

Peter Burke,  
Minister for Enterprise, Tourism and Employment

cc.

Niamh Smyth  
Minister of State for Trade Promotion, Artificial Intelligence  
and Digital Transformation

By email

3 July 2025

### **Market Surveillance Authorities for Prohibitions under the EU AI Act**

Dear Minister Burke,

1. I write on behalf of the Irish Council for Civil Liberties (ICCL), Ireland's oldest human rights organisation, to highlight the requirement in EU Law for the State to designate market surveillance authorities (MSAs) under the AI Act by 2 August.<sup>1</sup>
2. ICCL has acquired material indicating that TikTok's recommender systems significantly harm children in a manner that triggers the prohibitions under Art 5 (1) (a) and (b) of the AI Act.<sup>2</sup> This is an urgent matter that concerns the well-being of children in Ireland and across Europe.
3. Despite the severity of the harm to children, ICCL will not be able to file a complaint to protect children unless the State designates which authority is competent to receive that complaint.
4. With less than a month until the AI Act prohibitions must be enforceable, ICCL is concerned that the responsibilities of the individual MSAs remain unclear. Although the

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<sup>1</sup> Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act). URL: <https://eur-lex.europa.eu/eli/reg/2024/1689/oj>

<sup>2</sup> Civil enforcement action by a bipartisan group of fourteen US States Attorneys General against TikTok and ByteDance Ltd. commenced at state courts in August 2024. Unredacted copy available at <https://www.iccl.ie/wp-content/uploads/2024/12/TikTok-Kentucky.pdf>

Government announced a list of competent authorities for the AI Act,<sup>3</sup> that list does not specify which MSAs enforce the prohibitions that have applied since 2 February.<sup>4</sup>

5. We are also concerned that adequate resources have not been provided to enable them to discharge their responsibilities.<sup>5</sup> The State is required to provide MSAs with “adequate technical, financial and human resources, and with infrastructure”<sup>6</sup> to fulfil their enforcement tasks. It must report on the status and adequacy of these resources to the European Commission by 2 August.<sup>7</sup>
6. Therefore, we request you to rapidly designate responsible MSAs to enforce AI Act prohibitions, and ensure that the necessary resources are in place by 2 August. These actions are prerequisite to the State’s successful implementation of the AI Act. They are also essential to protect children against online harm.

Sincerely,



Dr Kris Shrishak  
Senior Fellow, ICCL Enforce

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<sup>3</sup> Ministers Burke and Smyth welcome government approval of roadmap for implementing the EU Artificial Intelligence Act, 5 March 2025. URL: <https://enterprise.gov.ie/en/news-and-events/department-news/2025/march/20250305.html>

<sup>4</sup> The list also does not specify the specific authorities responsible to enforce the high-risk uses of AI systems listed in Annex III of the Artificial Intelligence Act.

<sup>5</sup> The Government should not wait till the enforcement date to announce the name of the MSA.

<sup>6</sup> Artificial Intelligence Act, Article 70 (3).

<sup>7</sup> Artificial Intelligence Act, Article 70 (5).