



MALTA COMMUNICATIONS AUTHORITY

Annual Activity Report 2024

Pursuant to Art. 55 of the Digital Services Act

MCA/IMD/25-5683

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Background

Pursuant to Article 55 of Regulation (EU) 2022/2065 on a Single Market for Digital Services (Digital Services Act or the DSA), the Malta Communications Authority (MCA), in its capacity as Malta's designated Digital Services Coordinator (DSC), is required to prepare an annual report detailing its supervisory and enforcement activities.

The DSA establishes a harmonised framework across the European Union (EU) for regulating online intermediaries and platforms. Its main objective is to ensure a safe and predictable digital environment by setting out clear responsibilities for digital services that connect consumers with goods, services, or content. The DSA introduces due diligence obligations proportionate to the scale and impact of the service, ranging from transparency measures for intermediary services to enhanced obligations for very large online platforms and search engines.

By strengthening oversight, accountability, and user protections, the DSA aims to safeguard fundamental rights online and uphold the integrity of the internal market. It also enhances cooperation between national authorities, coordinated through the European Board for Digital Services, to address cross-border challenges effectively. This comprehensive framework is designed to foster trust in the digital economy and protect users in the EU from illegal content, products, and services.

DSC Designation and Empowerment

On 12 March 2024, the MCA was formally designated as Malta's Digital Services Coordinator as per the Digital Services (Designation and Enforcement) Order, which Order implemented the DSA.¹ As the DSC for Malta, the MCA oversees compliance by Malta-based intermediary service providers, acts as the national point of contact, and represents Malta on the European Board for Digital Services.

To carry out these duties, the MCA set up a dedicated section composed of eCommerce experts, tasked with supervising, enforcing, and monitoring the DSA in Malta. The unit is supported by the MCA's Legal team for legal interpretation and enforcement.

Although the DSA allows EU Member States to appoint multiple competent authorities, Malta has not designated any other body as a competent authority. To ensure a coordinated framework, the MCA has instead signed Memoranda of Understanding with the following public bodies in Malta namely:

1. The Commissioner for Children, to address matters under Article 28 of the DSA concerning the rights and protection of minors.
2. The Data Protection Commissioner, for issues under Article 26 of the DSA on advertising and Article 28 of the DSA on minors' data protection.
3. The Director General (Consumer Affairs) within the Malta Competition and Consumer Affairs Authority, regarding Section 4 of the DSA specifically Articles 30 to 32 thereof on online platforms facilitating consumer distance contracts.

¹ See Subsidiary Legislation 418.05 of the Laws of Malta. The Order was published per Legal Notice 66 of 2024.

4. The Malta Police Force, for general cooperation but particularly Article 18 of the DSA relating to notifications of suspected criminal offences.

Identification of Providers of Intermediary Services Established in Malta

With a view to identifying providers of intermediary services (PIS) established in Malta that fall within the supervisory remit of the MCA under the DSA, the MCA sought to establish a list of such services to support guidance and monitoring activities and, where applicable, to facilitate their onboarding onto the European Commission's digital system.

Through targeted initiatives, the MCA raised awareness among providers about their potential obligations under the DSA and directing them to notify the MCA if they fall within scope. In parallel, the MCA issued thirty-six (36) requests for information (hereafter 'RFIs') to providers identified through desk-based research as potentially subject to the DSA.

In total, during 2024, thirty-two (32) services were notified as established in Malta, with a further service having legal representation in Malta. A more detailed breakdown is presented below.

Breakdown of notified Intermediary Services established in Malta by Size and Type

	Small / Micro	Medium	Large
Mere conduit / caching	-	1	5
Hosting	-	2	1
Online platform	22	1	0

Complaints (Art. 53 DSA)

Under Article 53 of the DSA, recipients of intermediary services, or organisations acting on their behalf, have the right to lodge complaints against service providers for alleged non-compliance of the DSA. These complaints are to be submitted to the DSC in the Member State where the recipient is located. The DSC then assesses the complaint, forwarding it to the DSC of the Member State where the provider is established if needed.

