

DECISION NOTICE

Award of Trusted Flagger Status to the Victim Support Agency under Article 22 of the Digital Services Act

MCA Reference: MCA/IMD/26-6125

Publication Date: 27th October 2026

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TABLE OF CONTENTS

1	<i>Decision Overview.....</i>	2
2	<i>Assessment of the Application</i>	2
2.1	<i>Expertise and competence.....</i>	3
2.2	<i>Independence from Online Platforms.....</i>	3
2.3	<i>Diligent, accurate and objective activity.....</i>	4
3	<i>Decision</i>	5
3.1	<i>Designated Area of Expertise.....</i>	5
3.2	<i>Conclusion.....</i>	5

1 Decision Overview

Following an expression of interest submitted by Victim Support Agency (hereinafter referred to as the “Applicant” or “VSA”) dated 21 April 2026, the Malta Communications Authority (hereinafter referred to as the ‘Authority’ or the “MCA”), in its capacity as Malta’s Digital Services Coordinator (hereinafter the “DSC”), has reviewed and evaluated VSA’s eligibility for the Trusted Flagger award under the framework of Regulation (EU) 2022/2065 on a Single Market for Digital Services (hereinafter referred to as the “Digital Services Act” or the “DSA”).

VSA is a public agency established under LN418 of 2020 to serve as Malta’s national contact point for victims of crime. Its mandate includes victim assessment, emotional and psychosocial support, legal guidance, court accompaniment, awareness-raising and inter-agency coordination. It sought designation for illegal online incitement to violence and hatred directed at persons or groups by reference to protected characteristics under applicable Union or Maltese law.

Under Article 22(2) DSA, Trusted Flagger status may be awarded to an entity that demonstrates:

- particular expertise and competence in detecting, identifying and notifying illegal content;
- independence from providers of online platforms; and
- diligent, accurate and objective conduct when submitting notices.

Based on its evaluation, the MCA concludes that the VSA has sufficiently demonstrated that it meets all the above conditions and hereby awards it the Trusted Flagger status to act within the area of **‘illegal online incitement to violence and hatred targeting persons or groups on the basis of protected characteristics’**.

This notice summarises the Authority’s assessment of the VSA’s eligibility against these criteria and sets out the basis for its decision.

2 Assessment of the Application

The MCA assessed the application and supporting material against the three (3) cumulative conditions in Article 22(2) DSA. It considered the nature, relevance and reliability of the evidence submitted and assessed the material as a whole.

2.1 Expertise and competence

Pursuant to Article 22(2)(a), the applicant is required to demonstrate that it possesses particular expertise and competence in detecting, identifying and notifying illegal content within the requested area.

VSA's statutory mandate and activities are directly relevant to victim support, hate speech and hate crime. The evidence presented by the Applicant demonstrated that it has qualified legal and social-work personnel, experience in receiving and assessing reports of conduct that may constitute criminal offences, familiarity with the applicable legal framework, and involvement in relevant training and awareness-raising initiatives.

VSA also proposes to operate its trusted flagger function within its Policy and Legal Unit. The procedure submitted with the application establishes a structured process covering intake, case registration, legal assessment, communication, potential notifications to providers of online platforms and secure record-keeping.

Having assessed the presented documentation, the MCA concluded that VSA possesses the expertise and competence required under Article 22(2)(a) DSA within the requested area.

2.2 Independence from Online Platforms

Pursuant to Article 22(2)(b), the applicant is required to demonstrate its independence from providers of online platforms, including in its governance, decision-making and financing.

VSA is a public agency established by law and funded through public-sector arrangements. The evidence reviewed did not identify any ownership interest, governance involvement, funding relationship, sponsorship arrangement, commercial dependency or other connection between VSA and any provider of online platforms that could affect its independence.

VSA has additionally proposed to carry out its trusted flagger function through its established organisational structure, using personnel with relevant legal and operational responsibilities.

Based on the evidence provided, the MCA concluded that VSA is independent from providers of online platforms and therefore satisfies the condition in Article 22(2)(b) DSA.

2.3 Diligent, accurate and objective activity

Pursuant to Article 22(2)(c), the applicant is required to demonstrate that it carries out its activities in a diligent, accurate and objective manner.

VSA's draft procedure establishes a structured process covering online intake, case registration, legal assessment by qualified personnel, communication of available options, potential notification to an online platform or referral for a criminal complaint, victim-support referral and secure record-keeping. These arrangements provide a structured basis for identifying and distinguishing potential illegal content from content that may otherwise be harmful or offensive.

The MCA has identified areas for continued development of the trusted flagger function, particularly in respect to operational documentation. These include verification and contextual assessment, approval and escalation, correction or withdrawal of inaccurate notices, complaints handling, quality assurance and the recording of platform outcomes.

Nevertheless, these areas concern the continued development of VSA's trusted flagger function and do not alter the overall assessment. Having considered the evidence, the MCA concluded that VSA would conduct its notice-submission activities diligently, accurately and objectively and therefore satisfies the condition in Article 22(2)(c) DSA.

3 Decision

3.1 Designated Area of Expertise

The Authority concludes that the designated area of expertise for the purposes of the Trusted Flagger functions under Article 22, shall cover illegal online incitement to violence and hatred directed at persons or groups by reference to protected characteristics under applicable Union or Maltese law.

For transparency-reporting purposes, this corresponds to **Category 6c, “Illegal incitement to violence and hatred based on protected characteristics (hate speech)”**, under Commission Implementing Regulation (EU) 2024/2835. The designation is limited to content within that category that is alleged to be illegal under applicable Union or Maltese law and does not extend to other categories of illegal content.

3.2 Conclusion

Having assessed the evidence against the cumulative conditions in Article 22(2) DSA, the MCA concluded that VSA:

- **has** particular expertise and competence for detecting, identifying and notifying illegal content within the designated area;
- **is** independent from providers of online platforms; and
- **will carry out** its notice-submission activities diligently, accurately and objectively.

This designation is subject to ongoing compliance with the applicable conditions. In line with Article 22(7) of the DSA, the DSC may revoke the status if, following an investigation, whether initiated independently or based on information from third parties, it determines that the entity no longer meets the required criteria.



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