



**CONNECT UNIVERSITY**

**Regulating the Digital Ecosystem of  
Online Platforms**

# Why do we regulate?



## **Societal impact:**

Digital services permeate both our society and economy



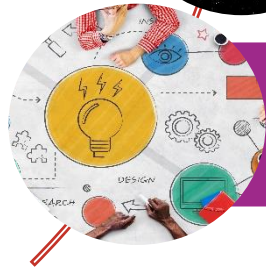
## **Opportunities and challenges:**

The Digital world will accelerate further



## **Global:**

Digital services are inherently cross-border



## **Fragmented rulesets:**

Different existing approaches in the Member States

# What risks do we encounter online?



Dissemination of illegal content



Negative effects on fundamental rights



Negative effects on civil discourse, electoral processes and public safety

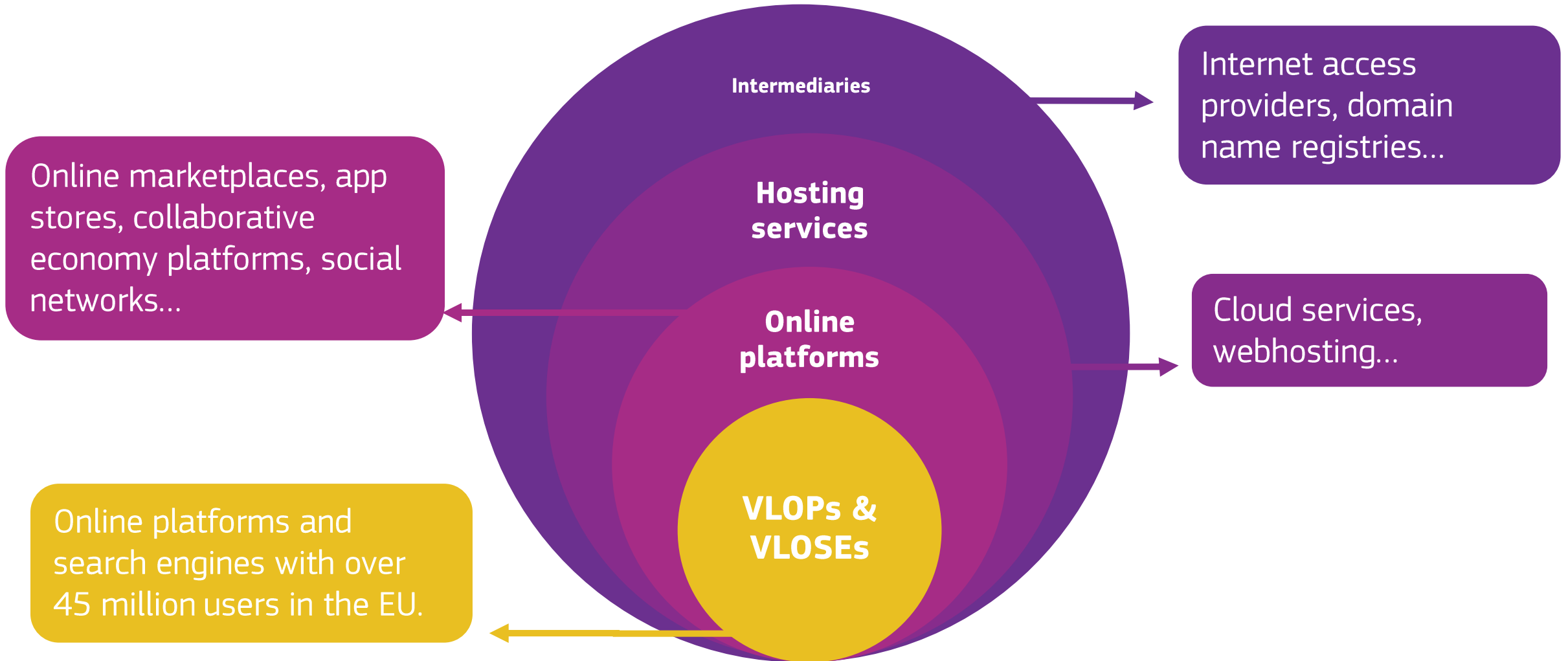


Negative effects on minors, public health, mental and physical wellbeing, and gender violence.

