

Monitoring the implementation of the Digital Services Act

The independence of Digital Services Coordinators

January 2025



About the paper

This paper was prepared as a result of a monitoring exercise of the national implementation of the Digital Services Act. The research project monitored the independence of Digital Services Coordinators in six EU countries: Bulgaria, Croatia, Czech Republic, Germany, Italy and Romania. The project was funded by the Civitates Foundation. Any views and opinions expressed by the authors of this research paper are solely those of the authors and do not reflect the views and opinions of the funder.

Project contributors:

Български хелзинкски комитет (Bulgarian Helsinki Committee), Bulgaria

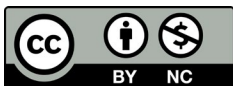
Centar za mirovne studije (Centre for Peace Studies), Croatia

Liga lidských práv (League of Human Rights), Czech Republic

Gesellschaft für Freiheitsrechte (Society for Civil Rights), Germany

Coalizione Italiana per le Libertà e i Diritti civili (Italian Coalition for Civil Liberties and Rights), Italy

Asociația pentru Apărarea Drepturilor Omului în România – Comitetul Helsinki (Association for the Defense of Human Rights in Romania – the Helsinki Committee), Romania



This work is subject to an Attribution-Non-Commercial 4.0 International (CC BYNC 4.0) Creative Commons licence. Users are free to copy and redistribute the material in any medium or format, remix, transform, and build upon the material, provided you credit Liberties and the author, indicate if changes were made and do not use the materials for commercial purposes. Full terms of the licence available on:

<https://creativecommons.org/licenses/by-nc/4.0/legalcode>.

We welcome requests for permission to use this work for purposes other than those covered by this licence. Write to: info@liberties.eu.

TABLE OF CONTENTS

Executive summary	4
Key findings	4
Key recommendations	4
Introduction and methodology	5
Legal independence	7
Evaluative summary	9
Recommendations	10
Political interference and leadership selection	11
Evaluative summary	12
Recommendations	14
Independence from the private sector	14
Evaluative summary	16
Recommendations	18
Accountability and civil society involvement	18
Evaluative summary	20
Recommendations	21
Conclusion	21
Useful sources (Appendix)	22
Bulgaria	22
Croatia	23
Czech Republic	23
Germany	24
Italy	25
Romania	26
Contact	27

Executive summary

This paper evaluates the independence of Digital Services Coordinators (DSCs) as mandated by Article 50(2) of the Digital Services Act (DSA)¹ in six EU Member States: Bulgaria, Croatia, Czech Republic, Germany, Italy, and Romania. The analysis highlights critical aspects such as legal independence, leadership selection, private sector influence, and accountability mechanisms. While the authors recognise the importance and impact of political culture on how formal safeguards function in practice, the paper concentrates on formal indicators of independence. Key findings and recommendations are summarised below.

Key findings

Legal independence: While most countries have formally recognised the independence of DSCs in their legal frameworks, structural dependencies persist.

Political interference and leadership selection: Insufficient or non-existent safeguards against political interference in leadership appointments remain a concern in almost all jurisdictions. Civil society involvement is lacking.

Private sector influence: Legal safeguards against conflicts of interest and undue private sector influence vary significantly. Most countries lack specific measures to address risks like ‘revolving doors’.

Accountability and transparency: Mechanisms for public accountability and transparency are inconsistently applied.

Key recommendations

- Explicitly codify DSC independence at the highest legal level and ensure financial and organisational autonomy to prevent undue political and economic influence.
- Introduce independent, multi-stakeholder advisory councils to vet candidates, ensuring merit-based appointments are free from political or economic bias.
- Implement comprehensive conflict-of-interest rules, cooling-off periods, and lobbying regulations to address undue private sector influence risks.
- Mandate regular parliamentary reviews and public reporting to ensure transparency and accountability.
- Create structured civil society engagement to increase public trust.

1 See the full text of the [Digital Services Act](#).

Introduction and methodology

The *Regulation (EU) 2022/2065 on the single market for digital services and amending Directive 2000/31/EC (Digital Services Act) (DSA)*, entered into full force on 17 February 2024.² The DSA is a comprehensive set of new rules governing the responsibilities of intermediary service providers and is directly applicable in all EU Member States.

According to the DSA, Member States are to designate and empower a competent authority as Digital Services Coordinator (DSC), which is to be responsible for the supervision and enforcement of the DSA, with the European Commission being responsible for part of the tasks. In carrying out its tasks, the DSC is to be completely independent.

This paper presents the findings of a monitoring exercise on the national implementation of the DSA. The research focused on assessing the independence of DSCs in six

EU countries: **Bulgaria, Croatia, the Czech Republic, Germany, Italy, and Romania.** The Civil Liberties Union for Europe led the project and monitoring was conducted by the Bulgarian Helsinki Committee, the Centre for Peace Studies, the League of Human Rights, the Society for Civil Rights, the Italian Coalition for Civil Liberties and Rights and the Association for the Defense of Human Rights in Romania – the Helsinki Committee.

The methodology was primarily based on the *INDIREG Final Report: Indicators for Independence and Efficient Functioning of Audiovisual Media Services Regulatory Bodies*.³ However, it was adapted to suit the specific focus of this study: the DSCs, who have been in office for less than a year,⁴ as opposed to the original focus on audiovisual media services regulators. Given resource constraints, the scope of indicators was narrowed.

The authors acknowledge the importance of both *formal* and *de facto* independence, and recognise that formal indicators may not fully

2 See the full text of the [Digital Services Act](#):

3 Hans Bredow Institute for Media Research/Interdisciplinary Centre for Law & ICT (ICRI), Katholieke Universiteit Leuven/Center for Media and Communication Studies (CMCS), Central European University / Cullen International/Perspective Associates (eds., 2011): *INDIREG. Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive. Study conducted on behalf of the European Commission: final report*, February 2011, (hereinafter *INDIREG*).

