

## Conference Report

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### Conference Report 'Digital Single Market and the Free Flow of Information'

#### I. Introduction

Jean Monnet Chair Digital Single Market and the Free Flow of Information (dig\_INFlow Chair) as a project co-financed by the European Union<sup>1</sup> has run since 2022 till October 2025. The Chair was established to explore and explain the normative framework for the flows of information in the context of the Digital Single Market (DSM). Numerous activities of the dig\_INFlow Chair, including teaching, webinar, workshops open to the public and those dedicated to high school students as well as research undertaken in the area of the Digital Services Act<sup>2</sup> and the Digital Market Act<sup>3</sup>, concluded with the International Scientific Conference<sup>4</sup> organised at 16-17<sup>th</sup> June 2025 at the Faculty of Law and Administration Adam Mickiewicz University in Poznań, Poland. The Conference was held under the Patronage of the Polish Presidency in the Council of the European Union, as it explored the challenges of the governance of digital services and selected aspects of the informational security.

The themes of the conference were explored under the honorary patronages from Polish Patent Office and the President of the Consumer and Competition Protection Authority. Partners of the Conference included ASCOLA the European Chapter, the Centre for Antitrust and Regulatory Studies at University of Warsaw (CARS) and Neuroscience Center at Adam Mickiewicz University. The programme of the conference was prepared with the support of the Scientific Committee of the conference, featuring: Prof. Maria Lilla Montagnani (Università Bocconi), Prof. Alberto De Franceschi (Università degli Studi di Ferrara), Prof. Martin Senftleben (Universiteit van Amsterdam), Prof. Pieter van Cleyenbreugel (Université de Liège) and Dr Hannah Thornton (Noerr PartGmbH).

The relevance of Digital Single Market and information flows was underlined in the opening remarks by Mrs **Magdalena Sobkowiak-Czarnecka**, representing the Office of the Prime Minister of Poland. The Dean of the Faculty of Adam Mickiewicz University in Poznań, prof. dr hab. Tomasz Nieborak welcomed guests and participants in the premises of one of the top law faculties in Poland, that has always promoted an interdisciplinary and international approach to legal scholarship. Prof. Nieborak underlined that this conference serves as an excellent platform for exchanging ideas and exploring the interconnections between law, society and emerging technologies.

#### II. Opening debate: Digital Single Market Regulation – Past Present and Future

The objectives of the conference proceedings were presented by the dig\_INFlow Chair holder prof. UAM dr hab. Katarzyna Klaffkowska-Waśniowska. She highlighted the priorities of the Polish Presidency in the Council of the European Union, to discuss different dimensions of resilience and security and enforcement of the EU digital laws and tackling

challenges with e-commerce platforms feature among the main priorities for completing the DSM. The speakers of the opening panel presented by the facilitator of the panel, Mrs **Agnieszka Stobiecka-Kuik**, were invited to share their views on the achievements in the regulation of the DSM, enforcement of the DSA and the DMA, and potential need to fill in the gaps with legislative initiatives.

The debate started with the speech by Mrs **Rita Weezenbek**, Director of Platforms Policy and Enforcement in DG CONNECT, European Commission. Another participant of the debated, **Dr Michał Boni** shared his experience as an MEP in years 2015-2019 when the foundations for the DSM were laid, as well as the former Minister for Digitization in Poland, currently the expert of the Union of Entrepreneurs and Employers for the Polish Presidency of the EU Council.

The opening debate highlighted the main points to consider in the discussion on existing and future regulations for the digital environment. Current enforcement challenges were stressed by Mrs Weezenbek particularly in the area of protection of minors, access to data for researchers and e-commerce platforms. Dr Boni, on the other hand, advised how to foster regulation to strengthen competitiveness and innovation in the digital sectors. The speaker pointed that it requires rethinking the regulatory purpose and taking into account the interest of all market participants, including the public interest and states' responsibility.

#### III. Single Market, Media, Information and Law

The first academic panel of the day combined the perspectives of copyright, media law and regulation of intermediary services, to navigate the challenges to freedom of expression in the highly complex and growing regulatory framework. The first two presentations by Martin Senftleben and Małgorzata Kozak presented the broader overview of interrelated harmonizing provisions, while the other panellists, selected through an open call for papers, focused more in-depth on the DSA.

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1 Project: 101084833 – dig\_INFlow – ERASMUS-JMO-2022-HEI-TCH-RSCH.

2 Regulation (EU) 2022/2065 on a Single Market For Digital Services and amending Directive 2000/31/EC [2022] OJ L 277/1.

3 Regulation (EU) 2022/1925 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 [2022] OJ L 265/1.

4 See the dedicated website of the event: <https://freeflow.web.amu.edu.pl> (accessed 1.8.2025).

**Prof. Martin Senftleben**, Director of the Institute for Information Law at University of Amsterdam, and member of the Scientific Committee of the conference, started with the discussion at the intersection of the three areas: *The copyright / DSA / AI Act regulatory thicket in the EU: Freedom of information challenges and opportunities*.<sup>5</sup> The speaker suggested we can learn from the experience of regulating online platforms in the context of the Copyright in the Digital Single Market Directive,<sup>6</sup> to develop solutions in the area of addressing copyright problems with the AI generated content. His presentation referred to the current discussion on transparency and remuneration for training of the general purpose AI models, at the intersection with the AI Act.<sup>7</sup> He underlined the essential need to reconsider the “veto” right from copyright perspective in the new information ecosystem, and the search for effective remuneration schemes.