# Examples



# Who does the DSA apply to?



# What due diligence obligations for each?

## VLOP/VLOSEs

- Risk Management yearly cycle
- Recommender systems: choices
- Ad Repositories
- Data Access for researchers & authorities
- Compliance officer
- Further transparency reporting

## Online Platforms

- Bans on targeted ads to children and special categories of data
- Accessibility requirements
- Transparency of recommender systems and advertising
- Trusted flaggers
- Enhanced transparency reporting

## Hosting Services

- Notice and Action
- Reporting criminal offences
- Information to notice-providers and content providers

## Intermediaries

- Transparency reporting
- Clear Terms & conditions
- Points of contact / legal representatives

# Governance of supervising digital services



## Digital Services Coordinator (National level)

- Independent authorities
- Direct supervision and enforcement of platforms with less than 45 million users
- Coordination and exchanges with other national competent authorities



## European Board for Digital Services

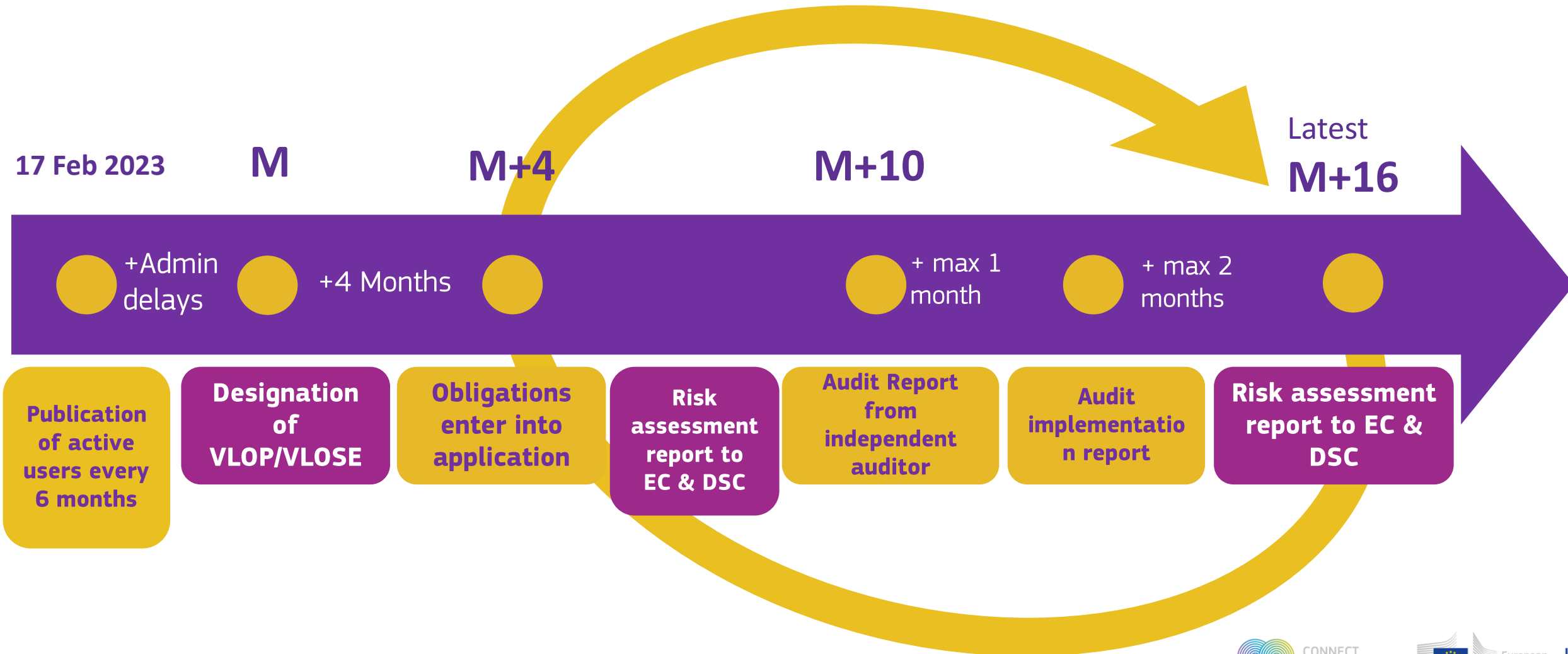
- Ad-hoc independent advisory group
- Composed by national Digital Services Coordinators
- Chaired by the Commission
- Advises DSCs and COM, issues recommendations
- Ensures consistent application of the DSA



