EU regulation on online platforms: Digital Markets Act and Digital Services Act

CULLEN INTERNATIONAL

online training

CPD CERTIFIED
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regulation made simple

EU regulation on online platforms: Digital Markets Act and Digital Services Act

The training will provide attendees with:

- a comprehensive overview of the Digital Markets Act (DMA) and the Digital Services Act (DSA);
- the context of adoption of both acts and how they fit into the existing national and EU legal frameworks;
- an explanation of which operators fall in the scope of the DMA/DSA;
- a clear understanding of the obligations and prohibitions in the DMA/DSA, some of which are inspired by past and pending antitrust investigations; and
- an insight into the innovative oversight and enforcement models contained in both acts.

Who should attend and why?

The course is suitable for:

- regulatory and competition law experts who wish to gain a detailed understanding of the DMA/DSA; and
- anyone in the industry who wishes to gain an overview of new key rules shaping the digital economy and of their impact.

The seminar will help participants to:

- understand how the DMA/DSA could affect their regulatory environment; and
- learn and exchange views on how the DMA/DSA could shape the platform economy in Europe.

The training organiser

Cullen International provides regulatory and competition law intelligence in telecoms, media, postal and the digital economy – covering developments across Europe, Americas, the Middle East and North Africa, as well as key trends across the globe.

For over 35 years, we have been providing comprehensive, neutral, unbiased, timely information that is trusted by industry and official institutions alike. We are widely recognised as the leading regulatory intelligence provider in the field.

Our services consist of a unique range of alerts, reports, benchmarks and enquiry services that are complemented by our topical conferences and regulatory training offer.

We are also regularly selected to carry out important research and studies for the European Commission and other organisations and we are frequently sought out to chair or make presentations at industry events.

COURSE TIMINGS

For future course dates, please visit our website:

www.cullen-international.com

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TRAINING

All Cullen International trainers are seasoned regulatory affairs professionals specialised in telecoms, media or internet regulation. Most of them have more than ten years experience in their field of expertise.

Speakers

Michèle Ledger, *Head of Practice,* Michèle leads Cullen International's Media regulatory intelligence service. She worked for many years in the digital economy practice and has extensive knowledge of the implementation of the EU frameworks at national level across Europe. She is a researcher at the CRIDS research centre of the University of Namur where she also lectures on the regulatory aspects of online platforms at the postmaster degree course (DTIC). She joined Cullen International in 1998, previously working as a lawyer in Brussels.

Laura Sboarina, *Principal Analyst,* Laura follows EU regulation affecting the media sector, specialising on television and online video services. She also follows the television markets in Italy and the US. Laura joined Cullen International in 2011, previously representing in Brussels the European association of television and radio advertising sales houses (EGTA).

Janne Kalliala*, *Head of Competition Law,* Janne is responsible for the Competition Law service of Cullen International that follows, analyses and explains competition law developments at both EU and national level. He also follows telecoms regulation in Finland. Prior to his collaboration with Cullen International, Janne was a competition lawyer in Helsinki.

Javier Huerta*, *Head of Digital Economy,* Javier leads the digital economy regulatory intelligence service for Europe. Before joining Cullen International in 2014, Javier worked at the European Commission on copyright, e-commerce and other topics related to online services. He is a qualified lawyer.

* In 2020, Alexandre, Janne and Javier participated in a research consortium that prepared an impact assessment support study for the European Commission, which informed the Commission's preparatory work for its Digital Markets Act proposal.

Guest speaker

Alexandre de Streel, *University of Namur / CERRE,* is professor of European law at the University of Namur where he chairs the Namur Digital Institute, and visiting professor at the College of Europe (Bruges) and SciencesPo Paris. He is also academic director of the digital research programme at the Brussels think-tank Centre on Regulation in Europe (CERRE), chairs the expert group on the online platform economy advising the European Commission and a part-time judge at the Belgian Competition Authority. His main areas of research are regulation and competition policy in the digital economy as well as the legal issues raised by the developments of artificial intelligence. Previously, Alexandre held visiting positions at New York University Law School, European University Institute in Florence, Barcelona Graduate School of Economics and the University of Louvain. He also worked for the Belgian Deputy Prime Minister, the Belgian Permanent Representation to the European Union and the European Commission. He holds a Ph.D. in Law from the European University Institute and a Master's Degree in Economics from the University of Louvain.

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DMA: general introduction

This session will look at the growing market power of certain digital platforms. It will provide an overview of:

- key concepts to understand the economic power of digital platforms
- the competition law tools to address issues in digital markets

DMA: objectives and key concepts

This session will introduce the main objectives and the scope of the DMA. It will also analyse:

- the relationship between the DMA and both ex ante regulation and competition rules
- the type of services covered
- the concept of gatekeeper (and of emerging gatekeeper), as well as the mechanisms to designate gatekeepers

DMA: obligations and prohibitions

This session will go through the prohibitions and obligations listed in the DMA. It will also:

- analyse how some of the practices addressed by the DMA have been addressed in past and ongoing competition cases
- refer to the regulatory dialogue between the European Commission and gatekeepers to further specify certain obligations and prohibitions

DMA: enforcement and governance

This session will focus on the enforcement and governance mechanisms under the DMA, in particular:

- the European Commission's sweeping powers
- sanctions in case of non-compliance and systematic non-compliance
- the role of EU bodies, EU member states and national competition authorities

DMA: critical appraisal with professor Alexandre de Streel

Professor Alexandre de Streel will moderate a session where participants can critically assess the DMA and its impact on competition in the platform economy.