In 2024, the MCA established a structured process to handle such complaints through an online submission form that feeds directly into an internal workflow managed by the Digital Services Unit within the MCA, which reviews each complaint for admissibility and takes further action as required. During the year, the MCA received seven complaints under Article 53 of the DSA. Five were transmitted to other DSCs, while two were found inadmissible.

Total number of transmitted complaints by specific receiving DSC

DSC in other Member State	Complaints Transmitted
Coimisiún na Meán – Ireland	4
Autoriteit Consument & Markt (ACM) – Netherlands*	1

*Not fully designated and empowered by end 2024

Out-of-court dispute settlement bodies (Art. 21 DSA)

Under the DSA, out-of-court dispute settlement bodies give users an additional channel to resolve disputes with online platforms about content moderation decisions. Platforms are obliged to inform users about this option and to cooperate with certified bodies. DSCs certify such bodies in their Member State if such bodies meet the requirements set out in Article 21 of the DSA, which include independence, suitable expertise in handling disputes involving specific types of illegal content, and the ability to operate in at least one official EU language.

In 2024, the MCA certified RGOAL Ltd. (trading as Adroit) on 10 July as Malta's first out-of-court dispute settlement body under the DSA. RGOAL was certified to handle disputes relating to content moderation decisions in the following areas of expertise:

- Online shopping and booking platforms
- Content sharing and marketing platforms
- Crowdfunding and P2P lending platforms
- Web3, DeFi, NFT and fintech protocols
- Gaming, gambling, and betting platforms
- B2B, B2C and P2P trading platforms and marketplaces

RGOAL offers dispute resolution services in Dutch, English, French, German, Italian, Maltese, Portuguese, and Spanish.

Trusted Flaggers

The DSA empowers DSCs to designate “trusted flaggers” namely entities independent of online platforms that possess specialised expertise in detecting illegal content. Article 22 of the DSA sets out criteria covering independence, proficiency in identifying specific illegal content types, and diligence in reporting. Platforms must treat notices from trusted flaggers with priority due to their expected accuracy.

In October 2024, the Foundation for Social Welfare Services (FSWS), through its BeSmartOnline! initiative, which operates Malta's Safer Internet Centre and hotline, formally applied for trusted flagger status to focus on violent and sexual exploitation of minors (hereafter ‘CSAM’). The FSWS presented its application to the MCA in December 2024 outlining its procedures and expertise.

By the end of 2024, FSWS's application had progressed to an advanced stage and was under review.

The European Board for Digital Services

During 2024, the MCA was fully engaged with the European Board for Digital Services (EBDS). Established under Article 61 of the Digital Services Act and operational from 17 February 2024, the EBDS is an independent advisory body composed of national Digital Services Coordinators and chaired by the European Commission. Its aim is to ensure a consistent and effective application of the DSA across the EU by advising on legal interpretations, coordinating guidance and analysis, and supporting the supervision of very large online platforms.

The Board delegates much of its work to eight working groups set up during 2024, focusing on areas such as content moderation, data access, IT systems, consumer protection, legal frameworks, and the integrity of the online space. The MCA actively participated in all eight groups, contributing Malta's perspective and expertise. Moreover, when discussions addressed subjects like elections, child protection, criminal enforcement, product safety, and consumer rights, the MCA invited other Maltese national authorities to take part, strengthening coordination and broadening national engagement on these issues.

National Outreach and Awareness

Throughout 2024, the MCA was continuously active in national engagement efforts to promote understanding of the DSA and its impact on Malta. MCA officers participated in conferences, seminars, and educational events aimed at explaining the obligations and benefits arising under the DSA. These initiatives targeted a broad audience, including policymakers, law enforcement officials, civil society representatives, and both users and service providers who may fall within the scope of the DSA. Through these activities, the MCA reinforced awareness of digital rights and responsibilities, encouraged dialogue, and supported a more informed approach to compliance across different sectors.

The Digital Services Forum (DSF) held on 14 March 2024 brought together senior civil servants and representatives from public authorities and other public bodies to discuss developments in eCommerce with a focus on the DSA. The DSF acts as an informal advisory platform that contributes to shaping Malta's regulatory approach to digital services, encouraging cooperation and shared understanding among the institutions involved.



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