischnig-Piesczek).[60] The decision also addresses the issue of the temporal applicability of the DSA, as the administrative proceedings were initiated before the Regulation's full applicability (17 February 2024). In this regard, the Council relied on settled case-law of the CJEU, which holds that procedural rules apply to pending proceedings once they have entered into force (referring to C-293/04, Beemsterboer).[61]

It follows from the decision that the DSA does not establish new substantive obligations for providers in the area of content removal, but rather standardises and enhances the procedural aspects of the enforcement of such obligations. The case also demonstrates how the DSA can be effectively integrated into the national regulatory framework, contributing to the balance between the protection of fun-

[60] Case C-18/18, *Eva Glawischnig-Piesczek v. Facebook Ireland Limited* [2019] Court of Justice of the European Union, ECLI:EU:C:2019:821.

[61] Case C-293/04, *Beemsterboer Coldstore Services BV v. Inspecteur der Belastingdienst/Douane Zuid* [2006] Court of Justice of the European union ECLI:EU:C:2006:162.

damental rights and the public interest on the one hand, and the freedom of expression on the other.

6.3. DECISION ON THE OBLIGATION TO REMOVE ILLEGAL CONTENT - SOCIAL NETWORK *FACEBOOK*

Decision No. RNO/2/2024 of the Council for Media Services[62] dated 18 December 2024, represents, according to publicly available sources, the second decision of the application of the DSA within the legal framework of the Slovak Republic. The subject of the proceedings concerned the dissemination of user comments on the Facebook platform (Meta Platforms Ireland Ltd.), which the Council for Media Services classified as illegal content within the meaning of Slovak criminal law. Specifically, the posts were considered to potentially meet the elements of criminal offences pursuant to § 423(1)(a) of Act No. 300/2005 Coll., the Criminal Code -namely, the offence of defamation of a nation, race or belief -and § 424(1) of the Criminal Code, i.e., incitement to violence against a group of persons or an individual based on their actual or perceived affiliation with a particular race, nation, nationality or ethnic group. For this reason, the content in question could be qualified as illegal content under § 151(2)(a) and (d) of the Media Services Act. The decision further addresses the application of relevant provisions of the Criminal Code to the specific factual circumstances of the case, assessing the comments posted by users of the social network in response to a public post. In its reasoning, the Council for Media Services cites national scholarly literature as well as key case law of the European Court of Human Rights, including the judgment in Perinçek v. Switzerland, in which the ECtHR held that it is necessary to examine "whether the statements, interpreted and viewed in their immediate or wider context, can be seen as a direct or indirect call for violence or as a justification of violence, hatred or intolerance," adding that "in assessing this issue, the Court has shown particular sensitivity to sweeping statements attacking or casting a negative light on entire ethnic, religious or other groups."[63] Similarly, reference was made to the judgment in Sanchez v. France, in which the Court held that "hate speech is not always openly expressed. It can take various forms, including not only clearly aggressive and offensive statements that deliberately undermine the values of tolerance, social peace and non-discrimination, but also implicit statements which, even if cautiously worded or presented in hypothetical terms,

---

62 Council for Media Services, Decisions regarding the content of broadcast and provided services: Case No. RNO/2/2024, available at:
[https://rpms.sk/sites/default/files/2025-02/RNO_2_2024.pdf], Accessed 12 April 2025.

63 Judgement *Perinçek v. Switzerland* (2015) European Court of Human Rights, Application No. 27150/08, point 206.

may nonetheless amount to hate speech."[64] The content was also assessed as illegal within the meaning of Article 3(h) of the DSA, which enabled its removal from the digital environment.

