



Digital Services Act

A New Rulebook for the Digital Economy?

24 March, 2020. Renaissance Hotel, Brussels, Belgium

Since the Electronic Commerce Directive was adopted in 2000, the digital space has significantly evolved with the emergence of social media platforms, OTT and sharing-economy players as well as with the convergence of media consumption, and the explosion of user-generated content. Concerns about developments in the digital economy, including the rapid proliferation of online hate speech and disinformation, have spurred calls for a revision of the current rules, where it is argued self-regulation is not having the necessary impact. In this context the European Commission is expected to launch a review of the existing E-Commerce Directive through a proposed Digital Services Act, which would “upgrade our liability and safety rules for digital platforms, services and products, and complete our Digital Single Market.”

This Forum Europe conference will discuss the objectives and potential provisions of any proposed Digital Services Act, addressing issues relating to liability, content moderation and regulatory oversight of intermediary service providers. It will assess what is required to create conditions that foster fair competition for digital platforms and the media sector to thrive, and to safeguard an open and safe online space, ensuring the Internet continues to be a key driver for innovation, economic growth, democratic discourse and social progress.

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| 08:30 – 09:00 | Registration and Coffee |
| 09:00 – 09:20 | Keynote Speech Margrethe Vestager , Executive Vice President, A Europe Fit for the Digital Age, European Commission (Confirmed) |
| 09:20 – 09:40 | Interview and Q&A Margrethe Vestager , Executive Vice President, A Europe Fit for the Digital Age, European Commission with Paul Adamson , Chairman, Forum Europe (Confirmed) |

- 09:40 – 09:55** **Keynote Speech:**
Daniel Matray, Head of App Store and Apple Media Services Europe, Apple (Confirmed)
- 09:55 – 10:15** **Keynote Speech:**
Alexandre de Streel, Joint Academic Director, CERRE & Professor of European Law, Université de Namur (Confirmed)
- 10:15 – 11:15** **Session 1: Modern rules for the digital age: Assessing objectives and the policy instruments to achieve these**

Setting the scene for the rest of the day, this session will explore the extent to which new rules governing the responsibilities of online platforms are needed and will discuss what the best policy and regulatory instruments may be so that the new rules remain fit-for-purpose in the future.

- Why is new legislation needed? How can any new legislation work alongside co-regulation and existing competition rules? What are the shortcomings of existing rules?
- What should the DSA add to these existing regulations?
- How might the new rules interact with sectorial policies that have already been adopted to tackle specific issues including terrorist content online, copyright infringements, hate speech or child sexual abuse material?
- What should regulatory oversight look like? Should regulation be EU-wide, or should more power be allocated to existing regulatory structures in specific states? How could any regulation improve on the current self-regulation model?
- What positive impacts could such changes, including possible amendments to current data portability rules, have on the tech sector in Europe and how can it be ensured that sufficient support will be provided to SMEs and start-ups to face the possible challenges that such provisions could have on their business models?
- How can cooperation between the private sector and public authorities for the detection and removal of illegal activities and material be enhanced?
- To what extent will the new rules reinforce the EU's global position as a place enabling open access to information and content via a thriving and safe online space where copyright and fundamental rights are respected?

Moderator: Javier Espinoza, EU Correspondent, Financial Times (Confirmed)

Speakers:

- **Prabhat Agarwal**, Acting Head of Unit, E-Commerce and Platforms, DG CONNECT, European Commission (Confirmed)
- **Alex Agius Saliba**, Rapporteur for the DSA Initiative, IMCO Committee, European Parliament (Confirmed)
- **Frédéric Donck**, Regional Vice-President – Europe, Internet Society (Confirmed)
- **Siada El Ramly**, Director General, EDiMA (Confirmed)

- 11:15 – 11:30** **Coffee Break**
- 11:30 – 11:40** **Speech:**
Jason Oxman, President and CEO of ITI
- 11:40 – 12:40** **Session 2: Liability & Online Content - Defining Responsibilities**

An expected provision of the Digital Services Act would oblige online platforms to have a “duty of care” for content that is both hosted and shared on their sites. In the past years, policymakers have called for online platforms to take a more proactive role in addressing illegal content, through initiatives such as the ‘Code of Conduct on Countering Illegal Hate Speech Online’. It is argued however that voluntary self-regulation hasn’t proved to be efficient, with platforms increasingly being criticised for failing at tackling illegal content, hate speech, activities infringing copyright rules or the spreading of disinformation. This has led to calls for clarified rules regarding platform responsibilities and to question the liability exemptions that platforms have been enjoying under the e-Commerce Directive, known as ‘Safe Harbour’. In an era where online content is increasingly user-generated, this session will discuss the extent to which tech companies can be incentivised to be more proactive in removing illegal material without undermining freedom of expression, hindering innovation and worsening the user experience.

