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Presentation

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Area 2: discussion of the digital policy of the EU outside its borders

This second area considers the digital policy of the EU outside its borders, both in international institutions (the Council of Europe, the OECD, the UN, the ICANN, the WIPO, the W3C and NATO) and its relations with the United States and Canada (EU external policy).

Digital now has such an impact on the economy, security and defence that several international bodies are being driven to address the issue of its regulation. In search of international regulations, there has as yet been no academic study of the policy adopted by the EU within these organisations and the influence of its regulation on the global stage. This could form part of the Jean Monnet Centre of Excellence research programme.

Furthermore, the predominance of American actors in the digital economy of the European Union should encourage the search for a better balance. To achieve this, greater knowledge of American law is required in order to improve understanding of legislative and cultural differences. An example of this is the invalidation of the Safe Harbor agreement by the Court of Justice in the Schrems data protection case, involving the company Facebook but also the American intelligence agencies, or even the enshrining of the right to be forgotten imposed on the company Google by the EU (Google Spain case). The adoption of the new Privacy Shield agreement on the transfer of personal data from the EU to the United States, after the invalidation of Safe Harbor, as well as the extension of the scope of EU law through the General Data Protection Regulation (GDPR), call into question the relationship between the United States and the European Union.

On the other hand, some solutions in American law could inspire European Union legislators in the regulation of the digital economy. Studying competition law and the role of the Federal Trade Commission could be useful for them to improve control over certain behaviours by actors in the digital economy, such as online platforms, that the European Commission wishes to manage. Furthermore, Canada plays a specific role in these transatlantic relationships, at the crossroads between two legal systems. Incidentally, some bilateral agreements, such as the EU-Canada PNR agreement discussed before the CJEU, confirm the relevance for the EU of considering digital regulation in bilateral and multilateral relations with its partners.

This area of research can build on the links already established with the University of Fordham (NYC), the University of Laval (Quebec) and the University of Montreal.

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