4 While by 17 February 2024, all EU Member States were required to designate and empower DSCs, several countries failed to do so. On 24 April 2024, on 25 July 2024, and on 16 December 2024 the European Commission initiated infringement procedures against thirteen Member States (in sum) due to significant delays in the designation or empowerment of their DSCs. From our focus, Bulgaria, Croatia and the Czech Republic were part of these thirteen countries for not empowering their DSCs appropriately. See more on the [delays](#).

capture the practical reality of the independence of institutions,⁵ the short tenure of the DSCs limits the feasibility of assessing *de facto* independence. However, as no investigated DSCs are new institutions due to existing authorities having been given the responsibilities of the DSC, some understanding about the *de facto* independence can be gathered. Nevertheless, the analysis concentrated more on formal aspects, where the relationship between institutional design and independence is generally more straightforward.

The research evaluated the independence of DSCs across four key dimensions. The first dimension focused on **legal independence**, scrutinising the legal and organisational framework under which DSCs operate. Specifically, the assessment considered whether the DSC is a distinct entity separate from other public institutions or ministerial structures, whether it has its own budget ensuring financial autonomy, and whether it is free from direct instructions from the government. The analysis also examined whether the principle of independence is explicitly or implicitly recognised in the legal framework governing the DSC.

The second dimension of the research focused on **political interference and leadership selection**, exploring the processes and structures that determine the appointment of DSC leadership. This dimension assessed how the nomination and selection procedures are designed to safeguard the legitimacy and independence of the DSC. Specifically, it

examined whether the leadership is selected through mechanisms that prevent undue influence from government or political parties. The research considered whether consultative or multi-stakeholder bodies, such as expert councils with representatives from academia, civil society, platform users, and industry, are involved in the selection process. Additionally, the analysis reviewed the provisions regarding the professional background and competencies required of DSC leadership. It assessed whether these criteria align with the complex tasks of the DSC, including expertise in areas such as platform regulation and digital governance. These aspects were critical in evaluating whether leadership selection processes promote effective regulatory oversight or give leeway to partisan interests.

The third dimension of the research assessed **independence from the private sector**, focusing on the safeguards in place to mitigate risks of undue influence from private entities. The analysis examined whether national regulations address the ‘revolving door’ phenomenon, where senior officials leverage their networks or institutional knowledge to benefit private companies after leaving public office. For countries lacking comprehensive rules, the research explored alternative measures or contextual factors that might prevent senior staff from exploiting their expertise, contacts, or influence for private sector gain. Ethical standards, cultural norms, or informal practices were considered where formal regulations were absent. The study also evaluated how

5 See more INDIREG, p.49.

DSCs maintain communication with businesses while ensuring critical distance.

The fourth dimension of the research assessed **accountability and civil society involvement**, focusing on the mechanisms in place to ensure the transparency and multi-stakeholder oversight of DSCs. The analysis explored whether DSCs are subject to reporting and accountability requirements beyond the minimum standards set by the DSA, such as the submission of annual reports and the right to judicial review of their decisions. In particular, the study examined whether DSCs are obligated to report to national parliaments, and the presence of structured audits, either financial or operational, to evaluate the effectiveness and integrity of the DSC's work. Additionally, the study looked into the extent of civil society involvement in the oversight of DSCs, assessing whether formal mechanisms exist for structured engagement.

While the importance of **adequate resources and staffing** for DSCs is also acknowledged as crucial to their independence, this paper does not delve deeply into this issue. This decision reflects the limited availability of data specific to DSC funding. Most of the accessible information pertains to the broader funding of the authorities hosting the DSCs, which often have multiple functions beyond the DSC role.

Legal independence

According to Article 50(2) of the DSA, “When carrying out their tasks and exercising their powers in accordance with this Regulation, the

Digital Services Coordinators shall act with complete independence. They shall remain free from any external influence, whether direct or indirect, and shall neither seek nor take instructions from any other public authority or any private party.”

One way to ensure that DSCs indeed act with complete independence is to make sure that their independence is legally-organisationally enshrined. For example, it is more likely that an authority that is not subordinate to any ministry and has its own budget guaranteed by enabling law will act more independently than an authority that is both organisationally and financially dependent on a ministry. This chapter examines how the different national legal frameworks seek to ensure independence.

In all focus countries, existing authorities were designated as the DSC. The tasks of the DSC are assigned to new organisational parts of said authorities and other authorities may be responsible for enforcing specific parts of the DSA with the DSC being in a coordinator role.

In **Bulgaria**, the Communications Regulation Commission (CRC) is recognised as a separate legal entity under public law, as established in Article 21, paragraph 2 of the Electronic Communications Act (ECA). The CRC has its own budget, which is determined by the Law on the State Budget, adopted every year by the parliament. The independence of the CRC is recognised explicitly in Article 21, paragraph 2 of the ECA.

In **Croatia**, the independence of the Regulatory Authority for Network Industries

(HAKOM) is explicitly recognised in the Electronic Communications Act. HAKOM is a public regulatory authority established by law that functions independently of the ministerial structure. It is not a division of a ministry or government department but an autonomous body with a clearly defined legal and organisational framework. It is recognised by the Act that HAKOM operates without direct instructions or oversight from any ministry or government body and has its own budget, funded primarily through regulatory fees and other income streams outlined in its enabling legislation rather than relying on allocations from the state budget. This financial independence further reinforces its operational autonomy. Independence as a guiding principle is explicitly stated.