- How could provisions for the removal of illegal content through mandatory and transparent notice-and-action rules concretely work in practice of any proposed regulation?
- What can be learnt from the member states that have already designed national laws addressing illegal content and hate speech? Can harmonised EU-wide rules be created on their basis?
- How will monitoring online content work in practice? What role will technologies such as Artificial Intelligence play in ensuring transparency and accountability, and what are the risk associated with automated filtering technologies?
- Is there an EU-wide definition for what is deemed ‘illegal content’? How will the new rules address ‘harmful content’ that is not necessarily illegal, and how can it be ensured that attempts at regulating such content does not put our rights and freedom at risk? How can safeguards be utilised to avoid the wrongful removal or blocking of legitimate speech and content?

Moderator: Natalia Drozdiak, European Technology Reporter, Bloomberg News (Confirmed)

Speakers:

- **Lucrezia Busa**, Member of Didier Reynder’s Cabinet, DG JUST, European Commission (Confirmed)
- **Jason Oxman**, President & CEO, ITIC (Confirmed)

- **Anna-Lena von Hodenburg**, Managing Director, HateAid (Confirmed)
- **Jan Penfrat**, Senior Policy Advisor, EDRi (Confirmed)
- **Serge Abiteboul**, Board Member, Arcep (Confirmed)

12:40 – 13:45 **Lunch**

13:45 – 14:00 **Presentation:**

14:00 – 15:00 **Session 3: E-Commerce and Liability Exemptions – Working to Tackle Counterfeit, Illicit and Unsafe Goods Online**

The E-Commerce Directive (ECD) sought to deal with issues of liability relating to any illegal activity of users of internet platforms. When the ECD was originally drawn up, much of this centred on goods sold online. While hate speech and illegal content online is subject to much focus from policymakers and the media, counterfeit and unsafe products sold on internet platforms continue to be a priority area for e-commerce players, brands and consumer advocates amongst others. This session will look at how the DSA will seek to address and update policy on the relationships between platforms, their users and consumers, brands and manufacturers, focusing on liability, competition, trust and cross-sectoral cooperation.

- How should the DSA update the longstanding liability exemptions for e-commerce and other platforms?
- Is enough being done by and between industry and platforms, particularly with regards to data sharing, in order to tackle unsafe and counterfeit goods?
- Can solutions such as artificial intelligence really offer the depth of protection required?
- Are the variety of self-regulatory programmes initiated by the platforms to tackle counterfeit goods and intellectual property infringements online fit for purpose, and what might be improved under any new DSA rules?
- What is the future role for law enforcement, in particular agencies such as Europol, in the area of e-commerce, where cross-sector, cross-border cooperation is necessary to tackle the sale of illicit goods and services?

Speakers:

- **Andreas Schwab MEP**, EPP Group Coordinator, IMCO Committee, European Parliament (Confirmed)
- **Michael Koenig**, Deputy Head of Unit, Retail and Online Services, DG Grow, European Commission (Confirmed)
- **Michael Menz**, General Counsel & Senior VP for Corporate Governance, Zalando (Confirmed)
- **Michelle Gibbons**, Director-General, AIM – European Brands Association (Confirmed)
- **Maryant Fernández Pérez**, Senior Digital Policy Officer, BEUC (Confirmed)

15:00 – 15:30 **Coffee Break**

15:30 – 15:40

Keynote Speech:

Eva Maydell, Member, European Parliament (Confirmed)

15:40 – 16:40

Session 4: Media, Fake News, Political Advertising and the DSA - Ensuring Trust and Safeguarding Democracy Online

Availability and access to trusted information is at the core of the functioning of our democracies. In recent years however, the increasing use of online platforms for the proliferation of so-called ‘fake news’ and ideological ideas in rapid, repetitive patterns, have impacted the integrity of the political discourse, leading the European Commission to establish a ‘Code of Practice on Disinformation’ to address these issues. Following the publication of the first annual self-assessment reports by the signatories of the Code last October, this session will debate the main findings, explore the concerns that remain to be addressed and will discuss the role that the Digital Services Act provisions can have in creating the right conditions to improve the integrity of media services.

- How might the DSA improve the fight against disinformation and against rogue actors seeking to influence political discourse?
- To what extent might any proposed rules encourage further transparency, particularly surrounding contentious issues such as political and issue-based advertising on online platforms?
- How might the DSA interact with existing provisions of the Democracy Action Plan and the Media Action Plan, as well as the AVMSD and various other codes of practice currently in operation?
- How can the DSA build on the ECD with regards competition in the media sector?
- What role can technological innovation and algorithms play in improving the integrity of services by promoting relevant, quality and appropriate content?

Moderator: Dr. Alea Fairchild, Principal Advisor, Technology Enablement, Ecosystem & Research Fellow, The Constantia Institute (Confirmed)

Speakers:

- **Daniel Braun**, Deputy Head of Cabinet for Věra Jourová, Values and Transparency, European Commission (Confirmed)
- **Eva Maydell**, Member, European Parliament (Confirmed)
- **Stephen Turner**, Head of Public Policy, Government, and Philanthropy, Twitter (Confirmed)
- **Christophe Leclercq**, Chairman, Fondation EURACTIV, and Founder, EURACTIV Media Network BV (Confirmed)
- **Alexandre Alaphilippe**, Co-Founder and Executive Director, EU DisinfoLab (Confirmed)

16:40

Conference Close