The Council issued a binding order to the platform Meta, requiring the removal of thirteen specific user comments and the prevention of their further dissemination. The territorial scope of the decision was limited exclusively to the territory of the Slovak Republic. The decision was qualified as an order to act against illegal content within the meaning of Article 9 of the Digital Services Act (DSA). It included a legal basis in national legislation (§ 153 of Act No. 264/2022 Coll.), a justification of the illegality of the content in question, precise identification of the comments including their location data (URLs), information on available remedies, as well as the territorial scope of the order. The order was served on Meta electronically via the established single point of contact, in accordance with Article 11 of the DSA, and its relevant parts were also provided in English, thereby fulfilling the requirement of linguistic clarity and accessibility. The decision also referred to Article 6 of the DSA, which regulates the liability exemption for hosting service providers. This exemption does not apply if the provider fails to remove illegal content after being informed of its existence by a public authority. Therefore, the Council rightly concluded that failure to comply with the order could lead to liability on the part of the platform for breaching the DSA.

7. CONCLUSION

The modernisation of the legal framework governing online platforms in a broad sense -including the adoption of both the Digital Markets Act (DMA) and the Digital Services Act (DSA) - has been a necessary step to ensure a safer and more transparent online environment. Due to the nature of the substantive obligations and the creation of new procedural frameworks introduced by the DSA, Member States have been assigned more responsibilities in its implementation compared to the DMA. The competences of national competition authorities are significantly limited under the DMA, as its enforcement is primarily entrusted to the European Commission. In contrast, the DSA envisages a considerably more active role for Member States, as evidenced by the establishment of Digital Services Coordinators and the definition of the scope and structure of their competences. The DSA also foresees intensive cooperation not only among the Digital Services Coordinators across the Member States but also between them and the European Commission, as well as other relevant national authorities. In the legal context

[64] Judgement *Sanchez v. France* (2023) European Court of Human Rights, Application No. 45581/15, point 157.

of the Slovak Republic, the role of Digital Services Coordinator is carried out by the Council for Media Services, whose powers in the field of digital services are defined by Act No. 264/2022 Coll. on Media Services. According to the existing decision-making practice of the Slovak Digital Services Coordinator, two decisions have so far been issued concerning the obligation to remove illegal content from online platforms. At the European level, the concept of illegal content can be considered extensive, encompassing violations of intellectual property rights, consumer protection rules, and aspects of unfair competition. The European Union's broad interpretation of the term *illegal content*, which defines it as any information that, by itself or by reference to an activity, is not in compliance with Union law or the law of a Member State, allows for the specific characteristics of individual Member States to be taken into account when determining the scope of this concept. This allows for the interpretation and application of illegal content removal to reflect the specificities of the legal systems of individual Member States, taking into account the diversity of legal cultures and sociological perspectives. In contrast, the national understanding of illegal content under the Slovak Media Services Act is more narrowly defined, limited exclusively to a selection of criminal offences considered to be of the most serious nature. An overly narrow interpretation of the term *illegal content* may hinder the ability of affected parties to enforce their rights, particularly if the notion is understood solely through the lens of criminal law, as reflected in the Media Services Act. If the term were to include other domains, such as unfair commercial practices or intellectual property law, affected parties could similarly seek the removal of such content by submitting a complaint to the Council for Media Services. Naturally, in cases involving complex conduct -such as infringements of intellectual property rights or fraudulent accommodation offers - more extensive and demanding evidentiary procedures may be required. However, in certain situations, the interference with legal rights is manifest and readily identifiable. In such instances, the swift removal of content that infringes upon the rights of a legitimate rights holder (i.e. illegal content in the broader sense adopted by the Digital Services Act) could contribute to more effective enforcement of claims and prevent further harm from occurring.

REFERENCES

BOOKS AND ARTICLES

1. Busch, C.; Mak, V., *Putting the Digital Services Act into Context: Bridging the Gap between EU Consumer Law and Platform Regulation*, Journal of European Consumer and Market Law (EuCML), Issue 3, 2021
2. Cauffman, C.; Goanta, C., *A new order: The digital services act and consumer protection*, European Journal of Risk Regulation, Volume 12, Issue 4, 2021

