Abstract

The master’s thesis “Selected Legal Aspects of the Digital Single Market” delineates the legislative reaction of the European Union (“EU”) to technological development for the occasion of the mid-term review of the Digital Single Market Strategy for Europe, the most advanced multi-annual scope digital policy navigating the EU to the digital age, which was issued by the Juncker Commission on 6 May 2015, more than 10 years after the initiation of ending roaming charges, more than 20 years from the launch of the internal market and more than 30 years after Jacques Delors’ commitment to ensure the four freedoms.

Since the Juncker Commission has detailed, negotiated on and signed off many of its legislative initiatives under the DSM Strategy for the all-encompassing overhaul of Europe’s digital landscape in pursuit of creating its legacy, but will the EU be able to reach its objective of future proof regulatory framework ready for the digital age? The master’s thesis answers the overall research question by identifying the DSM’s theoretical and conceptual framework, delineating its historical, social, substantive and institutional foundations, and based on them by assessing the state of play of the DSM and formulating recommendations.

Initially, the first part identifies and defines phenomena constituting the theoretical and conceptual framework of the DSM. The second part delineates the DSM’s foundations with regard to its historical, social, substantive and institutional aspect. Its first chapter on historical and social foundations explores different approaches adopted towards the digital agenda, which results in a compilation of material sources of law of the DSM, establishing the relationship between the DSM and the single market. The second chapter compares substantive and institutional foundations of both concepts to assess their relationship, notably their differences in terms of obstacles and freedoms, which needs to be addressed by digital policies. The single market’s regulatory framework is a point of reference for the DSM, which faces the challenge to adapt the form of legal regulation to conditions in the digital space while navigating around competences and legal bases, lastly updated over a decade ago.

Finally, the third part of the thesis uses the context provided by the delineation of the DSM’s foundations to assess the state of play of the DSM through the EU’s most advanced digital policies Digital Agenda for Europe and DSM Strategy with their successes, criticisms and recommendations for one of the main areas where the EU needs to act further – the strengthening of the status of the free flow of data in the internal market’s architecture, which the author identifies as the key instrument for achieving the future proof regulatory framework of the DSM.