In the **Czech Republic**, the Czech Telecommunication Office (CTO) is a central administrative authority, responsible for state administration in areas defined by law. Its duties include market regulation and setting conditions for businesses in the fields of electronic communications and postal services. The CTO was established by Act No. 127/2005 Coll., on Electronic Communications, and came into existence on 1 May 2005. It is the legal successor of the Czech Telecommunication Office, which was originally created as a separate administrative authority by the Telecommunications Act on 1 July 2000. The CTO operates under the Administrative Procedure Code (*Správní řád*), which establishes several key principles for administrative bodies. While the independence of the DSC is not explicitly recognised as a guiding value at the highest legal level, the principles outlined in

the Administrative Procedure Code implicitly support impartial and lawful operation. The CTO has its own separate chapter in the state budget of the Czech Republic, which is prepared by the Ministry of Finance and approved by the Parliament of the Czech Republic. The CTO also submits an independent financial account. However, this account is not broken down by individual departments. The CTO, however, has more responsibilities than just those related to the DSC.

In **Germany**, the Federal Network Agency (BNetzA), where the DSC is located, operates under Section 15 of the Digital Services Law (*Digitale-Dienste-Gesetz*). This law explicitly recognises the DSC's independence, stating that it must act autonomously, free from direct or indirect influence. However, concerns about independence persist. In a 2021 ruling, the Court of Justice of the European Union (CJEU) found that the BNetzA lacked sufficient independence from the Federal Ministry for Economic Affairs and Climate Action (ECLI:EU:C:2021:662). While amendments were made to address these shortcomings, the DSC remains embedded within a federal agency that is administratively supervised by the government. This structure raises questions about whether the DSC's independence is fully safeguarded by institutional design, even though the legal framework explicitly guarantees professional autonomy.

In **Italy**, the Authority for Communications Guarantees (AGCOM), the national communications authority, hosts the DSC office. AGCOM's independence is explicitly recognised by primary law. Article 1 of Law No.

249/1997 states that AGCOM operates “with full autonomy and independence of judgment and assessment”. However, independent regulatory authorities are not explicitly mentioned in the Italian constitution. On the contrary, the constitution establishes the principle of unity of the political and administrative direction of the government, which it attributes to the President of the Council of Ministers, as well as the principle of ministerial responsibility of the public administration. Nevertheless, legal doctrine has sustained the concept that independent authorities gain (part of) their legitimacy in consideration of the high technical complexity of the sectors they must supervise and the corresponding high-level expertise they provide, to the benefit of both the government and the entities under supervision.

In **Romania**, the independence of the National Authority for Management and Regulation in Communications (ANCOM) is explicitly recognised in Article 1 of *GEO 22/2009*. ANCOM is an autonomous public authority, with legal personality, under the control of the Parliament (not the Government). ANCOM is fully financed through its own revenue and is independent of other public authorities

in its decision-making, organisational, and functional roles. This is reinforced in Law No. 50/2024, which aligns ANCOM’s independence with Article 50(2) of the DSA, prohibiting external influence—direct or indirect.

Evaluative summary

The legal independence of the bodies designated as DSCs is explicitly recognised in most of the focus countries, aligning with the DSA’s requirements. Romania and Croatia demonstrate the strongest legal frameworks, with clear protections and financial independence. Germany and Italy enshrine independence in law but face structural and practical challenges that raise questions about their operational autonomy. Bulgaria’s independence is legally recognised but its budget is determined every year by the parliament, making it vulnerable to political decision-making. The Czech Republic remains the weakest case, where the DSC is a separate administrative authority but is not explicitly recognised as a guiding value at the highest legal level.

COUNTRY	LEGAL INDEPENDENCE RECOGNITION	FINANCIAL INDEPENDENCE	EVALUATION
Bulgaria	Explicitly recognised (Article 21, para 2, ECA).	Budget determined annually by Parliament.	Moderate: Strong legal foundation, but financial independence is not fully guaranteed.
Croatia	Explicitly recognised (Electronic Communications Act).	Financial autonomy through regulatory fees, not reliant on state budget allocations.	Strong: Comprehensive legal and financial independence, fully aligned with DSA requirements.
Czech Republic	Independence is only implicitly recognised (Administrative Procedure Code).	Budget determined annually by the Parliament.	Weak: Implicit protections are insufficient to ensure autonomy, financial independence not fully guaranteed.
Germany	Explicitly recognised (Section 15, <i>Digitale-Dienste-Gesetz</i>).	Embedded within a federal agency, with budget tied to ministerial supervision.	Moderate: Legal guarantees exist, but structural embedding raises concerns.
Italy	Explicitly recognised (Article 1, Law No. 249/1997). However, the Italian constitution does not recognise independent regulatory authorities.	Currently independent from the government budget, the DSC Office is at present funded through a contribution levied on digital service providers.	Moderate: Moderately strong legal framework, financial independence.
Romania	Explicitly recognised (Article 1, GEO 22/2009; Law No. 50/2024).	Fully financed from its own revenue, independent of government budgets.	Strong: Clear legal and financial independence.

Recommendations

- Countries like the Czech Republic should **explicitly recognise DSC independence** in their highest legal frameworks.
- **Ensure DSCs are independently financed** for the long-term, through mechanisms like

fees, reducing reliance on yearly government budgets.

- **Limit administrative oversight by ministries** to guarantee operational autonomy and eliminate political influence.

Political interference and leadership selection

The political independence of Digital Services Coordinators is vital for the effective and impartial enforcement of the DSA. Leadership selection processes, including selection, nomination and appointment, play a crucial role in ensuring legitimacy and independence from political or private influence. This chapter analyses leadership selection procedures in the focus countries, evaluating their alignment with principles of independence, transparency, and merit-based appointment.

In **Bulgaria**, the leadership selection process for the CRC raises concerns regarding political influence. The CRC, composed of five members, is appointed through a highly political process: the Chairperson is elected by the Council of Ministers and appointed by the Prime Minister, while the Deputy Chairperson and two members are elected by Parliament. The President appoints the final member. Although civil society organisations can participate in parliamentary hearings for the candidates appointed by the Parliament, these consultations are formalistic and seem not to impact outcomes. Furthermore, the requirements for leadership positions, specified in Article 22 of the Electronic Communications Act (ECA), are broad and lack clear alignment with the specific tasks required under the DSA.

