Recent EU Data Initiatives in Context

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1. EU General Data Protection Regulation (2016)
   DG Justice & Consumers, Directorate C
   - Applies to the processing of European Economic Area personal data.
   - Significant extraterritorial effect.
   - Omnibus data protection regulation, applicable to the commercial and public sectors, excluding national security activities.
   - Creation of European Data Protection Board.

   DG Connect, Directorate H: Digital Society, Trust & Cybersecurity — Unit H2: Cybersecurity and Digital Privacy Policy
   - Under revision will become the ePrivacy Regulation.
   - For most companies, currently mainly of interest for cookie provision and rules on unsolicited communication or spam.

3. European Commission presents its strategy for data and artificial intelligence (February 2020)
   Commissioners in charge: Thierry Breton (France) and Margrethe Vestager (Denmark)

4. European Commission and High Representative of the Union for Foreign Affairs and Security Policy present EU Cyber Strategy (December 2020)

5. White Paper on Artificial Intelligence — a European approach to excellence and trust (February 2020)
   DG Connect, Directorate A: AI and Digital Industry — Unit A1: Robotics and AI
   - Proposal laying down harmonized rules on artificial intelligence.

6. Report on safety of AI
   - Includes a report on the safety and liability implications of AI, Internet of Things and robotics, paving the way for modifications to the EU Directive on product liability.

7. Proposal for Data Governance Act
   DG Connect, Directorate G: Data — Unit G1: Data Policy and Innovation
   - Recruit public sector data that is subject to certain protections.
   - Rules for data intermediaries.
   - Introduction of concept of data altruism.
   - Creation of a European Data Innovation Board.

8. Proposal for Digital Services Act
   DG Connect, Directorate F: Digital Single Market — Unit F2: E-Commerce & Platforms
   - Applies to providers of "intermediary services," which includes mere conduit, caching or hosting services; has extraterritorial effect.
   - Determines liability regime and additional obligations related to the spreading of illegal content.
   - Additional systemic risk management requirements for large online platforms with more than 45 million users.
   - Additional transparency requirements for online advertising toward individuals; includes details on the advertising buyer and parameters used to determine the recipient to whom the ad is displayed.
   - Requires very large platforms to appoint qualified compliance officers.
   - Foresees the appointment of digital services coordinators in each member state and the creation of a European Board for Digital Services.
   - Now goes to the European Parliament and member states for debate and possible amendments — this may take a few years.

9. Proposal for Digital Markets Act
   DG Competition and DG Connect, Directorate F: Digital Single Market — Unit F2: E-Commerce & Platforms
   - Competition law component of the European Commission's data strategy.
   - Built around the notion of "gatekeepers," i.e., companies that provide "core platform services" in at least three member states, meet certain thresholds of EEA turnover or market capitalization and fair market value, as well as have a minimum number of active end or business users in the EEA in the last three financial years; has extraterritorial effect.
   - Core platform services include online intermediation services, search engines, social networking services, video-sharing platforms and cloud computing services.
   - Gatekeepers are subject to a long list of dos and don'ts with potential hefty fines and other remedies available to regulators.
   - Foresees the creation of a Digital Markets Advisory Committee.
   - Now goes to the European Parliament and member states for debate and possible amendments — this may take a few years.

    DG Connect, Directorate H: Digital Society, Trust & Cybersecurity — Unit H1: Cybersecurity & Digital Privacy Policy
    - Expansion in scope compared to current NIS Directive.
    - The proposal now goes to the European Parliament and member states for debate and possible amendments; since this is a directive, it still needs to be transposed in the national laws of the member states.

11. Proposal for a directive on the resilience of critical entities
    - Expansion in scope compared to the current directive.
    - The proposal now goes to the European Parliament and member states for debate and possible amendments; since this is a directive, it still needs to be transposed in the national laws of the member states.