EU in Practice

Legislating Tech in the EU (Fall 2024)

Instructor: Peter Brown

Additional Content

Center for
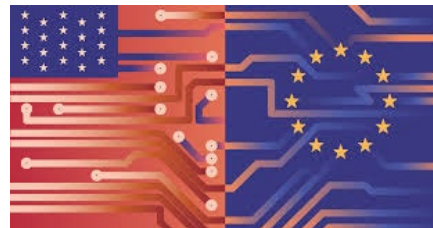EUROPEAN STUDIES
at the University of Florida

Jean Monnet
Center of Excellence
University of Florida

EUS 4931: EU Integration in Practice – Legislating Tech in the EU
1-credit, virtual class
Fridays, Period 4 (10:40 – 11:30 am)

These 1-credit courses bring in practitioners to speak with students about real world applications of the policies and theories discussed in their academic coursework. The classes combine academic discussion with practical insights from the instructors' work in the industry. The goal of this upper-level course is to transition majors and minors from academic theory to a practical application of their specialization in European affairs or in their relevant thematic specialization.

In fall 2024 the course is offered as an online course, meeting weekly on **Fridays from 10:40 – 11:30 am**. This semester the course will explore legislating technology policy in the EU. The course will give students a high-level overview of how the European Parliament has evolved from a largely advisory role until the 1980s to its current status as one of the world's most powerful legislative bodies looking specifically through the lens of the EP's role in legislating the EU's landmark technology legislation, the **General Data Protection Regulation (GDPR)** and the most recent **Artificial Intelligence Act**.

We will go beyond the agreed texts, to examine the tricky issues of how to implement legislation which – by its nature – is often the subject of political compromise. This will **involve examining the quasi- or non-governmental actors at the EU-level** and the attempts by Parliament to maintain effective oversight of implementation as well as **the role played by the private sector in influencing both legislation** and its implementation. Finally, and beyond the "Brussels Bubble", we will look at the **increasing relevance and activity of Parliament on the global stage**, both in bilateral relations with other legislative bodies, **notably the US Congress**, and in other international fora.

The unit will be led by a senior European Parliament official whose career covered technology strategy and technology policy, serving also as a Diplomat representing the Parliament in Washington, DC, as well as earlier leadership roles during the 1990s in one of the most influential political group caucuses in the Parliament.

Previous coursework on the EU is welcome, but not required; the pre-reqs for the course have been waived for the semester.

Meet the Instructor:

Peter Brown is a Senior Policy Adviser at the Strategy and Innovation Unit of the European Parliament. He recently returned to Brussels after serving as Senior Adviser on Technology Policy in the European Parliament's Liaison Office in Washington DC. He resumed his career as a civil servant in 2018 after a decade in the private sector. Peter's professional career has been predominantly in the European public service and since 1990 as an official in the European Parliament. In the private sector, he advised several Fortune 50 companies and many national governments and international organisations on technology strategy and governance, in cloud, cyber, IoT, AI, and data. He has been engaged in global standardization policy and IT standards development for more than 25 years.

EUS 4931 - EU in Practice: Legislating Tech in the EU
Student List

1. Matthew Bushee
2. Sienna Chien
3. Muyao Guan
4. Samuel Johnson
5. Lucas Nadeau
6. Emily Reid
7. Raj Selvaraj
8. Jacob Tracy

EU IN PRACTICE: LEGISLATING TECH (DRAFT)
1-credit
Instructor: Peter Brown

Course Description
This course is part of the University of Florida's Jean Monnet Center of Excellence "EU in Practice" course series. These are 1-credit courses designed and taught in collaboration with practitioners working with or for the European Union. This iteration of the course will be largely taught online (with two in-person sessions - see syllabus for details). Meetings are one period weekly. The focus is on the policy-making process from the perspective of the European Parliament with a focus on two influential recent cases - the General Data Protection Regulation (GDPR) and the new AI Act. Students will first be introduced to the general legislative process, types of legislation and key actors and then will look at these two critical cases to gain insight into the nuances of the process in practice. Lectures will be delivered by a practitioner who has worked with and in the European Parliament for more than two decades.

Required Materials
- Various articles and book chapters assigned in syllabus.