In **Croatia**, the leadership of HAKOM is nominated by the government and approved by Parliament. While the parliamentary approval process introduces a layer of democratic oversight, the government's role in

nominating candidates has raised concerns about political influence. Croatian legislation mandates that leadership candidates possess professional qualifications and expertise relevant to HAKOM's regulatory tasks, including telecommunications and digital services. Critics argue that the nomination procedure might prioritise political considerations over professional qualifications, potentially compromising the intended independence and effectiveness of HAKOM's leadership. In practice, HAKOM's Council members have not been dismissed mid-term, which contributes to the perception of operational stability and legitimacy.

In the **Czech Republic**, the nomination and dismissal processes for the leadership of the CTO are in the purview of the government, based on the proposal of the Minister of Industry and Trade. This centralised control raises significant concerns about the independence of the CTO's leadership. While the Czech Civil Service Act sets general requirements for leadership, such as holding a master's degree in law for relevant positions, it does not specify qualifications tailored to the DSC's complex responsibilities under the DSA, such as expertise in platform regulation or consumer protection.

In **Germany**, leadership selection for the BNetzA follows a more independent process. The President of the BNetzA proposes the candidate following a public call for applications and acts independently in this role. The proposed candidate is then appointed by the Federal President upon recommendation from the Federal Ministry for Economic Affairs and Climate Action. By law, candidates must

meet strict qualification requirements, including expertise in digital services, legal frameworks, and a prohibition on holding certain public offices and private sector roles in the digital economy.

In **Italy**, the leadership of AGCOM, which hosts the DSC office, is appointed through a process involving both parliamentary and governmental actors. Under Law No. 259/1997, the Senate and the Chamber of Deputies each elect two commissioners, and the President of the Authority is appointed by the President of the Republic following a proposal by the Prime Minister, in agreement with the Minister of Economic Development. While the involvement of Parliament and the President of the Republic lends legitimacy to the process, the role of the Parliament in proposing candidates raises concerns about political influence. AGCOM leadership, comprising the commissioners and the President, are said to be selected based on merit, expertise, and knowledge of the sector. Candidates are selected among individuals of recognised standing and professional experience who have expressed and justified their interest in assuming these roles and submitted their professional curriculum. Nevertheless, there is no further reference to how this selection occurs, or particular requirements to be fulfilled by the DSC leadership.

In **Romania**, the leadership of ANCOM is appointed by Parliament in a joint session, following proposals from parliamentary committees. The appointment process is governed by Art. 11 of GEO 22/2009, which sets out eligibility criteria, including five years of experience in communications, law, or economics.

Evaluative summary

Leadership selection processes for Digital Services Coordinators often lack sufficient safeguards to ensure independence from political influence. The absence of independent advisory bodies, public hearings, and consultative mechanisms involving diverse stakeholders (e.g., civil society, academia, and industry) undermines transparency and legitimacy. Even in systems with minimal overt political control, such as Germany, introducing independent expert oversight could further enhance the credibility and autonomy of the selection process. Stronger institutional frameworks are needed to reduce political reliance and reinforce independence through the leadership selection processes.

COUNTRY	LEADERSHIP SELECTION PROCESS	TRANSPARENCY	QUALIFICATIONS ALIGNED WITH DSC TASKS	EVALUATION
Bulgaria	Highly political process: Chair-person appointed by Prime Minister, others by Parliament and President.	Parliamentary hearings exist but are formalistic and lack meaningful impact.	Broad requirements under Article 22 of the ECA lack specificity for DSA tasks.	Weak: Highly politicised process with insufficient alignment to DSC responsibilities.
Croatia	Government nominates candidates, Parliament approves appointments.	Parliamentary oversight provides legitimacy, but government control raises concerns.	Professional qualifications for leadership roles are mandated, but political considerations may overshadow expertise.	Moderate: Stable process, but concerns about political influence remain.
Czech Republic	Leadership nominated and dismissed by the government on the proposal of the Minister of Industry and Trade.	Process lacks public involvement.	General qualifications under Civil Service Act fail to address DSA-specific expertise.	Weak: Centralised government control undermines independence and relevance to DSC tasks.
Germany	President of BNetzA proposes candidates via public calls; appointments made by Federal President.	Public call adds transparency; process is largely independent.	Strict qualifications ensure alignment with digital services and legal frameworks.	Strong: Transparent, independent process with robust alignment to DSC requirements.
Italy	Senate and Chamber of Deputies elect commissioners; President appointed by Prime Minister's proposal.	Parliamentary involvement lends legitimacy, but executive influence raises concerns about independence.	Selection criteria include expertise and merit, but lack specificity for DSC tasks.	Moderate: Strong framework undermined by potential political influence and lack of tailored DSC qualifications.
Romania	Leadership appointed by Parliament in joint session, following committee proposals.	Transparent process with eligibility criteria governed by GEO 22/2009.	Requirements include five years of experience in relevant fields, which partially align with DSA responsibilities.	Moderate: Transparent process with reasonable criteria, but potential for political influence.

Recommendations

- Countries like Bulgaria and the Czech Republic should reform leadership selection processes to limit government and ministerial control, introducing multi-stakeholder involvement to enhance legitimacy.
- Introduce public consultations or parliamentary hearings with meaningful outcomes to improve transparency and accountability, particularly in Bulgaria, Croatia, and Italy.
- Update eligibility criteria to include qualifications and expertise directly relevant to the responsibilities of DSCs, ensuring leadership can effectively fulfil their roles.
- Introduce transparency in the recruitment process, including a freely available selection report, without requiring freedom of information requests.
- Adopt mechanisms like public calls for applications and independent advisory committees to safeguard impartiality in leadership appointments.