## European Commission

- Direct enforcement of the very large online platforms and search engines
- Advises on cross border disputes
- Intervenes following DSC requests

# Risk Management Yearly Cycle





# Digital Markets Act

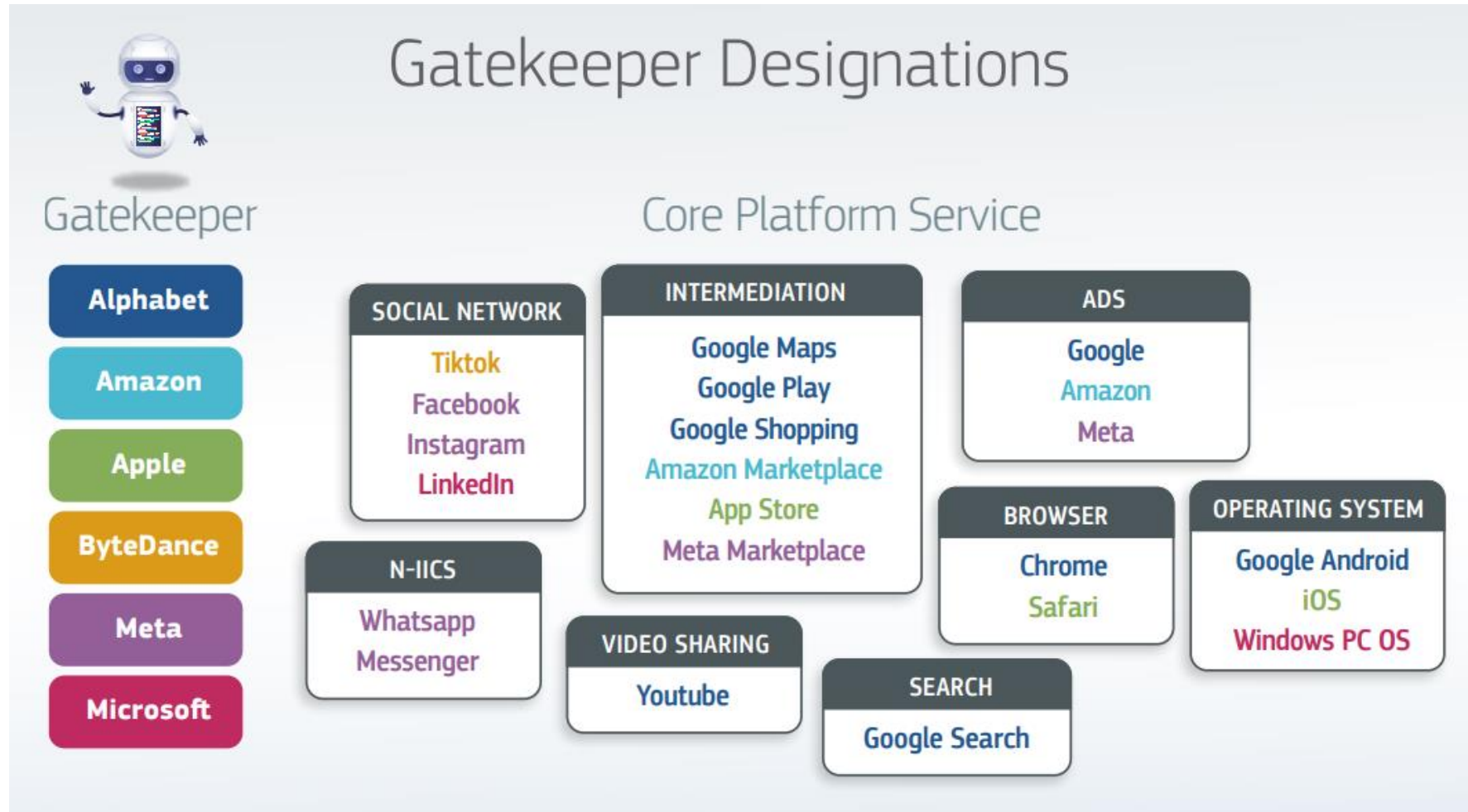
Maria TSONI, Case Handler, DMA  
Implementation

# Digital Markets Act (DMA)

- Horizontal legislation applicable to designated core platform services offered in the EU by designated gatekeepers.
- Framework to address key issues around fairness and contestability of markets in the digital sector.
- **Timing:**
  - Entry into application on 2 May 2023.
  - Notifications from potential gatekeepers on 3 July 2023.
  - Designation decision on 6 September 2023.
  - Compliance with obligations by 7 March 2024.



