DIGITAL TRANSFORMATION IN THE EU

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LECTURE OUTLINE

- The legal issues surrounding digital transformation
- The general policy of digital transformation
- The European Union's approach to digital transformation

EUROPEAN UNION

THE POLICY FRAMEWORK

THE EU'S DIGITAL POLICY FRAMEWORK

- The Digital Single Market Strategy

- 2030 Digital Compass

- Declaration on Digital Rights and Principles for the Digital Decade

- European Industrial Strategy

- European Data Strategy

THE EU'S DIGITAL SINGLE MARKET STRATEGY

- Access: better access for consumers and businesses to digital goods and services across Europe

- Environment: creating the right conditions and a level playing field for digital networks and innovative services to flourish

- Economy & Society: maximising the growth potential of the digital economy

THE EU'S DIGITAL SINGLE MARKET STRATEGY

- Access
  - E-commerce
  - Parcel delivery
  - Geo-blocking
  - Copyright
  - Vat

- Environment
  - Telecoms and media
  - Online platforms
  - Security and personal data

- Economy & Society
  - Data economy
  - Standards
  - Skills and e-government

THE GENERAL OBJECTIVES OF DSM

- Increasing cross-border portability of content

- Fighting illegal content

- A balanced approach to copyright protection

- Updating electronic commerce rules

- Increasing consumer confidence, provide better protection for consumers

- Increasing entrepreneurship

- Enhancing cyber security and increasing trust in e-services

- Increasing broadband connectivity

- Reducing market fragmentation, providing necessary digital infrastructures

- Ensuring the digitalization of European industry

DECLARATION ON DIGITAL RIGHTS AND PRINCIPLES FOR THE DIGITAL DECADE

CHAPTER I - Putting people at the centre of the digital transformation

CHAPTER II

Solidarity and inclusion

Connectivity

Digital education, training and skills

Fair and just working conditions

Digital public services online

CHAPTER III

Freedom of choice

Interactions with algorithms and artificial intelligence systems

A fair digital environment

CHAPTER IV - Participation in the digital public space

CHAPTER V

Safety, security and empowerment

A protected, safe and secure digital environment

Privacy and individual control over data

CHAPTER VI - Sustainability

PUTTING PEOPLE AT THE CENTRE OF THE DIGITAL TRANSFORMATION

- People are at the centre of the digital transformation in the European Union. Technology should serve and benefit all people living in the EU and empower them to pursue their aspirations, in full security and respect for their fundamental rights.

SOLIDARITY AND INCLUSION

- Technology should be used to unite, and not divide, people. The digital transformation should contribute to a fair and inclusive society and economy in the EU.

CONNECTIVITY

- Everyone, everywhere in the EU, should have access to affordable and high-speed digital connectivity.

DIGITAL EDUCATION, TRAINING AND SKILLS

- Everyone has the right to education, training and lifelong learning and should be able to acquire all basic and advanced digital skills.

FAIR AND JUST WORKING CONDITIONS

- Everyone has the right to fair, just, healthy and safe working conditions and appropriate protection in the digital environment as in the physical work place, regardless of their employment status, modality or duration.

DIGITAL PUBLIC SERVICES ONLINE

- Everyone should have online access to key public services in the EU. Nobody is to be asked to provide data more often than necessary when accessing and using digital public services.

INTERACTIONS WITH ALGORITHMS AND ARTIFICIAL INTELLIGENCE SYSTEMS

- Artificial intelligence should serve as a tool for people, with the ultimate aim of increasing human well-being.

- Everyone should be empowered to benefit from the advantages of algorithmic and artificial intelligence systems including by making their own, informed choices in the digital environment, while being protected against risks and harm to one's health, safety and fundamental rights.

A FAIR DIGITAL ENVIRONMENT

- Everyone should be able to effectively and freely choose which online services to use, based on objective, transparent, easily accessible and reliable information.

PARTICIPATION IN THE DIGITAL PUBLIC SPACE

- Everyone should have access to a trustworthy, diverse and multilingual digital environment. Access to diverse content contributes to a pluralistic public debate and effective participation in democracy in a non-discriminatory manner.