Independence from the private sector

Ensuring the independence of Digital Services Coordinators from private sector influence is essential for the effective and impartial enforcement of the Digital Services Act. Risks such as the ‘revolving door’ phenomenon, undue influence through lobbying, and conflicts of interest must be mitigated to preserve public

trust and institutional integrity. This chapter examines the safeguards in place across the focus countries.

In **Bulgaria**, there are no comprehensive national regulations addressing the movement of personnel between the public and private sectors, leaving the system vulnerable to potential conflicts of interest. The only applicable provision is Article 78 of the Prevention of Corruption Act, which prohibits public officials from using or authorising the use of information obtained during their term in office for private benefit for one year after leaving office. This narrow restriction does not prevent senior officials from leveraging their networks and institutional knowledge to benefit private companies, particularly platforms regulated under the DSA. The lack of further safeguards increases the risk of undue influence from the private sector.

By contrast, **Croatia** has a robust legal framework to mitigate these risks. The country’s Act on the Prevention of Conflict of Interest includes cooling-off periods and conflict-of-interest provisions that apply to HAKOM, the designated DSC. HAKOM achieves a balance between maintaining communication with businesses and ensuring impartiality through institutionalised transparency practices. These include publicly documented interactions such as formal consultations and hearings involving not only private companies, but also civil society, academia, and industry experts. No breaches of conflict-of-interest rules or transparency obligations have been reported, reflecting the strength of Croatia’s framework in protecting against private sector interference.

In the **Czech Republic**, measures to regulate personnel movement between the public and private sectors are under development. A proposed lobbying law includes mechanisms to address risks associated with ‘revolving doors’, but it has yet to be enacted. Existing safeguards primarily derive from structural and institutional independence. In addition to Article 50 of the DSA, which mandates freedom from external influence, the Civil Service Act imposes restrictions on CTO employees, prohibiting them from holding positions in business entities or engaging in gainful activities, except under narrowly defined conditions. While these provisions provide a baseline level of protection, the absence of fully implemented lobbying regulations leaves gaps in the prevention of undue influence.

In **Germany**, no specific national regulations exist to govern the transition of personnel between the public and private sectors in the context of the DSC. However, general provisions under federal civil service law impose obligations on public servants, including a continuing duty of confidentiality after leaving office and a prohibition on accepting rewards, gifts, or benefits connected to their role. While these rules establish important standards, they do not specifically address the risks associated with senior officials moving to private sector roles, leaving a potential vulnerability in the system.

In **Italy**, the Consolidated Law on Public Employment (Legislative Decree No. 165/2001) regulates public employment, including provisions related to hiring, employment standards, and movement between

the public and private sectors. It establishes guidelines for public employees’ conduct and reinforces rules for preventing conflicts of interest in cases where employees transition to private sector roles. Moreover, the Anti-Corruption Law (Law 190/2012) established a framework to prevent corruption and reduce conflicts of interest within the public administration. It sets forth requirements for public officials, such as the cooling-off period for certain positions and stricter monitoring of potential conflicts of interest. It also established the National Anti-Corruption Authority (ANAC), which oversees compliance and issues additional guidelines and regulations based on the Anti-Corruption Law. These guidelines provide detailed instructions on implementing cooling-off periods, managing conflicts of interest, and assessing permissible movements between sectors. The Transparency Decree (Legislative Decree No. 33/2013) introduced wide-ranging transparency obligations for public administrations, including requirements to publish data related to personnel movements between sectors, potential conflicts of interest, and public procurements. It complements the Anti-Corruption Law by aiming to enhance transparency and prevent hidden conflicts. Finally, the Code of Conduct for Public Employees (Presidential Decree No. 62/2013) includes provisions on integrity, transparency, and accountability. It reinforces the obligation for public employees to avoid conflicts of interest and maintain ethical standards when transitioning between the public and private sectors.

Romania relies on the Labor Code as the primary legal framework governing transitions

between the public and private sectors. While the Labor Code regulates employment contracts and conditions for transfers or secondments, it does not include specific safeguards against revolving doors for senior officials. The ANCOM, as the DSC, states that impartiality is maintained through adherence to legal obligations and internal organisational measures. However, the effectiveness of these safeguards depends heavily on the management's commitment to enforcement. According to ANCOM, no breaches of impartiality obligations were reported between January 2022 and November 2024, but the absence of targeted regulations raises questions about the robustness of the framework.

Evaluative summary

The independence of Digital Services Coordinators from private sector influence varies across the evaluated countries. Croatia and Italy demonstrate strong frameworks, with Croatia standing out for its conflict-of-interest provisions and transparency practices. The Czech Republic's institutional safeguards are promising, but remain incomplete due to pending lobbying regulations. Germany and Romania rely on general public service laws, which provide some protection but lack targeted measures to prevent revolving-door risks. Bulgaria, with minimal safeguards, remains the most vulnerable to potential conflicts of interest.

Ensuring robust independence requires targeted regulations to address revolving-door dynamics, formal mechanisms for transparent stakeholder engagement, and institutional safeguards that prevent undue private sector influence.

