DSA Levy Review Procedures

CCPC Procedures for review of a decision pursuant to Article 12 of the Digital Services Act 2024 (Section 45A) Consumer Online Platform Providers Levy Order 2026



CCPC

Coimisiún um Iomaíocht agus Cosaint Tomhaltóirí | Competition and Consumer Protection Commission

CCPC PROCEDURES FOR REVIEW OF A DECISION PURSUANT TO ARTICLE 12 OF THE DIGITAL SERVICES ACT 2024 (SECTION 45A) CONSUMER ONLINE PLATFORM PROVIDERS LEVY ORDER 2026

1. Definitions

1.1 In these procedures, unless otherwise stated:

'Commission' means the Competition and Consumer Protection Commission;

'Member' means a member of the Commission;

'Levy Order' means the Digital Services Act 2024 (Section 45A) Consumer Online Platform Providers Levy Order 2026;

'Review' and 'the Review Process' means a review undertaken pursuant to Article 12 of the Levy Order;

'Review Application' means the application by a consumer online platform provider under Article 12 of the Levy Order for a review of a decision of the Commission under the Levy Order;

'Review Decision' means the final decision issued by the Commission in respect of the Review following consideration of the Review Recommendation;

'Review Recommendation' means the recommendation issued by a Reviewer to the Commission; and

'Reviewer' means the person appointed under paragraph 6.1 to undertake the Review.

2. Purpose

2.1 These procedures set out the procedures applicable to reviews under Article 12 of the Levy Order.

3. Scope

3.1 In accordance with Article 12 of the Levy Order, a Review is limited to a decision made by the Commission under the Levy Order.

3.2 For the avoidance of doubt, a Reviewer has no jurisdiction to review a decision unless that particular decision was made under the Levy Order. While certain decisions made under the Levy Order may also require consideration of other decisions which were not made under the Levy Order, decisions not made under the Levy Order cannot be the subject of a recommendation by a Reviewer to vary or set aside the original decision under the Levy Order.

3.3 A Review shall not take the form of a de novo consideration of the decision made under the Levy Order. It is a review of errors alleged by the consumer online platform provider in respect of a decision of the Commission made under the Levy Order.

4. Guiding Principles

4.1 The Review Process shall be fair, transparent and conducted in accordance with the principles of natural justice.

4.2 A Reviewer shall at all times act in accordance with fair procedures. A Reviewer may adopt such additional procedures as are considered necessary and/or appropriate and may direct the conduct of the Review process in the manner appropriate, including if a particular matter is not addressed in any adopted procedures.

4.3 The final decision shall remain with the Commission, which will consider a Reviewer's Recommendation before issuing its Review Decision.

5. Request for Review

5.1 A consumer online platform provider wishing to exercise the right to seek a Review shall, no later than 28 days after the date of the letter communicating the relevant decision of the Commission under the Levy Order, request a Review in writing. In accordance with Article 12 of the Levy Order, in exceptional circumstances the Commission may determine that a review application submitted outside of the 28 day period shall be considered by a Reviewer.

5.2 The Review Application shall identify the grounds of review and set out fully the basis on which a Review of the decision is sought, including any information relied upon by the consumer online platform provider in this regard. In appropriate circumstances and in the interests of fairness, a Reviewer shall also have discretion to permit the consumer online platform provider to file additional submissions which shall be deemed to constitute part of the Review Application.

5.3 Insofar as the consumer online platform provider alleges that the error in the decision subject to review results from an error in materials submitted by the consumer online platform provider, the consumer online platform provider may submit as part of the Review Application such material as may be relevant and/or necessary for the purpose of reviewing any such alleged error.

5.4 A staff member of the Commission shall acknowledge a request for Review upon its receipt.

6. Person(s) to Undertake a Review

6.1 The Review shall be undertaken by a Reviewer appointed by the Commission for that purpose.

7. Review of Review Application and Seeking Further Information

7.1 In conducting the Review, a Reviewer will assess the grounds on which a consumer online platform provider is seeking a review in order to confirm that the decision sought to be reviewed is a decision(s) made under the Levy Order.

7.2 The Reviewer will provide an indicative timetable for their Review to the consumer online platform provider and the Commission and notify them of any changes to this timetable during their Review.

7.3 Within a period of 14 days, or such further period as a Reviewer may at their sole discretion deem necessary, following receipt of the Review Application, a Reviewer may request a consumer online platform provider to address any queries arising in respect of the Review Application, to provide any appropriate clarifications and to make such further submissions as may be appropriate.

7.4 The consumer online platform provider shall respond to any such request within a period of 14 days or such additional period as a Reviewer at their sole discretion may specify.

8. Review and preparation of Review Recommendation

8.1 Following receipt of any response to queries and/or further submissions, a Reviewer shall consider all information provided as part of the Review Application and determine whether the consumer online platform provider has established any basis for the review of a decision made under the Levy Order.

8.2 A Reviewer shall prepare a draft Review Recommendation which shall set out:

8.2.1 A Reviewer's draft recommendation(s); and

8.2.2 The reasons for those draft recommendation(s).

9. Opportunity to Comment

9.1 A Reviewer shall share the draft Review Recommendation with the consumer online platform provider and afford the consumer online platform provider an opportunity to make any observations in respect of the draft Review Recommendation within 14 days of receipt or such additional period as a Reviewer at their sole discretion may specify.

9.2 In that regard, such observations should be limited to the contents of the draft Review Recommendation (such as errors of fact or additional points of fact).

10. Finalising Review Recommendation

10.1 Upon receipt of any observations, a Reviewer shall consider the observations and shall have regard to those observations in preparing the final Review Recommendation.

10.2 A Reviewer shall proceed to prepare the Review Recommendation which shall provide a summary of the Review Application, the issues considered, a Reviewer's findings and reasons for their recommendation(s) and a recommendation to confirm, amend/vary or annul/substitute the original decision under the Levy Order.

10.3 A Reviewer shall submit the Review Recommendation to the Commission for consideration.

11. Final Review Decision

11.1 Following its consideration of the Review Recommendation and documentation submitted as part of the Review Process, the Commission (excluding a Reviewer where they are a Member) shall make a final and binding Review Decision. In reaching the Review Decision, the Commission shall not be bound by the recommendations outlined in the Review Recommendation. The Review Decision may:

11.1.1 Confirm the original decision made under the Levy Order;

11.1.2 Amend/vary the original decision made under the Levy Order; or

11.1.3 Annul and substitute the original decision under the Levy Order.

11.2 The Commission shall also specify in the Review Decision such steps (if any) as are necessary for the consumer online platform provider and/or the Commission to take as a result of its Review Decision.

11.3 In the event that the Commission decides not to be bound by the Review Recommendation, the Commission may share a draft Review Decision with the consumer online platform provider from whom the Review Application was received and afford that consumer online platform provider a period of 14 days (or such period as specified by the Commission at its sole discretion) to make any written observations in respect of the draft Review Decision. In that regard, any observations should be limited to the contents of the draft Review Decision (such as errors of fact or additional points of fact).

12. Notification of Final Review Decision

12.1 The Commission shall notify the consumer online platform provider in writing of the outcome of the Review Application, providing a copy of the Review Decision, within 5 working days of the making of the Review Decision.

12.2 The Commission's Review Decision shall be final and not subject to any further review.

13. Confidentiality and Records

13.1 All material received and considered during the Review process will be treated in accordance with the Commission's data protection and confidentiality obligations.