- Everyone has the right to freedom of expression and information, as well as freedom of assembly and of association in the digital environment.

- Everyone should be able to access information on who owns or controls the media services they are using.

- Online platforms, particularly very large online platforms, should support free democratic debate online. Given the role of their services in shaping public opinion and discourse, very large online platforms should mitigate the risks stemming from the functioning and use of their services, including in relation to misinformation and disinformation campaigns, and protect freedom of expression.

A PROTECTED, SAFE AND SECURE DIGITAL ENVIRONMENT

- Everyone should have access to digital technologies, products and services that are by design safe, secure, and privacy-protective, resulting in a high level of confidentiality, integrity, availability and authenticity of the information processed.

PRIVACY AND INDIVIDUAL CONTROL OVER DATA

- Everyone has the right to privacy and to the protection of their personal data. The latter right includes the control by individuals on how their personal data are used and with whom they are shared.

- Everyone has the right to the confidentiality of their communications and the information on their electronic devices, and not to be subjected to unlawful online surveillance, unlawful pervasive tracking or interception measures.

- Everyone should be able to determine their digital legacy, and decide what happens with their personal accounts and information that concerns them after their death.

PROTECTION AND EMPOWERMENT OF CHILDREN AND YOUNG PEOPLE IN THE DIGITAL ENVIRONMENT

- Children and young people should be empowered to make safe and informed choices and express their creativity in the digital environment.

- Age-appropriate materials and services should improve experiences, well-being and participation of children and young people in the digital environment.

- Specific attention should be paid to the right of children and young people to be protected from all crimes, committed via or facilitated through digital technologies.

SUSTAINABILITY

- To avoid significant harm to the environment, and to promote a circular economy, digital products and services should be designed, produced, used, repaired, recycled and disposed of in a way that mitigates their negative impact on the environment and on society and avoids premature obsolescence.

- Everyone should have access to accurate, easy-to-understand information on the environmental impact and energy consumption of digital products and services, their reparability and lifetime, allowing them to make responsible choices.

EUROPEAN UNION

THE LEGAL FRAMEWORK

THE EU'S DIGITAL LEGAL FRAMEWORK

- **Tellecommunication:** Electronic Communication Code

- **Cybersecurity:** NIS 2 Directive, Cybersecurity Act

- **Data protection:** E-Privacy Directive, GDPR, LED Directive

- **Data governance:** Data Governance Act, Data Act

- **Electronic commerce:** P2B Regulation, Digital Services Act (DSA)

- **Competition:** Digital Markets Act (DMA)

- **Artificial Intelligence:** Draft AI Act

- **Audiovisual and media services:** Audiovisual and Media Services Directive (AVMSD)

- **Crypto assets:** MICA

- **Chips:** European Chips Act

EUROPEAN UNION

THE INSTITUTIONAL FRAMEWORK

THE DIGITAL/TECH INSTITUIONS

- **EC - European Commission:** Avrupa Komisyonu

- **DG CONNECT:** European Commission, Directorate-General for Communications Networks, Content and Technology - Avrupa Komisyonu İletişim Şebekeleri, İçerik ve Teknoloji Genel Müdürlüğü

- **OMBUDSMAN:** European Ombudsman - Avrupa Ombudsmanı

- **EUROPOL:** European Union Agency for Law Enforcement Cooperation - Avrupa Birliği Kolluk Kuvvetleri İşbirliği Ajansı

- **EUROJUST:** European Union Agency for Criminal Justice Cooperation - Avrupa Birliği Cezai Konularda Adli İşbirliği Ajansı

- **EUCTF:** European Cybercrime Task Force - Avrupa Siber Suç Timi

- **FRA:** European Union Agency for Fundamental Rights - Avrupa Birliği Temel Haklar Ajansı