COUNTRY	LEGAL SAFEGUARDS	STRENGTHS	WEAKNESSES	EVALUATION
Bulgaria	Article 78 of the Prevention of Corruption Act.	Restricts use of confidential information for private benefit for one year.	No comprehensive safeguards against revolving doors or lobbying risks.	Weak: Narrow restrictions leave systems vulnerable to undue private sector influence.
Croatia	Act on the Prevention of Conflict of Interest.	Robust framework includes cooling-off periods and transparency in interactions.	No significant weaknesses reported; strong adherence to conflict-of-interest rules.	Strong: Comprehensive safeguards ensure transparency and impartiality.
Czech Republic	Civil Service Act; Proposed lobbying law (pending).	Prohibits public servants from holding business roles or gainful activities; structural protections in place.	Absence of fully implemented lobbying regulations leaves gaps in protection.	Moderate: Baseline safeguards exist, but gaps remain without enacted lobbying laws.
Germany	Federal civil service law.	Prohibition on accepting gifts, rewards, or benefits; confidentiality obligations even after the end of the civil service relationship.	No targeted regulations addressing risks of private sector transitions.	Moderate: General provisions provide important standards but no targeted safeguards.
Italy	Consolidated Law on Public Employment; Anti-Corruption Law; Transparency Decree; Code of Conduct for Public Employees.	Reinforced rules for preventing conflicts of interest in cases where employees transition to private sector roles; requirements for public officials, such as the cooling-off period for certain positions; wide-ranging transparency obligations for public administrations, including requirements to publish data related to personnel movements between sectors.	Targeted regulations addressing risks of private sector transitions. Yet, the absence of lobbying regulations leaves gaps in protection.	Moderate: Some safeguards ensure transparency and impartiality. Yet, gaps remain without enacted lobbying laws.

COUNTRY	LEGAL SAFEGUARDS	STRENGTHS	WEAKNESSES	EVALUATION
Romania	Labor Code.	General adherence to legal obligations and extra internal measures.	No targeted safeguards addressing senior officials' transitions to the private sector.	Weak/Moderate: Framework relies heavily on management's commitment to enforcement and lacks targeted measures.

Recommendations

- Adopt targeted revolving-door regulations, such as cooling-off periods and restrictions on senior officials transitioning to private sector roles.
- In the Czech Republic, accelerate the implementation of the proposed lobbying law to address gaps in regulating private sector influence.
- Mandate public documentation of interactions between DSCs and private sector stakeholders, ensuring transparency, accountability and oversight.
- Develop enforcement measures, such as regular audits and independent reviews, to ensure adherence to conflict-of-interest regulations and transparency obligations.
- Establish EU-wide guidelines for DSC independence from private sector influence, ensuring consistent safeguards against lobbying and conflicts of interest.

Accountability and civil society involvement

National approaches to transparency, parliamentary oversight, and civil society involvement differ greatly across the European Union, in addition to the accountability frameworks for DSCs. While the Digital Services Act mandates minimum standards, such as annual reports and the right to judicial review against the DSC's decisions, Member States differ in how they extend these mechanisms to ensure accountability.

In **Bulgaria**, accountability mechanisms are minimal and largely limited to the requirements outlined in the DSA. The DSC must submit annual reports, and its decisions are subject to judicial review. Beyond these, no additional reporting obligations to the national parliament exist, nor are there structured audits beyond the obligatory financial audits. This narrow framework restricts transparency and public scrutiny of the DSC's activities.

Croatia demonstrates a more developed accountability structure. HAKOM, the Croatian DSC, is legally obligated to submit annual activity reports to the Croatian Parliament, which can review these reports, request

clarifications, and engage in discussions about HAKOM's activities. HAKOM's financial plan also requires parliamentary approval as part of the state budget process. Additionally, HAKOM publishes its reports and decisions on its official website, ensuring public accessibility. In terms of audits, HAKOM is periodically audited by the State Audit Office of Croatia, which evaluates its financial operations and regulatory effectiveness, while internal audits further enhance its governance. The European Commission and the European Board for Digital Services provide additional oversight to ensure HAKOM meets EU standards. These mechanisms collectively ensure a high degree of accountability, though their effectiveness depends on the active engagement of Parliament and external monitoring bodies. However, despite these robust mechanisms, civil society involvement remains informal and limited to public consultations or ad hoc engagements.

The situation in the **Czech Republic** is characterised by uncertainty. The forthcoming Digital Economy Act (*Zákon o digitální ekonomice, ZDE*) is expected to provide clarity on the DSC's accountability framework, but its approval remains pending. At present, the designated DSC, the Czech Telecommunication Office, operates under brief and vague provisions that do not include obligations beyond the DSA's annual reporting and judicial review. Audits and parliamentary reporting requirements have not been formally established, and civil society engagement remains absent, with no structured mechanisms in place.

Germany introduces a developed approach to accountability through its *Digitale-Dienste-Gesetz* (Digital Services Law). The law establishes an advisory board to support the DSC, composed of 16 members representing diverse stakeholders: four from the scientific community, eight from civil society (including consumer organisations), and four from business associations. This advisory board plays a consultative role, advising the DSC on fundamental questions concerning DSA enforcement, providing recommendations for consistent implementation, and highlighting scientific issues, particularly related to data management. The board meets quarterly, and the head of the DSC (or a deputy) is required to attend, ensuring ongoing communication and accountability. This institutionalised involvement of civil society and experts provides a structured mechanism for co-regulation and oversight, making Germany's approach relatively advanced.

In **Italy**, the DSC, operating under AGCOM, is primarily accountable to Parliament. This includes annual hearings and reports detailing AGCOM's functions, including the work of the DSC. These reports are publicly accessible, contributing to transparency. AGCOM also conducts public consultations and publishes its own research and investigations, further enhancing accountability. However, as the DSC Office within AGCOM is still in its early stages, formal mechanisms for civil society involvement are not yet established. The recent act on trusted flaggers, published in mid-September 2024, marks a step towards co-regulatory engagement, but it is too early to assess its practical impact.

Romania exhibits limited accountability mechanisms for its DSC. Beyond the annual reporting requirements mandated by the DSA and basic transparency obligations under National Law 52/2003 on decision-making processes, no additional frameworks for parliamentary oversight or structured audits exist.

Evaluative summary

While Germany and Croatia demonstrate strong accountability frameworks, other countries—particularly Bulgaria, Czechia, and Romania—fall short, relying only on the minimum DSA obligations. Italy, while functional, remains a work in progress. Ensuring parliamentary oversight, robust audit mechanisms, and formalised civil society involvement will be essential for strengthening the accountability of Digital Services Coordinators across the EU.