# Summary of designations



# Global Platform Governance

Menno COX, Head of Sector for Global  
aspects of Digital Services

# EU Platform regulation – Universal Principles

- Improving safety of citizens AND freedom of expression of all
  - Ensuring innovation
  - Preventing legal fragmentation of EU internal market
- 
- **DSA – Citizen agency over platforms to surface quality content**
  - **DMA – Contestability and fairness to leverage pipeline of platforms.**

# Universal Principles in the Digital Services Act

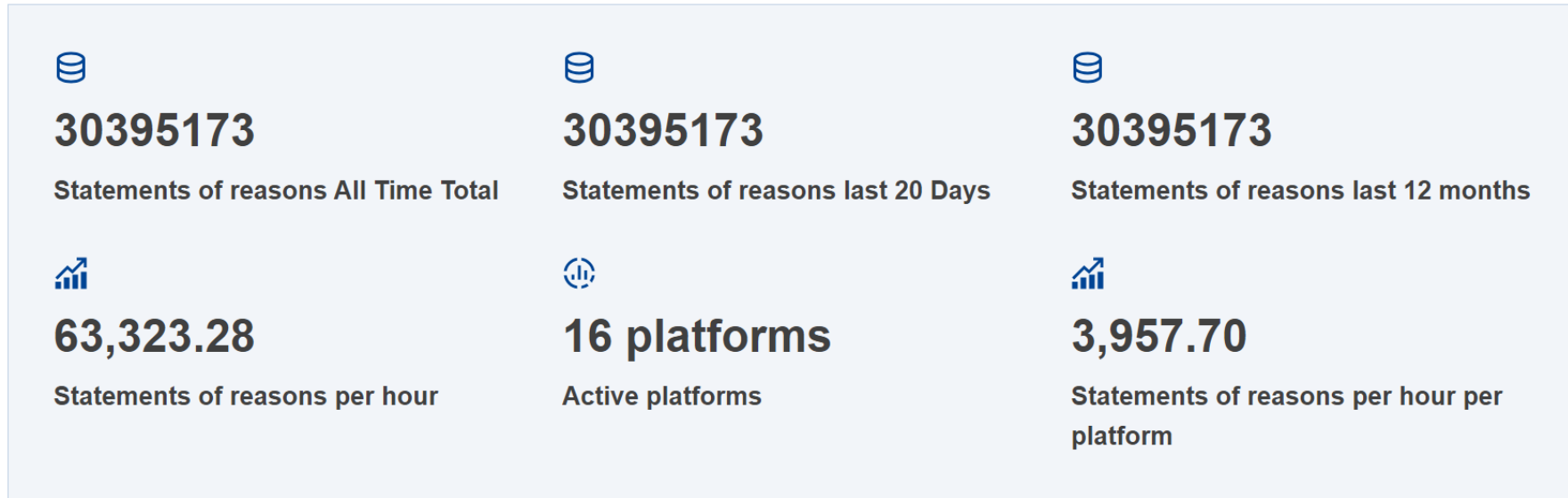
- **Maintaining key principles** from the eCommerce-Directive:
  - *separate intermediary liability shield and due diligence obligations*
  - *self-imposed ban by 27 EU governments on monitoring obligations*
  - *'passporting right' to operate across the EU internal market*
- **Asymmetric obligations** to account for different sizes and risk profiles in the ecosystem of digital services providers – risk-based impact assessments
- **Strengthening fundamental rights** by giving tools to citizens, regulators, academics, trusted flaggers – whole-of society approach

# International = focus on enforcement – need to get the DSA and DMA right

- Cross-border access to information within the EU's internal market
- Direct global effect by building up auditing capabilities, enforcement experience, public reports at all levels
- Benefits from research on online platforms and transparency on their behavior, including by global researchers
- Also: Raising awareness of risks and conducts addressed by DSA and DMA as well as need for countries to build up capabilities for auditing and market scanning
- Also: Direct global effect thanks to possible implementation of DSA/DMA remedies beyond the EU

