New legal acts, old enforcement problems?
Disentangling the complexities of the enforcement of EU law concerning digital technologies

Research objectives: In recent years many new legal acts have been adopted by the European Union (EU) to cope with the challenges arising from the digital transition and to regulate new phenomena of digital economy. Examples include regulations such as *Digital Markets Act*, *Digital Services Act*, *Data Act*, *Data Governance Act*, or *Artificial Intelligence Act*. In what follows these acts will be referred to as 'new data governance framework.' This new data governance framework does not, however, function in a regulatory void, as well-established areas of regulation – such as competition law or data protection law – have already been used in EU law to tackle challenges caused by the digital technologies. Thus, the scientific goal of the project is to **provide a better understanding of the various models of enforcement which govern the regulation of digital technologies in the EU in the area of competition law, data protection law, and the new data governance framework**. The reason to focus on the enforcement – understood as procedural and institutional elements of the regulatory framework and practices undertaken on the basis of this framework, such as issuing decisions on its basis – stems from the fact that how it is regulated may determine whether the goals of the regulation are achieved. Moreover, the practical aspects of enforcement, e.g., who is involved in the proceedings or what is the role of the input provided by third parties, are often overlooked when analysing the role of law in regulating digital technologies. We intend to **provide a better understanding of the various models of enforcement based on an analysis of, firstly, regulations of the models of enforcement (*law in books*), and, secondly, insight drawn from an analysis of selected decisions issued in competition law, data protection law, and based on the new data governance framework (*law in action*).**

Description of the research: The work plan includes four work packages (WPs):
  WP1 The enforcement of EU competition law in regard to digital technologies
  WP2 The enforcement of EU data protection law in regard to digital technologies
  WP3 The enforcement of EU new data governance framework in regard to digital technologies
  WP4 The interplay between the enforcement of EU new data governance framework, EU competition law, and EU data protection law in regard to digital technologies
  Conducting this analysis will allow us to achieve two milestones: (1) *Identifying the characteristics of each of the scrutinised enforcement models*, and (2) *Developing a comparison of the identified enforcement models*.

Motivation for conducting the research: The motivation for conducting this research is to solve the following problems:
  1) lack of clarity in terms of the interplay between well-established areas of regulation and the new data governance framework – examining the provisions of the adopted legal acts and institutional and procedural solutions which have already been and will be implemented by the selected member states (MS) to implement the relevant enforcement mechanisms will allow us to, e.g., show how the identified interplay were mirrored by the mechanisms foreseeing cooperation between various institutions both on the level of the EU and the MS, and between these two levels in regard to the enforcement of new data governance framework, competition law, and data protection law;
  2) lack of understanding of how the enforcement of the new data governance framework can affect the preferences for pursuing particular goals of the regulation – some of the acts constituting the new data governance framework declare twofold goals, e.g., proper functioning of the internal market and the protection of fundamental rights. The project will examine how the enforcement will shape the balance between these varying goals.
  3) lack of understanding of the role of third-party expertise in the enforcement of laws concerning digital technologies – the project will provide a detailed and evidence-based scrutiny of the role third-party expertise plays in the enforcement of laws concerning digital technologies.

Expected results: The knowledge generated by this project will lead to the development of the field of law of new technologies, competition law, and data protection law. Moreover, we will provide insight into the institutional and procedural interplay between enforcement based on the three areas of regulation subjected to the study both on the level of the EU and on the level of MS.