Assignments
- Attendance & Participation - 15%
- Weekly discussion Posts - 20%
- Strategy Paper - 25%
- Simulation - 40%

COURSE SYLLABUS (VIRTUAL)

EU in Practice – Legislating technology in the EU

Introduction to the European Union
Introductions, to each other and to the course; some basics: the Treaties, subsidiarity, legal bases, right of legislative initiative, and "institutional geometry" (European Council, Council of the EU, Commission, Parliament, Court), walk-through of the Legislative Observatory and the Legislative Train Schedule.

Reading:

1. *EU Publications Office "The European Union – what it is and what it does." (pp. 7-11, pp. 57-68, and skim pp. 14-54)*
2. *Corbett et al, Annex I, Table 1.1*

Parliament's political profile
The European Parliament's election, composition, and its Political Groups ("caucuses"), the emergence of European political parties, the resurgence of national parties on the European stage, the end of the two-group majority.

Reading:
1. *EPRS "The European Parliament – An Explainer.",*
2. *Corbett et. al., Chapters 2, 4 and 5 plus Annex 1 and Tables 2.2, 4.1, 4.2, 4.3, 5,5. and 5.6*

Evolution of the EU legislative process since 1979

The Single Market, co-decision, ordinary legislative procedure, the "Better Law-Making" agreement, Commission's Annual Legislative Programme, national vs European dynamics in Council and Parliament

Reading:

1. *Corbett et. al., Chapters 12 and 13 Tables 12.1 to 12.5, 13.1, Annex II and Figures 12.1 to 12.5*
2. *European Commission*
   - *"Strategy documents"*
   - *"New Legislative Framework"*
3. *European Council "Better Law-Making Agreement"*

Legislative Mechanics in Parliament

Legislative planning and legal bases, committee assignments and competences, role of committee leadership (Chair, Coordinators), Rapporteurs and "Shadows", committee and Political Group staffs, policy research

Reading:

1. *Corbett, Chapters 7, 9, and 11 plus Annex I, Tables 5.3, 9.3 and 11.1*

European Parliament and non-legislative actors

Lobbying (Commission and Parliament), the European and US tech sectors in Brussels, role of NGOs and advocacy groups
Reading:
1. *Corbett, Chapter 16*, *Annex I Table 10.1*

European Parliament and the US Congress – a comparison

Executive oversight, partisanship, leadership roles and responsibilities, legislative initiative and legislative power, planning and scheduling.

Reading:

1. *Parker and Alemmano, "Towards Effective Regulatory Cooperation under TTIP: A Comparative Overview of the EU and US Legislative and Regulatory Systems" read executive summary, pp. 2-9 and Annex,*
2. *Stevens-Finlayson, "EU vs US: Comparing the EU and US Federal Systems."*

Flagship legislation #1: GDPR

A Regulation (not a Directive…but), compliance and enforcement, the "Brussels effect", (un)foreseen and (un)foreseeable consequences (Schrems CJEU cases, Data Privacy Framework, role of Data Protection Authorities and EDPS)

Reading:
European Parliament Legislative Observatory.
1. "Personal data protection: processing and free movement of data (General Data Protection Regulation)" 2012/0011(COD).
2. *GDPR.eu "What is GDPR, the EU's new data protection law?"*
3. *EDPS "The History of the General Data Protection Regulation."*

Videos
1. What is GDPR?.
2. Basic Definitions of GDPR.
3. Six Principles of GDPR.

Flagship legislation #2: The AI Act

Legislating technology ("The Digital Decade", 2020-2030), role of the "new legislative framework", compliance and enforcement, the 2019 AI White Paper and pressure to legislate, scope of proposed legislation, disputes over legal basis. The appearance of Generative AI, Parliament committee stage, sticking points (in Parliament and with Council), trilogue and inter-institutional negotiation.

Reading:
European Commission
1. *"Europe's Digital Decade*
2. *Legislative Observatory and Train Schedule*
3. *procedure files - "the AI Act", 2021/0106(COD).*
4. *The Future of Life Institute "AI Act Explorer."*
5. *OECD "What is AI?"*
6. *EU Observer "The AI Act — a breach of EU fundamental rights charter?"*
7. *Politico "Inside the shadowy global battle to tame the world's most dangerous technology."*
8. *Euractiv "Commission's DG for technology restructures to realise AI Office"*
9. *European Parliament "Artificial intelligence: MEPs want the EU to be a global standard-setter."*

Implementation of legislation

Delegated and implementing acts, role of conformity assessment, compliance, and mutual recognition agreements (MRAs), the European Standardization System, trade issues (role of the WTO and dispute resolution), European Parliament on the international stage

