

Understanding the EU: Commission vs Big Tech

Breaking down the DSA, DSM and Digital Rights

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Digital Single Market

What is a Digital Single Market?

- An environment where the EU can act as a single market in terms of the digital world.
- Free Movement of goods, services and capital under a open an regulated digital market

Why we need a Digital Single Market?

- The world and the EU is rapidly developing with technology at the forefront of it all.
- Information and Communications Technology (ICT) now a foundation of all business and commerce.
- DSM allows for greater economic development of the EU and safer regulations for people and business.

3 Pillars Of DSM Development

1. “Better access for consumers and businesses to online goods and services across Europe”
2. “Creating the right conditions for digital networks and services to flourish”
3. “Maximizing the growth potential of our European Digital Economy”

Better online access for consumers and Businesses across Europe

- Breaking down barriers in terms of copyright and contract laws from all different member states in terms of ICT Technology
- *“Having 28 different national consumer protection and contract laws discourages companies from cross-border trading and prevents consumers from benefiting from the most competitive offers and from the full range of online offers”*
- Prevent GeoBlocking
- Prevent Copyright laws in digital markets from affecting accessibility to content based on geographic borders in the EU.

Creating the right conditions and a level playing field

- **Protecting Privacy of Individuals (GDPR)**
- **Creating clear rules for net neutrality**
- **Allow clear Access to internet across the EU (5G EU wide by 2025)**
- **Abolition of roaming charges**

Maximizing the growth potential

- Data is a fundamental part of growth
- Rework cloud data storage and access
- Launch Plan for digital standardization
- Identify key areas of knowledge growth within the residence of the EU
- E-Documents and E-Government

Delivering the Digital Single Market

What's been implemented already?

- GDPR
- Abolition of Roaming Charges in EU

How will it be Implemented in the future?

- Consulting, Council, Parliament and member states to put through “Ambitious Action”
- Develop Infrastructure for better post options
- Make EU more attractive for E-commerce in the future

Major Digital Threats

1. the citizens exposure to increasing risks and harms online – from spread of illegal activities, to risks for their fundamental rights and other societal harms
2. the lack of coordination and efficiency of the EU's supervision of online platforms
3. the barriers to the market which arise from the regulation of digital services at a national level.

IMPORTANCE OF DSA

Rapporteur Christel Schaldemose said: *“We are now democratically reclaiming our online environment.*

The DSA is bringing EU tech regulation into the 21st century and it is about time.

Intermediary services shape our lives - from the way we meet our significant other, where we buy our Christmas presents to how we read the news. However, the online environment’s growing influence in our lives is not only for the better: **algorithms challenge our democracies by disseminating hatred and division, tech giants challenge our level playing field, and online marketplaces challenge our consumer protection standards and product safety.** This has to stop. For this reason, we are building a new framework, so that **what is illegal offline is also illegal online”**.

Digital Service Act (DSA)

- obligations for various types of digital actors such as online marketplaces, social networks, content-sharing platforms, app stores, intermediary services, hosting services
- DSA aims at creating a safe and trustworthy online environment through ensuring transparency, regulation, protection of fundamental rights and accountability for algorithms and violations

Main Objectives

- **creating a secure digital environment**
- **improving opportunities for digital services**
- **protecting the fundamental rights of online users**
- **creating coordination and cooperation among digital services EU-wide**

Very Large Online Platforms (VLOP)

Higher set of standards of transparency and accountability in regards to content and information moderation, as well as supervised risk management obligations in order to protect users from manipulative techniques.

These rules apply to those online platforms which reach 45 million user on the European domain, which is 10% of the entire EU population.

Creation and Implementation of DSA

- Created with the consultation of small and large online platforms, online trading platforms, media publishers, national authorities, academia, international organisations, the general public etc.
- Coordinated by member state-appointed coordinators
- European Parliament's negotiating position on the act established, talks will now begin with both the European Council and Commission

Anti-Trust Approach

- Ensures business is conducted in a competitive atmosphere
- Competition is not unreasonably or unfairly restricted
- Prohibition of agreement and conspiracy
- Avoidance of unreasonable restraint of trade or any injury to competition

Platform-to-Business Regulation

- July 2020
- Introduced to create a fair and transparent business environment for smaller businesses and owners of online platforms
- Ultimate goal of more protection of the EU consumers
- Large Platforms still became gatekeepers

EU Fines Google

- €4.34 billion for illegal practices regarding Android mobile devices to strengthen dominance of Google's search engine.
- Had required manufacturers to pre-install the Google Search app and browser app (Chrome), as a condition for licensing Google's app store (the Play Store);
- Made payments to certain large manufacturers and mobile network operators on condition that they exclusively pre-installed the Google Search app on their devices; and
- had prevented manufacturers wishing to pre-install Google apps from selling even a single smart mobile device running on alternative versions of Android that were not approved by Google (so-called "Android forks").

Statement of Objection to Amazon

- *“We must ensure that dual role platforms with market power, such as Amazon, do not distort competition. Data on the activity of third party sellers should not be used to the benefit of Amazon when it acts as a competitor to these sellers. The conditions of competition on the Amazon platform must also be fair. Its rules should not artificially favour Amazon’s own retail offers or advantage the offers of retailers using Amazon’s logistics and delivery services. With e-commerce booming, and Amazon being the leading e-commerce platform, a fair and undistorted access to consumers online is important for all sellers.” - Margrethe Vestager*

GDPR Directive

- The General Data Protection Regulation
- Adopted in April 2016, the Regulation came into full effect in May 2018
- “The “Regulation” means the General Data Protection Regulation 2016/679 of the European Parliament and of the Council of 06 April 2016. The Regulation replaces the Data Protection Directive 95/46/EC and is designed to harmonize data privacy laws across Europe for the protection of individuals with regard to the processing of personal data and the free movement of such data. Where appropriate, terms used in this statement shall have meanings ascribed to them in the Regulation.”

Rights-Based Approach

- Encourages right holders to claim their rights
- “Since we started talking about our European approach to digitisation, we have had a clear core what this is about. We believe in a human-centred digital transformation. A transformation where no one is left behind. We want safe technologies that work for people, and of course that our rights and values are as well respected online as they are offline. And we want everyone to be empowered that we as citizens feel that it is our society, that we feel empowered to actively to take part.” -Vestager

Thank you for attention!