COUNTRY	ACCOUNTABILITY MECHANISMS	CIVIL SOCIETY INVOLVEMENT	EVALUATION
Bulgaria	Minimal mechanisms: annual reports and judicial review; no parliamentary oversight or structured audits.	No structured civil society involvement.	Weak: Lacks transparency and public scrutiny mechanisms.
Croatia	Strong accountability: parliamentary reporting, public accessibility of reports, and periodic audits by the State Audit Office.	Informal involvement through consultations and ad hoc engagements.	Moderate: Comprehensive accountability, but seriously limited civil society integration.
Czech Republic	Unclear framework pending approval of the Digital Economy Act; current provisions limited to DSA mandates.	No structured mechanisms for civil society engagement.	Weak: Undefined and incomplete accountability framework.
Germany	Advanced mechanisms: advisory board with diverse stakeholders provide structured oversight and co-regulation.	Institutionalised civil society involvement via the advisory board.	Strong: Exemplary model with structured co-regulation.
Italy	Parliamentary accountability through hearings and reports; public consultations and research publications.	Limited, though initial steps toward co-regulatory frameworks are emerging.	Moderate: Solid parliamentary oversight but evolving civil society integration.
Romania	Minimal mechanisms: annual reporting and basic transparency obligations.	No structured involvement of civil society.	Weak: Limited transparency and public accountability mechanisms.

Recommendations

- Member States with weak frameworks should introduce mandatory parliamentary reviews, external audits, and public reporting obligations to enhance transparency and trust.
- Countries should establish advisory boards or co-regulatory bodies that formally include civil society, academia, and industry, drawing inspiration from Germany's model.
- Develop EU-level guidelines to establish minimum accountability and stakeholder engagement standards across all Member States.
- Publish all DSC reports, audits, and consultation outcomes in accessible formats to improve public awareness and engagement.

Conclusion

The findings from this comprehensive evaluation of Digital Services Coordinators across six EU Member States (Bulgaria, Croatia, Czech Republic, Germany, Italy, and Romania) reveal significant gaps and vulnerabilities that may hinder DSCs' capacity to act with complete independence and remain free of external influence.

To strengthen the independence and accountability of DSCs, their autonomy must be explicitly codified at the highest legal level, with financial and organisational structures that safeguard against external interference.

Leadership selection processes should prioritise merit and expertise, supported by independent, multi-stakeholder advisory mechanisms to eliminate political bias. Comprehensive safeguards, such as conflict-of-interest regulations, cooling-off periods, and lobbying oversight, are essential to prevent undue private sector influence. Furthermore, enhanced transparency through regular parliamentary reviews, detailed public reporting, and structured civil society engagement will foster trust and ensure robust accountability.

By addressing these issues, Member States can increase the likelihood that DSCs operate as independent and effective regulators, upholding the core principles of the Digital Services Act and safeguarding the rights of users in the digital sphere.

Useful sources (Appendix)

Bulgaria

- **Official name of DSC**
Комисия за регулиране на съобщенията (Communications Regulation Commission)
- **Name, date of adoption and link to the implementing act(s) of the DSA**
Закон за електронните съобщения (Electronic Communications Act), promulgated on 22.05.2007 - <https://www.mtc.government.bg/bg/category/324/zakon-za-elektronnite-sobscheniya> (Bulgarian); <https://www.mtc.government.bg/en/category/168/electronic-communications-act> (English)
- **Name, date of adoption and link to other official documents (legislation, statutes) regulating the DSC's establishment/functioning**
Правила за свободно използване на радиочестотния спектър adopted on 5 November 2021, <https://crc.bg/bg/statii/2587/pravila-za-svobodno-izpolzване-na-radiochestotniq-spek-tar>; Правила за използване на радиочестотния спектър след регистрация adopted on 5 November 2021, <https://crc.bg/bg/rubriki/126/podzakonovi-aktove-po-zakona-za-elektronnite-syobshteniya>;
Общи изисквания при осъществяване на обществени електронни съобщения, adopted on 17 December 2021, <https://crc.bg/bg/rubriki/126/podzakonovi-aktove-po-zakona-za-elektronnite-syobshteniya>;
Наредба № 1 от 22 юли 2010 г. за правилата за ползване, разпределение и процедурите по първично и вторично предоставяне за ползване, резервиране и отнемане на номерационни ресурси, adopted on 17 August 2010, <https://crc.bg/bg/rubriki/126/podzakonovi-aktove-po-zakona-za-elektronnite-syobshteniya>;
Тарифа за таксите, които се събират от комисията за регулиране на съобщенията по Закона за електронните съобщения, adopted on 29 December 2011, <https://crc.bg/bg/rubriki/126/podzakonovi-aktove-po-zakona-za-elektronnite-syobshteniya>;
Правила за процеса на смяна на доставчика на услуги за достъп до интернет, adopted on 4 August 2022, <https://crc.bg/bg/rubriki/126/podzakonovi-aktove-po-zakona-za-elektronnite-syobshteniya>;
Правила за условията и реда за прехвърляне на разрешения за ползване на ограничен ресурс, прехвърляне на част от правата и задълженията по разрешения за ползване на ограничен ресурс и отдаване под наем на радиочестотен спектър, adopted on 21 October 2021, <https://crc.bg/bg/rubriki/126/podzakonovi-aktove-po-zakona-za-elektronnite-syobshteniya>.

Website of DSC

<https://crc.bg/bg>

Croatia

- **Official name of DSC**

Hrvatska regulatorna agencija za mrežne djelatnosti (HAKOM), the Croatian Regulatory Authority for Network Industries

- **Name, date of adoption and link to the implementing act(s) of the DSA**

In Croatia, the implementing act has yet to be adopted. The draft law passed its first reading in Parliament in August 2024: <https://www.sabor.hr/hr/sjednice-sabora/prijedlog-zakona-o-provedbi-uredbe-eu-2022/2065-europskog-parlamenta-i-vijeca-od-19> and

https://vlada.gov.hr/UserDocsImages/2016/Sjednice/2024/Kolovoz/21_sjednica_VRH/21%20-%203.docx.

