

Digital Market Act, Digital Services Act, Data Governance Act and Data Act: quick guide to EU regulations on digital and data strategy!

- From November 2020, the European Commission proposed several regulations which, upon formal adoption and entry into force or application, will have a direct effect throughout all EU member States.
- These proposals aim at facilitating the further use and sharing of (personal and non-personal) data between public and private entities, supporting the use of specific technologies and big Data and regulating digital markets and services.
- In any event, this enhanced framework will apply without prejudice to the General Data Protection Regulation (GDPR).

DIGITAL MARKETS AND SERVICES

Digital Markets Act (DMA) – EU Regulation in preparation

Purpose	Increasing EU digital market competition
Addresses	Major digital platforms operating in the EU (gatekeepers)
Main takeaway(s)	<ul style="list-style-type: none"> • new obligations imposed on gatekeepers (e.g. ranking) • interim measures available for <i>prima facie</i> infringements
Adoption process	Ongoing, proposal dated 15 December 2020
Entry into force	Adoption expected in fall 2022, applicable 6 months later

Digital Services Act (DSA) – EU Regulation in preparation

Purpose	Enhanced liability of DS providers for illegal content
Addresses	Providers of online intermediary services, incl. platforms
Main takeaway(s)	<ul style="list-style-type: none"> • New obligations for providers of intermediary services • Specific obligations for hosting services & platforms
Adoption process	Ongoing, proposal dated 15 December 2020
Entry into force	Application expected from 1 January 2024 or even earlier

DATA

Data Governance Act (DGA) – EU Regulation adopted

Purpose	Framework for the re-use of data held by public authorities
Addresses	Private entities, for commercial or non-profit purposes.
Main takeaway(s)	<ul style="list-style-type: none"> • Neutral data-sharing providers providing intermediation • “Data altruism” enabling general public interest projects
Adoption process	Published in the Official Journal on 3 June 2022
Application	Applicable from 24 September 2023

Data Act (DA) – EU Regulation in preparation

Purpose	Raising data economic value and availability for innovation whilst ensuring everyone gain control over their data
Addresses	Data generated by the use of products or related services
Main takeaway(s)	<ul style="list-style-type: none"> • Facilitating access to and use of data by consumers; • Use of enterprises data by public sector in exceptional cases
Adoption process	Ongoing, proposal dated 23 February 2022
Entry into force	Expected entry into force in 2022

- Based on the services provided, entities operating platforms may fall within the scope of one or more of the abovementioned (proposed) Regulations. For instance, large online platforms with a strong economic position may act as both data holder and gatekeeper. There is no perfect overlap in the definition of platforms however in the DSA and the DMA.
- The DMA complements the enforcement of competition law at EU and national level, without prejudice to the application of EU and national competition rules regarding unilateral behaviour. It addresses unfair practices by gatekeepers that either (i) fall outside the scope of existing EU competition rules or (ii) cannot be effectively tackled by them given the systemic nature of some behaviours and the ex-post and case-by-case nature of competition law.



For more information, contact our [ICT, IP, media and data protection team](#).

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