

EU DIGITAL STRATEGY: REGULATIONS

<p>DIGITAL MARKETS ACT In force 2 May 2023</p>	<p>DATA GOVERNANCE ACT In force 24 Sept 2023</p>	<p>DIGITAL SERVICES ACT In force 17 Feb, 2024</p>	<p>DATA ACT AND AI ACT</p>
<p>Link to EU pages inc. law https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-markets-act-ensuring-fair-and-open-digital-markets_en</p>	<p>Link to EU pages inc. law https://digital-strategy.ec.europa.eu/en/policies/data-governance-act</p>	<p>Link to EU pages inc. law https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-services-act-ensuring-safe-and-accountable-online-environment_en</p>	<p>Link to EU pages inc. law https://digital-strategy.ec.europa.eu/en/policies/european-approach-artificial-intelligence https://digital-strategy.ec.europa.eu/en/policies/data-act</p>
<p>PURPOSE/ RULES IN A NUTSHELL (from above; some text slightly altered for length purposes)</p>			
<p><u>Do's</u> - Gatekeeper platforms must allow third parties to inter-operate with the gatekeeper's own services in certain specific situations - Allow their business users to access the data that they generate in their use of the gatekeeper's platform - Provide companies advertising on their platform with the tools and information necessary for advertisers and publishers to carry out their own independent</p>	<p>Supports the set-up and development of common European data spaces in strategic domains, involving both private and public players, in sectors such as health, environment, energy, agriculture, mobility, finance, manufacturing, public administration and skills. Development of data-sharing systems through 4 broad sets of measures: 1. Mechanisms to facilitate the reuse of certain</p>	<p>- Measures to counter illegal goods, services or content online, e.g. means to flag and for platforms to cooperate with "trusted flaggers" - New obligations on traceability of business users in online market places; help identify sellers of illegal goods or efforts by online market places to check whether products or services have been identified as being illegal - Effective user safeguards, inc.</p>	<p><u>What is the AI act?</u> On Dec 6, 2022, Member States approved the general orientation of the Council on the regulation of the AI act. Text is currently being discussed in the European Parliament. The regulation aims to regulate the risks associated with artificial intelligence without hampering technological development or increasing costs of placing an AI tool on the market.</p>

<p>verification of their advertisements hosted by the gatekeeper - Allow their business users to promote their offer and conclude contracts with their customers outside the gatekeeper's platform</p> <p style="text-align: center;"><u>Don'ts</u></p> <ul style="list-style-type: none"> -Treat services and products offered by the gatekeeper itself more favourably in ranking than similar services or products offered by third parties on the gatekeeper's platform - Prevent consumers from linking up to businesses outside their platforms - Prevent users from un-installing any pre-installed software or app if they wish so - Track end users outside of the gatekeepers' core platform service for the purpose of targeted advertising, without effective consent having been granted 	<p>public sector data that cannot be made available as open data. For example, reuse of health data could advance research to find cures for rare or chronic diseases.</p> <p>2. Measures to ensure that data intermediaries will function as trustworthy organisers of data sharing or pooling within the common European data spaces.</p> <p>3. Measures to make it easier for citizens and businesses to make their data available for society benefit.</p> <p>4. Measures to facilitate data sharing, esp. to enable data to be used across sectors and borders, and to enable the right data to be found for the right purpose.</p>	<p>possibility to challenge platforms' content moderation decisions -</p> <ul style="list-style-type: none"> - Ban on certain targeted adverts, e.g. children or using categories of personal data, e.g. ethnicity, political views, sexual orientation) - Transparency rules for platforms, including re algorithms for recommendations - - Obligations for v. large platforms & v. large online search engines to prevent misuse of their systems by taking risk-based action and by independent audits of their risk management systems - Access for researchers to key data of largest platforms & search engines, to understand how online risks evolve - Oversight structure: EU countries have main role, supported by new European Board for Digital Services; v. large platforms, supervision by the Commission 	<p>The AI Act introduces a distinction between uses of AI that create unacceptable, high, low, or minimal risk. AI with unacceptable risk such as Chinese-style social ratings would be prohibited.</p> <p><u>What is the Data Act?</u></p> <p>Like the DGA, the Data Act strives to develop a data market supporting access, sharing and responsible reuse to ensure a better distribution of the value resulting from the use of personal and non-personal data between the actors of the data economy. By specifying who can create value from data and under what conditions, the Data Act completes the Data Governance Act system. The aim is to increase legal certainty for companies and consumers in the sharing and use of data. To ensure that this sharing remains fair, measures are planned to prevent abuse and contractual imbalances.</p> <p>The change of data processing service provider but also the development of data interoperability standards will thus be governed by the regulation.</p>
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Key commentary and links

All of the above

DMA, DSA, DGA...: Update on the New European Regulations
06 April 2023 by Gérard Haas and Stéphane Astier. Haas Lawyers
This is in French but it's so good we had to include it (and steal from it)

https://www.mondaq.com/france/it-and-internet/1302002/dma-dsa-dga--le-point-sur-les-nouvelles-r%C3%A9glementations-europ%C3%A9ennes?email_access=on

EU Data Protection: Online advertising - A patchwork under construction DLA Piper/ Lex Feb 27, 2023
The above carries a neat summary and also references the e-Privacy development, which we have omitted as it appears to be 'stuck'

https://www.lexology.com/library/detail.aspx?g=75c14eba-e69e-4c30-bd2e-1d902611a045&utm_source=Lexology+Daily+Newsfeed&utm_medium=HTML+email+-+Body+-+General+section&utm_campaign=Lexology+subscriber+daily+feed&utm_content=Lexology+Daily+Newsfeed+2023-03-02&utm_term=

DIGITAL SERVICES ACT

EU Digital Services Act – New Digital Advertising Landscape.
10 April 2023 by Olivia Mullooly and Aoife Mac Ardle. Arthur Cox

https://www.mondaq.com/ireland/advertising-marketing--branding/1302608/eu-digital-services-act--new-digital-advertising-landscape?email_access=on

Relevant extracts

Transparency rules: Article 26 of the DSA introduces minimum transparency requirements for digital advertising. Providers of online platforms must inform each individual recipient of an advert of the following:

- That the information is an ad;
- The natural or legal person on whose behalf the ad is presented;
- The natural or legal person who paid for the ad, if different to the natural or legal person on whose behalf the ad is presented;
- Meaningful information, "*that is directly and easily accessible*" from the advert, about the main parameters used to target recipients;
- Where applicable, how the recipient can change those parameters.

The EU's Digital Services Act reaches its first milestone as the UK's Online Safety Bill weaves towards the finish
Travers Smith LLP/ Lex. February 20, 2023

https://www.lexology.com/library/detail.aspx?g=fa208b7c-2d12-4d59-9e69-0ff66599138c&utm_source=Lexology+Daily+Newsfeed&utm_medium=HTML+email+-+Body+-+General+section&utm_campaign=Lexology+subscriber+daily+feed&utm_content=Lexology+Daily+Newsfeed+2023-02-21&utm_term=

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There are other commentaries/ reports from legal firms on the main database under the International sector/ Overview/ News and issues/ Digital

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