



Council of the
European Union

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'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: ST 7080/23 + COR 1 + ADD 1 - C(2023) 1257 Final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 2.3.2023
supplementing Regulation (EU) 2022/2065 of the European Parliament and
of the Council with the detailed methodologies and procedures regarding
the supervisory fees charged by the Commission on providers of very large
online platforms and very large online search engines
- Intention not to raise objections to a delegated act

1. On 2 March 2023, the Commission submitted the above draft Delegated Regulation to the Council, in accordance with Article 43 of Regulation (EU) 2022/2065 (Digital Services Act, DSA)¹ which sets the basic criteria for the determination of the supervisory fee.

¹ 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, 27.10.2022, p. 1)

2. Article 43 of Regulation (EU) 2022/2065 requires the Commission to charge providers of very large online platforms and of very large online search engines annual supervisory fees, the overall amount of which is to cover all estimated costs, as reasonably determinable beforehand, that the Commission incurs regarding the supervisory tasks under that Regulation.
3. The delegated act includes definitions, the yearly procedure, an estimation of overall costs, an annual identification of designated services, and transitional provision. It also includes formulas for basic amount per service and overall amount of supervisory fee, payment modalities, reporting of costs and fees charged, and financial consequences in case of non-payment.
4. On 3 March 2023, delegations were asked to indicate their possible opposition to the above draft Delegated Regulation by 25 April 2023. No delegation raised any relevant grounds for opposition within the deadline period. The official three-month deadline for scrutiny expires on 3 June 2023, after which the delegated act will be adopted.
5. Against this background, the Permanent Representatives Committee is invited to recommend to the Council to confirm the non-opposition to the draft Delegated Regulation, as set out in document ST 7080/23 + COR 1 + ADD1 as an item without discussion at one of its forthcoming meetings.