- **EDPS:** European Data Protection Supervisor - Avrupa Veri Koruma Denetçisi

- **EDPB:** European Data Protection Board - Avrupa Veri Koruma Kurulu

- **ENISA:** The European Union Agency for Cybersecurity - Avrupa Ağ ve Bilgi Güvenliği Ajansı

- **EDA:** European Defence Agency - Avrupa Savunma Ajansı

- **BEREC:** Body of European Regulators for Electronic Communications - Avrupa Elektronik Haberleşme Düzenleyiciler Kurumu

- **CEN:** The European Committee for Standardization - Avrupa Standardizasyon Komitesi

- **EIC:** European Innovation Council - Avrupa Yenilik Konseyi

- **AISA (TASLAK):** AI Supervisory Authority - Yapay Zeka Düzenleme Kurumu

DIGITALISATION AND TECHNOLOGY INSTITUTIONS

- Data Protection Authorities

- Data Protection Officers

- Information and Communication Regulatory Authorities

- Artificial Intelligence Regulatory Agencies

- Cybersecurity Regulatory Authorities

- Technical Standards Bodies

- Audiovisual Services Regulatory Authorities

- Advertisement Boards

- Market Surveillance and Inspection Institutions

- National Human Rights, Equality and Ombudsman Institutions

- EUROPEAN UNION LEVEL
  - **CJEU** - Court of Justice of the European Union
  - **Eurojust** - The European Union Agency for Criminal Justice Cooperation

- MEMBER STATES
  - National Courts
  - Quasi-Judicial Authorities

EUROPEAN COMMISSION
Brussels, 16 January 1958

- It is the executive body of the European Union.

  - The Commission is an independent institution that plays an essential role in the formulation (initiating the legislative process through legislative or decision proposals to the European Parliament and the Council, which constitute the legislative body of the Union) and implementation of EU policies.

European Commission

EUROPEAN COMMISSION

- Objectives
  - Application of EU Law
  - EU policy making
  - Budget management
- Powers
  - Executive power
  - Legislative proposals
  - Negotiating agreements

European Commission, Directorate-General for Communications Networks, Content and Technology

Brussels, 1 July 2012

- DG Connect replaced the Directorate General for Information Society and Media (DG INFSO).

It is one of the departments and executive agencies of the European Commission.

European Commission
DG Connect

DG CONNECT

- Objectives
  - Digital Market Development
  - Digital Policy and Strategy Formulation
  - Encouraging Research and Innovation

- Powers
  - Fundraising and program management
  - Policy development and implementation

European Ombudsman

Strasbourg and Brussels, 14 October 1992

- The Ombudsman serves to enhance the Union's democratic principle of accountability.

- It is an independent institution introduced into the EU institutional structure by the Maastricht Treaty and deals with complaints by Union citizens against the EU institutions.

European Ombudsman

EUROPEAN OMBUDSMAN

- Objectives
  - Review of administrative errors and mismanagement
  - Accountability and transparency
  - Protecting citizens' rights

- Powers
  - Complaint investigation
  - Investigation authority
  - Recommendation and monitoring

Europol: European Union Agency for Law Enforcement Cooperation

Lahey, 1 October 1998

- Europol's mission is to support Member States in preventing and combating all forms of serious international and organized crime, cybercrime and terrorism.

- Europol also works with many non-EU partner states and international organizations.

EUROPOL

- Objectives
  - Combating international crime

- Powers
  - Crimes database management
  - Information sharing and analysis
  - Operational support

EUROJUST - European Union Agency for Criminal Justice Cooperation

Lahey, 28 February 2002

- The Agency is the European Union's special cooperation agency in criminal matters.

EUROJUST

- It is composed of judges, prosecutors or senior law enforcement officials appointed by each Member State.

- Its mandate is to support and strengthen coordination and cooperation between Member State authorities and national authorities responsible for criminal investigation and prosecution of serious crimes affecting two or more Member States or requiring prosecution on a joint basis, on the basis of operations conducted and information provided by Europol.

