Regulatory cooperation and the DSA

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My background

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Digital Services Act (DSA)
Lets talk about the DSA...

- **The Digital Services Act:** ensuring a safe and accountable online environment.
  1. Better protect consumers and their fundamental rights online
  2. Establish a powerful transparency and a clear accountability framework for online platforms
  3. Foster innovation, growth and competitiveness within the single market

=> DSA is the GDPR for Speech
DSA Key questions
DSA Key Questions

1. Should **platforms** be treated as **trusted actors**?
2. Pre-defined or **iterative** approach to **data transparency categories**?
3. How much **(sensitive) data** do regulators/auditors need?
4. Is **additional specialist personnel** capacity needed?
5. How to ensure **effective compliance**?
6. More **federated or more centralised** structure for DSA-Regulator?
7. Effective **mechanism for verification** of platform transparency data?
8. How to deal with **legal content** moderated by online platforms?
1. Should **platforms** be treated as **trusted actors**? **NO**

2. Pre-defined or **iterative** approach to **data transparency categories**?

3. How much **(sensitive) data** do regulators/auditors need? **LITTLE**

4. Is additional **specialist personnel** capacity needed?

5. How to ensure **effective compliance**? **Regulatory capacity**

6. More **federated or more centralised** structure for DSA-Regulator?

7. Effective **mechanism for verification** of platform transparency data?

8. How to deal with **legal content** moderated by online platforms?
Who governs?
## Who governs cybersecurity?

<table>
<thead>
<tr>
<th>Cyber Agency (ENISA)</th>
<th>National Cybersecurity Agency</th>
<th>Ministry of Communication Post or Media</th>
<th>Ministry of Interior, Economy Justice or Defense</th>
<th>Military or Intelligence Office</th>
<th>Office of the President</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country</td>
<td>Belgium, Croatia, Bulgaria,</td>
<td>Cyprus, Finland, Greece, Ireland,</td>
<td>Austria, Hungary, Italy, Lithuania, Luxembourg, Nederland, Slovenia</td>
<td>Czech Republic, Denmark, Latvia, Slovakia, UK</td>
<td>Malta, Spain</td>
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<tr>
<td></td>
<td>Estonia, France, Germany,</td>
<td>Sweden</td>
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<td>Poland, Portugal, Romania</td>
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Who governs in the DSA?
Specialist personnel capacity?
Who governs in the DSA?
Pooling specialist personnel capacity

- Doesn’t just have to happen within the DSA
- Expert pooling could also happen at a Council of Europe level
- This needs to be part of DSA/DMA, AIA and other relevant digital regulation
- Could even take a cross-regulatory approach to expert pool, i.e. pool of experts who have worked at competition, media and privacy regulators
Conclusion
Conclusion

1. DSA innovative piece of legislation that copies the GDPR and proposes to establish new rules for online speech.

2. Defining (just) one regulatory agency per country won’t work

3. Need for minimum standards for agencies appointed under the DSA (independence, transparency, accountability, etc.)

4. Additional regulatory capacity pool integrated into DSA/DMA/AIA

5. Regulatory capacity pool can exist both in EU and CoE area

6. Cross-regulatory collaboration needed for effective regulatory action
Thanks for listening

If you have any comments, suggestions or ideas, please don’t hesitate to get in touch:

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