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Centre on Regulation in Europe

# NEW WAYS OF OVERSIGHT FOR THE DIGITAL ECONOMY

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Improving network and digital industries regulation

# SCOPE AND AIM

- ✓ How public authorities can oversee the application of rules by platforms (large, small, whatever their type)
- ✓ Stimulate debate/discussion

- ✗ Content of rules
- ✗ Enforcement per se
- ✗ Competence/cooperation

# THE CHALLENGES

- **Number, size** & sometimes global reach of platforms
- Large **information asymmetry** between platforms & enforcement authorities
- Complexity & **innovation**
- **Impact** on society & fundamental rights
- To date, little in EU law on oversight
- Largely non-supervised except in certain areas (e.g. data protection)



General, principle based v. detailed rules

# 1. GOOD LAW

## 2. GOOD REGULATOR

- Independence
- Accountability
- Funding, staffing, resources
- Powers of sanction & investigation

- Effectiveness
- Proportionality
- Openness
- Due process & respect of fundamental rights
- Innovation friendly
- Experimental
- **Duty of care/Benevolence**

## 3. GOOD OVERSIGHT

# TOWARDS AN ECOSYSTEM OF OVERSIGHT

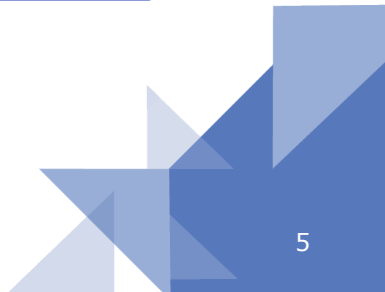
Internal tools of platforms (risk assessments & compliance officers)

Delegated oversight (independent auditors/trustees)



Empowered & pro-active users

General/individual guidance  
Codes of conduct



# TOWARDS TECHNOLOGICAL OVERSIGHT








## Data-based & computational oversight

- Power to inspect database & algorithms
- AI tools to support oversight

## Compliance by design

- From East Coast/Code to West Coast/Code

# A REALITY CHECK?

	DSA	DMA
<b>Good regulator</b>	National authorities: independence & funding 	New (concurrent) power for the Commission: Independence? Accountability? 
<b>Oversight: Principles</b>	Innovation clause? 	Experimentation? 
<b>Oversight: Ecosystem</b>	Many actors involved 	Beyond the regulatory dialogue Commission-Platforms  More stakeholders need to be involved
<b>Oversight: Technological</b>	How will data & algorithm investigation powers be used? How will powers be combined across legal instruments?	



# THANK YOU

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