



STATUTORY INSTRUMENTS.

S.I. No. 55 of 2025



RULES OF THE SUPERIOR COURTS (DIGITAL SERVICES ACT) 2025

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We, the Superior Courts Rules Committee, constituted pursuant to the provisions of section 67 of the Courts of Justice Act 1936, and reconstituted pursuant to the provisions of section 15 of the Courts of Justice Act 1953, by virtue of the powers conferred upon us by section 36 of the Courts of Justice Act 1924, section 68 of the Courts of Justice Act, 1936 (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961), section 14 of the Courts (Supplemental Provisions) Act 1961 and the European Communities (Rules of Court) Regulations 1972 (S.I. No. 320 of 1972), do hereby make the following Rules of Court.

Dated this 18th day of July, 2024.

Donal O'Donnell (Chairperson)

George Birmingham

David Barniville

Elizabeth Dunne

Brian R. Murray

Máire Whelan

Nuala Butler

Richard Humphreys

Siobhán Phelan

Yvonne McNamara

Gráinne Larkin

Michele O'Boyle

Áine Hynes

James Finn

Mary Cummins

John Mahon

I concur in the making of the following Rules of Court.

Dated this 28th day of February, 2025.

JIM O'CALLAGHAN,

Minister for Justice.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 7th March, 2025.*

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RULES OF THE SUPERIOR COURTS (DIGITAL SERVICES ACT) 2025

1. (1) These Rules, which may be cited as the Rules of the Superior Courts (Digital Services Act) 2025, shall come into operation on the 14th day of March, 2025.

(2) These Rules shall be construed together with the Rules of the Superior Courts.

(3) The Rules of the Superior Courts as amended by these Rules may be cited as the Rules of the Superior Courts 1986 to 2025.

2. These Rules shall apply in proceedings commenced both before and from the date on which these Rules come into operation.

3. The Rules of the Superior Courts are amended by the insertion immediately following rule 61 of Order 39 of the following caption and rule:

“XII. Evidence in applications to which the Digital Services Regulation applies

62. (1) In this rule:

the “Commission” means the Commission established by section 6 of the Broadcasting Act 2009, and designated as Digital Services Coordinator by section 7 of that Act;

the “Digital Services Regulation” means 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); and

expressions defined in the Digital Services Regulation have the same meaning as in Article 3 of the Digital Services Regulation.

(2) Where an application is made for any order of a kind referred to in Article 9 of the Digital Services Regulation to be addressed to an intermediary service provider, the applicant shall, in or in addition to any evidence adduced in support of the application, provide the Court with all particulars required to ensure that, if the application is successful, the order made by the Court may satisfy the requirements of Article 9 of the Digital Services Regulation.

(3) Where an application is made for any order of a kind referred to in Article 10 of the Digital Services Regulation to be addressed to an intermediary service provider, the applicant shall, in or in addition to any evidence adduced in support of the application, provide the Court with all particulars required to ensure that, if the application is successful, the order made by the Court may satisfy the requirements of Article 10 of the Digital Services Regulation.

(4) Unless the Court for special reasons recited in the order provides otherwise, the order of the Court on such an application shall specify for the purposes of Article 9(2)(a)(vi) or, as the case may be, Article 10(2)(a)(vi), of the Digital Services Regulation that the Commission is to receive the information about the effect given to the order and may have annexed a form for the provision of such information in the Form No. 1 in Appendix D, Part IV.

(5) Where, in accordance with Article 9(2)(c) or, as the case may be, Article 10(2)(c), of the Digital Services Regulation, the order requires to be translated into a language other than an official language of the State for transmission to the intermediary service provider, the applicant shall lodge a certified copy of the translation in the Office prior to its service.

(6) The order of the Court on any such application may require the applicant to serve a copy of an order to which this rule applies on the intermediary service provider concerned and on the Commission but if no such provision is included, the proper officer shall serve a copy of the order on the intermediary service provider concerned and on the Commission by prepaid registered post and, where possible, by electronic mail.

(7) Any person affected by the order or concerned in its enforcement may apply to the Court to vary or set aside the order or to make any further order that is appropriate consequent on service of the order.”

4. The form in the Schedule shall be inserted in Appendix D to the Rules of the Superior Courts, immediately following Part III, as Appendix D, Part IV.

Schedule

Appendix D, Part IV: DIGITAL SERVICES ACT

No. 1

O. 39, r. 62(4)

[Title of proceedings]

**INFORMATION ABOUT EFFECT GIVEN TO ORDER PURSUANT TO
ORDER 39, RULE 62 OF THE RULES OF THE SUPERIOR COURTS**

(Article 9/Article 10¹ 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 Act))

SECTION A:

Addressee of the order:

.....
.....

High Court Record number:

File reference of the addressee:

.....
.....

Time and date of receipt of order:

.....

SECTION B: Measures taken to give effect to the order

(Please tick the relevant box):

the illegal content has been removed

access to the illegal content has been disabled in Ireland/all Member States²

other measure(s) taken

Time and date of the measure(s) taken:

.....

¹ Delete as appropriate

² Delete as appropriate

Details of measure(s) taken:

.....
.....

SECTION C: Details of the addressee

Name of the intermediary service provider:

.....
.....

OR

Name of the legal representative of the intermediary service provider:

.....
.....

Member State of main establishment of the intermediary service provider:

.....
.....

OR

Member State of residence or establishment of the legal representative of the intermediary service provider:

.....
.....

Name of the authorised person:

.....

Email address of the contact point:

.....

Date:.....

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These rules facilitate implementation of Articles 9 and 10 of the Data Services Act (Regulation (EU) 2022/2065 of the European Parliament and of the Council) in relation to orders requiring intermediary service providers to act against illegal content under Article 9 or to provide information under Article 10.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
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