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Internet Platforms and Online Intermediaries Regulatory Coordination: Commentary

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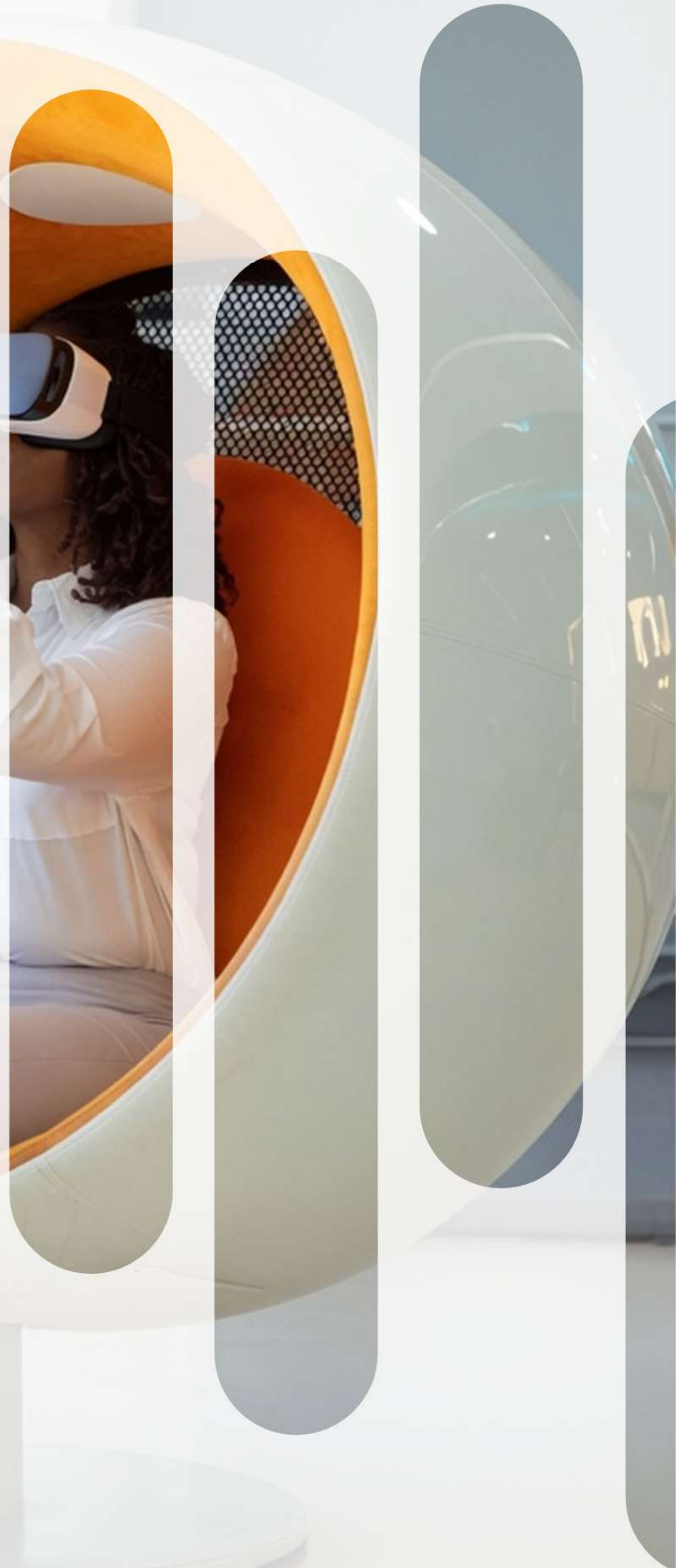
Introduction

On the 7 July, 2026, the Federal Ministry of Communications, Innovation and Digital Economy (the "Ministry") directed its agencies that the regulatory status quo be maintained on matters relating to the regulation of internet platforms, online intermediaries and other cross-cutting digital economy issues, pending the development of a harmonised national policy and governance framework. The impacted agencies are Nigerian Communications Commission (NCC), the National Information Technology Development Agency (NITDA) and the Nigeria Data Protection Commission (NPDC). This is partly in recognition of the fact that the convergence of telecommunications, digital platforms, artificial intelligence, online safety and data governance requires a coordinated whole-of-government approach to policy development and implementation. This in our view, is a good step in the right direction and essential need to promoting investment, innovation, consumer confidence and Nigeria's long-term competitiveness as Africa's leading digital economy.



In recent times, the NCC issued Internet Code of Practice (the "NCC Code"), which seeks to expand its regulatory oversight on online platforms. In 2022, the NITDA issued the Code of Practice for Interactive Computer Service Platforms/Internet Intermediaries (the "NITDA Code"). The NDPC in the NDP Act-GAID makes provision specifically governing software and other emerging technologies, and has recently been making effort to develop frameworks for governing certain internet platforms providers. The Ministry's intervention is coming at a point where the long-awaited convergence is very crucial to the digital economy.

In this piece, we have briefly highlighted the key policy directives, our comments and consideration for the impacted entities, in respect of this directive by the Ministry

Key Policy Directives and Our Commentary

Below are the key policy directives made by the Minister to this effect and commentary on how these may impact the current landscape:

Status Quo: The existing regulatory status quo is to be maintained with respect to matters relating to cross-cutting digital economy issues currently undergoing inter-agency policy harmonisation under the Ministry's coordination. Maintaining status quo means nothing would be done in respect of developing or regulating issues impacting internet platforms, online intermediaries and other core digital economy issues.

No Implementation or Enforcement: Relevant agencies are to defer the implementation or enforcement of any recently issued regulation, code, guideline, framework, directive or administrative requirement relating to Internet platforms, online intermediaries or other cross-cutting digital economy matters, to the extent that such provisions concern areas currently undergoing policy harmonisation under the Ministry's coordination. Whilst extensive list has not been provided, these would typically include the NITDA Code, the NCC internet Code of Practice, as they impact internet platforms, amongst others.

No Effect on other Statutory Obligations: The direction is without prejudice to the statutory responsibilities of the respective institutions. Accordingly, all other provisions of existing regulations, guidelines, codes and directives that fall squarely within the express mandates of the relevant agencies under extant laws shall remain fully operational and enforceable, provided they are consistent with this policy direction issued by the Minister. Whilst there would be no implementation of the regulatory innovation which extend these agencies powers over adjacent internet/online services, other legal obligations which by statute, are typically within the mandate of these agencies are not impacted and may still be implemented and enforced. Impacted platforms and operators may need to carefully audit or assess their compliance obligations to understand which compliance activities they may need to stop, pause or continue.

Establishment of Joint Technical Coordination Committee (JTCC): The Ministry will establish a Joint Technical Coordination Committee comprising representatives of the NCC, NITDA and the NDPC, led by the Minister. The JTCC will coordinate technical engagements, undertake broad consultations with industry, civil society, academia and other stakeholders, and develop recommendations for a harmonised national policy and governance framework. This presents a considerable opportunity to all impacted entities, to look out for its establishment and consultation activities, in order to contribute to shaping the relevant harmonised framework.

Critical Consideration & Conclusion

As stated above, unless further guidance is issued by the ministries or the agencies on which of the obligations are halted, impacted entities, particularly the entities already in compliance or taking steps to comply, may need to conduct internal legal assessment on key compliance needs. This would be important, particularly, for areas requiring significant effort and compliance spend.

The Ministry's decision is a critical one, and provides a breather for entities who already find the overlapping regulatory obligations strenuous. It also provides important avenue for impacted entities to fully engage with the regulators and the JTCC to ensure that current compliance difficulties are addressed or eliminated in the potential harmonisation.

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