Reading:
1. *European Commission "Standards in EuropeLinks to an external site."*
2. *Euractiv "How to define high-risk products", IAPP "Will the EU AI Act work?"*
3. *ITIF "Hope for the best but prepare for the worst"*
4. *Mashable "Microsoft says EU rules made CrowdStrike outage possible*
5. *ECIPE "ICT Beyond Borders: The Integral Role of US Tech in Europe's Digital Economy."*

Simulation Assignment – Part 1

Getting to a plenary vote, building consensus, role of Political Groups

Reading:
1. *Materials from the political groups and regarding process (TBD)*

Simulation Assignment – Part 2

Simulation exercise
Debrief and conclusions

**Co-funded by
the European Union**

Legislating Tech in the European Union – Paper and simulation assignments

There are two assignments (a paper submitted online via Canvas and participation in an in-person simulation) based on 10 items of draft legislation coming to two of Parliament's committees, *Internal Market and Consumer Protection* (IMCO) and *Industry, Research and Energy* (ITRE):

To IMCO:
- Digital Markets Act
- Common chargers for mobile phones and similar devices
- Digital Services Act
- Liability for defective products
- Data collection and sharing relating to short-term accommodation rental services

To ITRE:
- Data Act
- European Data Governance
- European Digital Identity (EUid)
- Horizontal cybersecurity requirements for products with digital elements
- Trans-European energy infrastructure

Use the EP Legislative Observatory to correctly identify the pieces of legislation, including their formal titles, procedural references, etc. Remember to only focus on the five bills assigned to the Committee that you are covering (ITRE or IMCO).

Paper
1. You are a policy advisor in the EPP/S&D/Renew/Green/ECR group (assignments will be made at random by faculty).

Write a briefing/strategy paper for your Group Coordinator in either ITRE or IMCO (as assigned randomly by faculty) and that includes:
- an overview of each of the 5 proposals being considered in your committee (a short paragraph)
- an analysis of the relevance of each to your political group (1-2 paragraphs per proposal)

The total paper should be approximately 5 pages, properly formatted, with grammar/spelling checked and citations and references included as needed.

Simulation
2. You are now the [EPP/S&D/Renew/Green/ECR] coordinator in [ITRE or IMCO]. The next meeting of the Committee's coordinators will allocate Rapporteurs to the 10 legislative files (5 in each committee).

Your group controls a set number of points in each committee to bid on the files (points vary by political group and will be provided by faculty).

Based on the briefing you drafted and the one you have received from your party colleague in the other committee, determine:

- Which files are of (critical) importance to your Group: this can be assessed both in terms of which files you wish to obtain for your Group, as well as which files you want to avoid falling to an inappropriate Group (if applicable).
- Whether it is possible to obtain a Rapporteurship without bidding, by consensus with other group representatives (trades, or bills no one else is interested in)
- Which files you wish to bid on.
- How many points you are prepared to bid in each case, and with what priorities.

Students will enter discussions and negotiations with the other 4 political group coordinators in your committee, and with your own political group's coordinator in the other committee to determine a strategy for the negotiations.

At the predetermined time, the chair of each committee will call the coordinators to come and discuss and decide on the allocation of all files.

Not for Students – Background

The 10 pieces of legislation, showing short title, procedure reference, committee assignment, Group, nationality, and name of actual rapporteur.

Data Act
2022/0047
ITRE   EPP   ES   Del Castillo

European Data Governance
2020/0340 (COD)
ITRE   EPP   DE   Niebler

European Digital Identity (EUid)
2021/0136
ITRE   S&D   HR   Jerkovic

Horizontal cybersecurity requirements for products with digital elements
2022/0272 (COD)
ITRE   Renew   IT   Dante

Trans-European energy infrastructure
2020/0360 (COD)
ITRE   ECR   PL   Krasnodebski

Digital Markets Act
2020/0374 (COD)
IMCO   EPP   DE   Schwab

Common chargers for mobile phones and similar devices
2021/0291 (COD)
IMCO   S&D   MT   Agius

Digital Services Act
2020/0361(COD)
IMCO   S&D   DK   Schaldemose

Liability for defective products
2022/0302
IMCO   Renew   RO   Botos

Data collection and sharing relating to short-term accommodation rental services
2022/0358 (COD)
IMCO   V   NL   Van Sparrentak