# Real-world global effects

## Overview



## Most Active Platforms

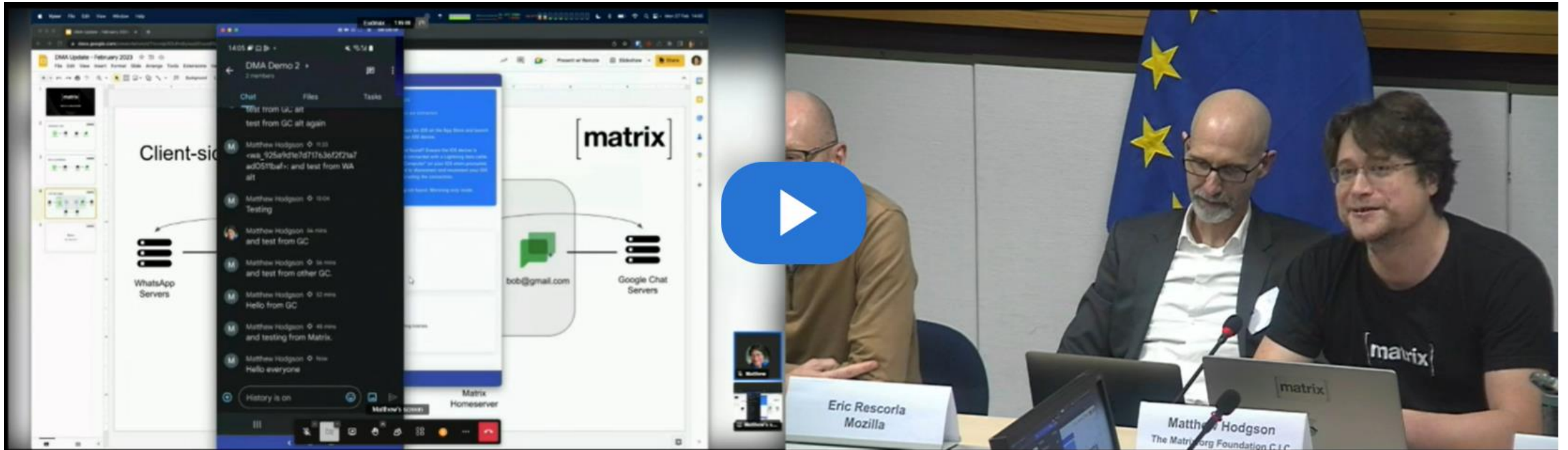
- [TikTok](#)
- [Pinterest](#)
- [Amazon](#)

## Most Used Categories

- [Scope of platform service](#)
- [Illegal or harmful speech](#)
- [Pornography or sexualized content](#)



# Real-world global effects cont'd



- <https://webcast.ec.europa.eu/dma-workshop-2023-02-27>

# EU and Digital

## European Declaration on Digital Rights and Principles for the Digital Decade

The European Parliament, the Council and the Commission solemnly proclaim the following joint Declaration on Digital Rights and Principles for the Digital Decade

*'ensuring a safe and secure digital environment based on fair competition, where fundamental rights are protected, users rights and consumer protection in the Digital Single Market are ensured, and responsibilities of platforms, especially large players and gatekeepers, are well defined'*

For the European Parliament



**Roberta Metsola**  
The President



For the Council of the European Union



**Petr Fiala**  
The President



For the European Commission



**Ursula von der Leyen**  
The President



# Declaration for the Future of the Internet

- *Promote **online safety** and continue to strengthen our work to combat violence online, including sexual and gender-based violence as well as child sexual exploitation*
- *'Support a rules-based global digital economy which fosters trade and **contestable and fair online markets** so that firms and entrepreneurs can compete on their merits'*

# UNESCO draft guidelines for platform regulation

- *Creating a safe and secure internet environment for users while protecting freedom of expression and access to information is not simply an engineering question. It is also a responsibility for societies as a whole and therefore requires **whole-of-society solutions***
- *'Regulation should focus on the **systems and processes** used by platforms to moderate and curate content, rather than seeking to judge the appropriateness or legality of single pieces of content'*
- *'Any digital platform regulatory process should have a **multistakeholder approach***
- *'Encourage as much **worldwide consistency** as possible in platform regulation policies to avoid internet fragmentation'*

Thank you