EU Data Initiatives in Context

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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.

European Commission presents its strategy for data and artificial intelligence (February 2020)

Proposal for a Regulation laying down harmonized rules on Artificial Intelligence
DG Connect

Proposal for Digital Services Act
DG Connect, Directorate F: Digital Single Market — Unit F2: E-Commerce & Platforms
- Applies to providers of intermediary services, which include internet service providers, cloud providers, search engines, social media and online platform and market place; has extraterritorial effect.
- Ban on advertising to minors and based on a special category of data; ban on use of misleading practices and interfaces (dark patterns).
- 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 individual recipients; 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.
- As part of the trilogue discussions, in April 2022, a provisional political agreement was reached between the European Parliament and the Council of the European Union. The text now needs to be formally approved by Parliament and adopted by the council, after which it will be published in the Official Journal.

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.
- Based 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.
- Ban on the combination and cross-use of personal data collected during the use of a service for the purposes of another service offered by the gatekeeper.
- Allows for business users to their marketing or advertising performance data.
- Effective portability and continuous and real-time access to data provided or generated by end users, complementing the GDPR’s right to (personal) data portability.
- Foresees the creation of a Digital Markets Advisory Committee.
- As part of the trilogue discussions, in March 2022, a provisional political agreement was reached between the European Parliament and the Council of the European Union. The text now needs to be formally approved by Parliament and adopted by the council, after which it will be published in the Official Journal.

Proposal for renewed NIS2 Directive
DG Connect, Directorate H: Digital Society, Trust & Cybersecurity — Unit H: Cybersecurity & Digital Privacy Policy
- Expansion in scope compared to current NIS Directive.
- The European Parliament and Council have completed their review in first reading; trilogue discussions should start soon. For more details, see here.

Proposal for a directive on the resilience of critical entities
- Expansion in scope compared to the current directive.