- The jurisdiction/working area of EUROJUST:
    - illicit drug trafficking
    - money laundering
    - human trafficking and commercial
    - radioactive material trafficking
    - offenses related to motor vehicles
    - computer crimecorruption and fraud offenses
    - laundering of proceeds from crime offenses
    - environmental crimes
    - crimes of participation in a criminal organization

EUROJUST

- One of the functions of Eurojust is to facilitate investigations. In this context, in transnational crimes, instead of sending the offer of judicial assistance to each relevant state, it is more efficient to reach the desired result by sending it only to Eurojust.

- Eurojust's work is also significant in the fight against cybercrime. In 2010, the European Cybercrime Task Force (EUCTF) was established within Europol, consisting of the European Commission, Eurojust and the heads of the anti-cybercrime units of EU countries. The aim of the platform is to increase cooperation within the EU in the fight against cybercrime and to find answers to the problems arising from technological developments in the occurrence of cybercrime.

FRA - European Union Agency for Fundamental Rights

Vienna, 15 February 2007

- The Agency is the only institution of the Union specifically concerned with fundamental rights.

- It fulfills its tasks with a view to providing Member States with assistance and expertise on fundamental rights, with a view to ensuring their observance.

- **Objectives**
  - Monitoring fundamental rights
  - Collecting/analyzing information and data on fundamental rights through socio-legal research
  - Providing assistance and expert advice
  - Awareness of fundamental rights

- **Powers**
  - Policy development and recommendations
  - Collaboration and networking

EDA - European Defence Agency

Brussels, 12 July 2004

- European Defense Agency, by Joint Action of the Council of Ministers "to support Member States and the Council in their efforts to develop European defense capabilities in the field of crisis management and to maintain the European Security and Defence Policy as it is now and as it will develop in the future".

EDA

- Objectives
  - Defense cooperation and integration
  - R&D and innovation

- Powers
  - Sharing information
  - Standards and processes

CEN - The European Committee for Standardization

Brussels, 30 October 1975

- It is the main body for the harmonization of standards at EU level.

- It is engaged in efforts to remove technical barriers arising from differences in national standards which adversely affect the functioning of the Single Market.

CEN

- Objectives
  - Establishing standards
  - Technical harmonization and competitiveness
  - Innovation and technology transfer

- Powers
  - Cooperation between member states
  - Compliance with European and international standards

European Innovation Council

Brussels, March 2021

- EIC was launched by the European Commission to support the commercialization of high-risk, high-impact technologies in the European Union.

- EIC is Europe's flagship innovation program to identify, develop and scale breakthrough technologies and game-changing innovations.

EIC

- Objectives
  - Supporting innovative projects
  - Promoting entrepreneurship
  - Strengthening the innovation ecosystem

- Powers
  - Project finance
  - Mentoring and training
  - Networking and collaboration

BEREC: Body of European Regulators for Electronic Communications

Riga, 25 November 2009

- It is a body of the European Union (EU) regulatory authorities operating in the electronic communications sector.

- BEREC regulates and coordinates the electronic communications sector within the EU.

BEREC

- Objectives
  - Regulation of the electronic communications sector
  - Ensuring policy coherence within the European Union
  - Cooperation and information sharing

- Powers
  - Audit, investigation of complaints
  - Enforcement of penalties and sanctions
  - Guidance and advice

European Data Protection Supervisor

Brussels, 17 January 2004

- EDPS is an independent supervisory authority for the processing of personal data.

- Its fundamental objective is to monitor and ensure that European institutions and organizations respect the right to privacy and data protection when processing personal data and developing new policies.

EDPS

- Objectives
  - Monitoring and ensuring the protection of personal data and privacy
  - Advising EU institutions and organizations
  - Monitoring new technologies

- Powers
  - Audit and review
  - Providing expert opinion on the interpretation of data protection law before the CJEU
  - Publish policy guidelines

European Data Protection Board

Brussels, 25 May 2018

- The EDPB is an independent EU body responsible for the consistent application of the General Data Protection Regulation (GDPR).

- The Board is composed of the head or representatives of each Data Protection Authority (DPA) and the European Data Protection Supervisor (EDPS) in the Union.