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DSA: introduction & scope

This session will introduce the context of adoption of the DSA, its main objectives and scope of application. It will provide a clear and practical overview of:

- the services in scope
- the type of illegal and harmful content covered

DSA: dealing with illegal content and other societal harms

The DSA imposes obligations on the different providers of hosting services to fight illegal content, including services and products. It also requires the larger online platforms and search engines to take additional measures to fight other societal harms, such as harms to minors and disinformation. This session will provide an overview on:

- the notice-and-action procedure, and additional obligations to fight manifestly illegal content
- specific provisions for online marketplaces to fight the sale of illegal products and services
- the categories of systemic risks that need to be assessed by very large online platforms and search engines and the measures they need to take to mitigate risks

DSA: dealing with content in breach of platforms' terms and conditions and the case of journalistic content

The DSA increases the transparency of providers' activities to moderate content in breach of their terms and conditions. It also requires providers to take measures (in line with the level of due-diligence required) that aim to allow users to complain against unjustified moderation of their content. This session provides an overview of these rules. It also addresses the moderation of journalistic content by online platforms and the new rules proposed under the draft EU Media Freedom Act.

DSA: treatment of advertising and recommender systems

The DSA introduces new transparency rules on advertising and on recommender systems to protect users and minors (for advertising) from hidden practices and unwanted targeted profiling in some cases. The session will provide a clear overview of these rules, which vary according to the type of platform covered.

DSA: liability,relationship with law enforcement and state intervention

This session will provide an overview of the liability rules of intermediaries for third party illegal content and the changes brought to the current rules of the Electronic Commerce Directive.

It will also cover the obligations of platforms to collaborate with law enforcement authorities in the fight against illegal conduct, crisis response mechanisms and crisis protocols.

DSA: oversight

The DSA introduces an innovative set of rules on oversight by national competent authorities and by the Commission. This session will provide an overview of:

- the transparency obligations
- the respective powers and competences of the national competent authorities, the European Commission and the European Board for Digital Services
- the specific methods of oversight of VLOPS and VLOSES (including auditing and the compliance function)

DSA: critical appraisal with professor Alexandre de Streel

Professor Alexandre de Streel will animate a session where participants can critically assess the DSA and its relationship with the rules on VSPs in particular.

For more information

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How to register?

Please register by filling in the respective registration form on our website:
www.cullen-international.com

Fees

Fee (VAT excluded*) per delegate

Early-bird fee (up to one month before the event) .... € 1,700
Standard fee .... € 1,900

10% discount for multiple registrations from the same organisation

Belgian VAT (21%) is chargeable on all bookings.

Upon receiving your registration, we will send you an invoice to be paid within one month and in all cases before the event. Payment can be made by bank transfer or by credit card. In the absence of payment by the due date, Cullen International reserves the right to reallocate places.

Trainings and conferences general terms and conditions

A. Limited number of delegates
To ensure a high quality training/conference experience, the number of participants in the training/conference programme will be limited. Cullen International reserves the right to refuse registrations once the maximum number of participants is reached.

B. Cancellations / substitutions
Cancellations must be made in writing. Full refunds will be paid only if cancellations are received by Cullen International 14 days before the start of the training/conference course.

For training courses, in case of cancellations within 14 days before the start of the training course, a refund will also take place but an amount of 300e will be charged for administrative costs.

If the delegate registers to a subsequent training course that takes places within one year from the date of the training for which the registration was cancelled, the amount of 300e will be deducted from the cost of that subsequent training course.

Delegate substitutions can be made at any time. They must be communicated to Cullen International before the start of the course.

C. Non-attendance
In the event of non-attendance, full training/conference fees will remain payable and no refunds will be paid.

D. Changes to programme, venue or date
Cullen International reserves the right to make changes to the programme, the venue and the presenters. Cullen International also reserves the right to cancel or reschedule the training/ conference if there are insufficient participants. Delegates will be notified in good time and will be entitled to a refund of the fee if the training/conference is cancelled or is changed to a date which is not convenient for the delegate.

E. Invoicing and Payment conditions
Registrations will only be effective after payment receipt and payment must be done before the event takes place. Cullen International reserves the right to refuse attendance of a participant whose invoice has not been paid prior to the event.

Cullen International also reserves the right to refuse registrations to members of organisations who had registered participants to previous events and not paid their invoices. The delegate shall provide, while registering to attend an event, all requested information necessary

for the issue of the invoices. All invoices are payable in total, for the amount invoiced including the taxes stated on each invoice (VAT). No withholding for tax or administrative reasons will be accepted.

F. Data protection
Your personal data will be used for the purpose of organising the training or conference. Cullen International will also subsequently use such data to inform you of its future training programmes and other activities or services, unless you opt out by sending us an email. Your personal data will not be communicated to any third parties.

G. Confidentiality and Copyright
All Cullen International training/conference material is subject to normal copyright conditions. Any copy is subject to prior written authorisation from Cullen International.

The training/conference material is for the delegate's own use and may not be disclosed to any third party. It shall be treated with a high level of confidentiality, in the same way as the delegate protects its own confidential information.

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