- **Name, date of adoption and link to other official documents (legislation, statutes) regulating the DSC's establishment/functioning**

Decision on the appointment of the Croatian Regulatory Authority for Network Activities as the Coordinator for Digital Services of the Republic of Croatia, the 285th session of the Government of the Republic of Croatia, item 9: <https://vlada.gov.hr/sjednice/285-sjednica-vlade-republike-hrvatske/40927>.

News is also available at HAKOM's website: <https://www.hakom.hr/en/the-decision-on-the-appointment-of-hakom-as-the-coordinator-for-digital-services-of-the-republic-of-croatia/11630>.

Website of DSC

<https://www.hakom.hr/>

Czech Republic

- **Official name of DSC**

Český telekomunikační úřad (Czech Telecommunication Office (CTO))

- **Name, date of adoption and link to the implementing act(s) of the DSA**

The implementing act for the Digital Services Act (DSA) in the Czech Republic is titled *Zákon o digitální ekonomice* (Digital Economy Act). However, it has not yet been passed into law and remains at the legislative proposal stage, under Bill No. 776 in the Czech Chamber of Deputies.

Current status: Pending adoption

Bill details:

Current version of the bill: <https://www.psp.cz/sqw/text/tiskt.sqw?O=9&CT=776&CT1=0>

Amendments to the bill: <https://www.psp.cz/sqw/text/tiskt.sqw?o=9&ct=776&ct1=2>

Updates and legislative history: <https://www.psp.cz/sqw/historie.sqw?o=9&ct=776>

Official English version: Not available as the act has not yet been finalized or adopted.

- **Name, date of adoption and link to other official documents (legislation, statutes) regulating the DSC's establishment/functioning**

The activity of CTO is based on the legal framework outlined here: <https://ctu.gov.cz/en/legal-framework>.

It is anticipated that further legislation will need to be adopted to clarify and expand the CTO's competencies, as the current provisions in the proposed Digital Economy Act are considered too vague to fully implement the DSC's mandate as required by the DSA.

Website of DSC

<https://ctu.gov.cz/en>

Germany

- **Official name of DSC**

Koordinierungsstelle für digitale Dienste; Digital Services Coordinator

- **Name, date of adoption and link to the implementing act(s) of the DSA**

Digitale-Dienste-Gesetz; adopted 6.5.2024, entry into force 14.5.2024; <https://www.gesetze-im-internet.de/ddg/index.html>

- **Name, date of adoption and link to other official documents (legislation, statutes) regulating the DSC's establishment/functioning**

Section 14 Digitale-Dienste-Gesetz; adopted 6.5.2024, entry into force 14.5.2024; <https://www.gesetze-im-internet.de/ddg/index.html>

Website of DSC

https://www.dsc.bund.de/DSC/DE/_Home/start.html?r=1

Italy

- **Official name of DSC**

Autorità per le Garanzie nelle Comunicazioni (Agcom) - no English official name available

- **Name, date of adoption and link to the implementing act(s) of the DSA**

Law Decree No. 123/2023, September 15 2023 (published in the Gazzetta Ufficiale on 15/09/23, No. 216, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2023-09-15;123>), converted with amendments with Law No. 159/2023 (published in the Gazzetta Ufficiale on 14/11/23, No. 266, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2023-11-13;159>). In particular, the DSC is established by Art 15 Law Decree No. 123/2023 - “Designazione del coordinatore dei servizi digitali in attuazione del Regolamento (UE) 2022/2065 sui servizi digitali”. No English version is available.

- **Name, date of adoption and link to other official documents (legislation, statutes) regulating the DSC’s establishment/functioning**

(Unofficial translation of the title of the acts, no English version available.)

Nomination of the Director of the DSC Office:

- Delibera N. 395/24/CONS Modifica alla Delibera N. 383/24/CONS, recante “Conferimento degli incarichi dirigenziali di secondo livello ai sensi dell’Art. 25, comma 2, Lett. A) del regolamento concernente l’organizzazione e il funzionamento dell’autorità” /// Decision No. 395/24/CONS - Amendment to Decision No. 383/24/CONS concerning the appointment of second-level managerial roles pursuant to Art. 25, paragraph 2, letter a) of the Regulation on the organization and functioning of the Authority.

https://www.agcom.it/sites/default/files/provvedimenti/delibera/2024/395_24_CONS%20%282%29.pdf

<https://www.agcom.it/competenze/piattaforme-online/digital-service-act>

Website of DSC

<https://www.agcom.it/>

Romania

- **Official name of DSC**
Autoritatea Națională pentru Administrare și Reglementare în Comunicații (ANCOM)
- **Name, date of adoption and link to the implementing act(s) of the DSA**
Law No. 50/2024 on establishing measures for the application of 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 Regulation), as well as amending and supplementing Law No. 365/2002 on electronic commerce.
- **Name, date of adoption and link to other official documents (legislation, statutes) regulating the DSC's establishment/functioning**
ANCOM (The National Authority for Management and Regulation in Communications), a public entity established 15 years ago through government emergency order 22/2009, was designated DSA by Law no. 50/2024 (art. 14 par. 1).

Website of DSC

<https://www.ancom.ro/>

Contact

Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a Berlin-based civil liberties group with 22 member organisations across the EU campaigning on human and digital rights issues including the rule of law, media freedom, SLAPPs, privacy, targeted political advertising, AI, and mass surveillance.

Ebertstraße 2, 4th floor
10117 Berlin
Germany
info@liberties.eu
www.liberties.eu