European Data Protection Board

EDPB

- **Objectives**
  - Implementation of the principles of the European Data protection acquis
  - Cooperation and cohesion
  - Counseling and guidance

- **Powers**
  - Binding decisions for supervisory authorities to ensure consistent implementation of the GDPR
  - Advising the European Commission on data protection
  - Promoting cooperation and effective exchange of information and best practices among national supervisory authorities
  - Adopting consistency decisions and opinions in cross-border data protection cases

ENISA - The European Union Agency for Cybersecurity

Athens, 13 March 2004

- ENISA is the Union's institution dedicated to achieving a high common level of cybersecurity across Europe.

ENISA

- Objectives
  - Contribution to the European Union's cyber policy
  - Sharing information
  - Awareness raising campaigns

- Powers
  - Sharing and analyzing information
  - Education and awareness
  - Standards and improvement

AISA - (DRAFT) ARTIFICIAL INTELLIGENCE REGULATORY AGENCY

- In April 2021, the European Commission proposed the Artificial Intelligence Act, which aims to regulate AI systems and ensure their reliability. According to this proposal, a European Artificial Intelligence Board would be created, composed of representatives of national supervisory authorities. This board would play a role in overseeing the implementation and enforcement of AI regulations across the EU.

- For this purpose, national supervisory authorities are competent bodies cooperating with each other, with the relevant national competent authorities, with the Commission and with the AI Office.

AISA
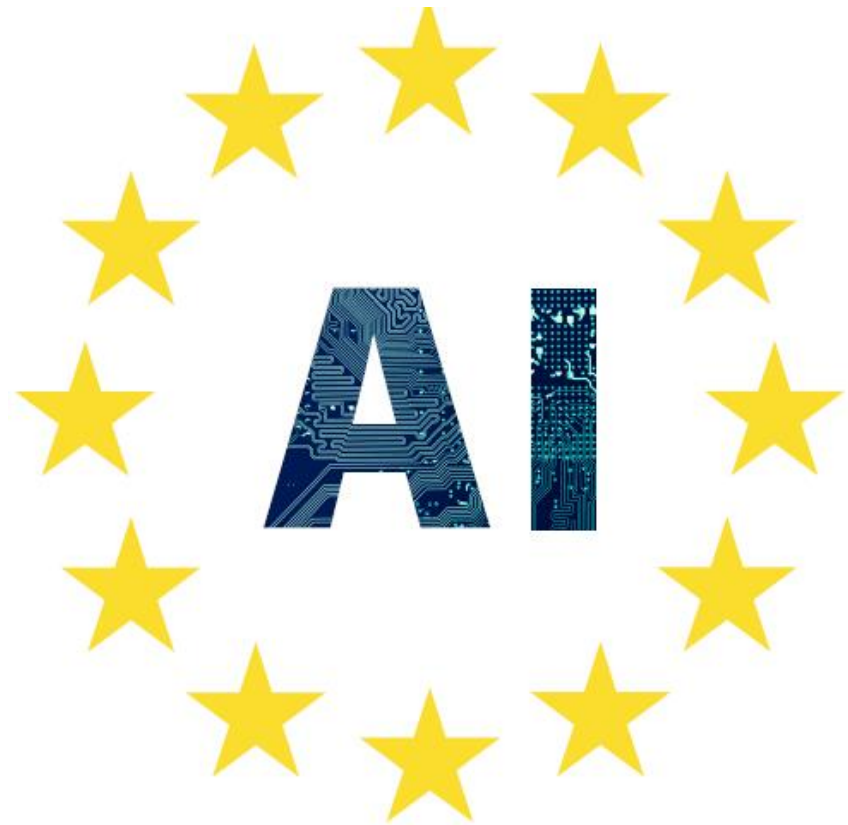
- Objectives
  - Ensuring the consistent implementation and enforcement of the AI Act
  - Notification and market surveillance
  - Reporting activity

- Powers
  - Audit, investigation of complaints
  - Enforcement of penalties and sanctions
  - Guidance and advice

THANK YOU!