3. Frosio, G.; Geiger, C., *Taking Fundamental Rights Seriously in the Digital Services Act's Platform Liability Regime*, European Law Journal, Volume 29, Issue 1-2, 2023,
4. Husovec, M. *Principles of the Digital Services Act*. Oxford: Oxford University Press, 2024, ISBN 978-0-19-288245-5
5. Khan, F., *Does the Digital Services Act achieve a balance between regulating deepfakes and protecting the fundamental right to freedom of expression?* [https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4868290], Accessed 14 April 2025
6. Rojszczak, M., *The Digital Services Act and the Problem of Preventive Blocking of (Clearly) Illegal Content*, Institutiones Administrationis-Journal of Administrative Sciences, 2023, Vol. 3, No. 2
7. Švec, M.; Madleňák, A.; Hladíková, V.; A Mészáros, P., *Slovak Mimicry of Online Content Moderation on Digital Platforms as a Result of the Adoption of the European Digital Services Act,* Media Literacy and Academic Research, 2024, Vol. 7, No. 2
8. Wilman, F., *The Digital Services Act (DSA) – An Overview*, available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4304586], p. 2, Accessed 14 April 2025

COURT OF JUSTICE OF THE EUROPEAN UNION

1. Case C-18/18, *Eva Glawischnig-Piesczek v. Facebook Ireland Limited* [2019] Court of Justice of the European Union, ECLI:EU:C:2019:821
2. Case C-293/04, *Beemsterboer Coldstore Services BV v. Inspecteur der Belastingdienst/Douane Zuid* [2006] Court of Justice of the European union ECLI:EU:C:2006:162

ECHR

1. Judgement *Perinçek v. Switzerland* (2015) European Court of Human Rights, Application No. 27150/08
2. Judgement *Sanchez v. France* (2023) European Court of Human Rights, Application No. 45581/15

EU LAW

1. Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions. Tackling Illegal Content Online Towards an enhanced responsibility of online platforms, COM/2017/0555 final
2. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce'), OJ L 178, 17 July 2000
3. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act), OJ L 277, 27 October 2022

4. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services, OJ L 186, 11 July 2019
5. Treaty on the Functioning of the European Union, OJ C 326, 26 October 2012
6. Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act), OJ L 265, 12 October 2022

LIST OF NATIONAL REGULATIONS, ACTS AND COURT DECISIONS

1. Council for Media Services, Complaints regarding online intermediation services and internet search engines under the DSA, 2024, available at: [https://rpms.sk/sites/default/files/2024-09/podnet_DSA.pdf], Accessed 8 April 2025
2. Council for Media Services, Decisions regarding the content of broadcast and provided services: Case No. RNO/1/2024, available at: [https://rpms.sk/sites/default/files/2024-10/RNO_1_2024.pdf], Accessed 12 April 2025
3. Council for Media Services, Decisions regarding the content of broadcast and provided services: Case No. RNO/2/2024, available at: [https://rpms.sk/sites/default/files/2025-02/RNO_2_2024.pdf], Accessed 12 April 2025
4. National Council of the Slovak republic. Draft Act amending and supplementing Act No. 264/2022 Coll. on Media Services and on Amendments to Certain Acts, 2024, available at: [https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=547911], Accessed 26 June 2025
5. National Council of the Slovak republic. Explanatory Report to the Draft Act on Amendments to Act No. 264/2022 Coll. on Media Services. Available at. [https://www.nrsr.sk/web/Dynamic/DocumentPreview.aspx?DocID=547911], Accessed 14 April 2025
6. Act No. 264/2022 Coll. on Media Services and on Amendments and Additions to Certain Acts, Collection of Laws of the Slovak Republic. 2022
7. Act No. 18/2018 Coll. on the Protection of Personal Data and on the amendment and supplementation of certain acts, as amended, Collection of Laws of the Slovak Republic, 2018
8. Act No. 22/2004 Coll. on Electronic Commerce and on amendment and supplementation of Act No. 128/2002 Coll. on State Control of the Internal Market in Consumer Protection Matters and on amendment of certain acts, as amended, Collection of Laws of the Slovak Republic, 2004

WEBSITE REFERENCES

1. European Commission, 2025. Digital Services Coordinators. [online]. Brussels: European Commission, Available from: [https://digital-strategy.ec.europa.eu/en/policies/dsa-dscs], Accessed 14 April 2025