The next speaker turned to harmonization of “traditional” media players, and the EU efforts to address freedom of information and media pluralism. **Dr Małgorzata Kozak** (University of Utrecht) in her presentation: *Media pluralism and the flow of information in the EU: Between market regulation and democratic values – is harmonisation achieved?* demonstrated the complexity and evolution of the harmonization measures in the media area. She highlighted re-orientation from economic perspective to value related aspects, and underlined the discussion on EU competence in the field, and the need to overcome regulatory siloes.

The first presentation that dived deeply in the DSA, addressed the problems of deepfakes in the context of risks to security and democracy. **Dr Dominika Kuźnicka-Błaszowska** (Wrocław University, Digital Justice Center) discussed: *Emerging need to regulate deepfakes in international law: the Russo-Ukrainian war as an example DSA as an Attempt to Build Resilience and Regulate Deepfakes in the EU*, building on recently published, co-authored article.<sup>8</sup> The problem of deepfakes illustrated well both the potential of AI tools, the dark side of unlimited free flow of information and the challenges that are still not dealt with sufficiently at EU level.

Distribution of illegal and harmful content raises pressing questions of enforcement. In this context **Jacob van de Kerkhof**, (University of Utrecht, PhD Candidate), presented his forthcoming paper on: *The DSA’s Tower of Babylon: on the Digital Services Coordinator and Freedom of Expression*. The speaker discussed the enforcement network created by national DSCs, responsible for DSA enforcement in each Member State, and the potential problems with the cross-border activities of online platforms. The powers of the DSCs and the European Commission are delineated in the DSA, and coordination mechanisms are drafted, nevertheless, effective cooperation is now going to be tested in practice. The panel concluded with a vital discussion, moderated by prof. UAM Katarzyna Klaffkowska-Waśniowska.

#### IV. Interplay between EU competition law, the DMA and the free flow of information

Panel II explored the role of EU competition law and the DMA in the context of the free flow of information. The session was moderated by Miłosz Malaga and featured presentations by Maciej Bernatt, Kati Cseres, Katarzyna Sadrak, Ondrej Blažo, and Iga Małobęcka-Szwast.

The panel aimed to place the goals and rules of competition law and the DMA in a broader, systemic and contextual framework, aligning with the main theme of the conference

and building on the narratives established in the adjacent panels. In this light, the discussion focused on the extent to which competition and DMA rules can serve the welfare of online platform users, particularly in enabling their exercise of rights linked to the principle of the free flow of information.

**Prof. Maciej Bernatt** (University of Warsaw, Centre for Anti-trust and Regulatory Studies) opened the session with a presentation<sup>9</sup> titled *Competition – Democracy – Human Rights: Protecting Pluralism and Health in the Digital Age*. He summarized key ideas from his draft paper *Addictive Platforms, Competition Law and Democracy* (co-authored with Joanna Mazur), as well as insights from the working paper *Democracy and Competition Law: Exploring Substantive and Procedural Links*. Bernatt argued for a systemic application of competition law, especially in digital market, taking into account users’ welfare, including the impact of platform design on mental health and democratic pluralism.

Building on this perspective, **Dr Kati Cseres** (Amsterdam Centre for European Law and Governance) delivered a presentation on *A Consumer-Citizen Approach to the Free Flow of Information*. She proposed that competition law should protect not only consumers’ economic interests but also their broader rights as individuals and members of a democratic society. Reimagining the consumer as a social and political actor, Cseres called for competition law to reflect democratic values, social justice, and collective well-being.

Subsequent presentations addressed enforcement perspectives related to user rights and the free flow of information. **Dr Katarzyna Sadrak** (Digital Platforms, European Commission) offered insights from the decisional practice of the European Commission. She examined the legal foundations of EU competition law and the DMA, highlighting key synergies between the two. In particular, she emphasized the DMA’s procedural efficiency as a complement to the flexibility of competition law. While identifying cases of potential parallel application, she clarified the rationale for maintaining the distinct legal paths in each scenario.

Public enforcement, however, must be complemented by private mechanisms that directly touch upon users’ rights and welfare. In his presentation titled *Tracing the Silhouettes of Competition Law Private Enforcement in the DMA*, **Prof. Ondrej Blažo** (Comenius University Bratislava) argued that DMA private enforcement should be more closely aligned with established practices under competition law. He advocated for the introduction of uniform rules for DMA private enforcement, including a possible extension of the Damages Directive<sup>10</sup> to ensure the effectiveness of users’ rights.

5 This presentation has been recorded and is available for viewing at <https://www.youtube.com/watch?v=SkQSo1pwYvE> (accessed: 1.8.2025).

6 Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC [2019] OJ L 130/92.

7 Regulation (EU) 2024/1689 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 [2024] OJ L, 2024/1689.

8 D. Kuźnicka-Błaszowska, N. Kostyuk, Emerging need to regulate deepfakes in international law: the Russo-Ukrainian war as an example, *Journal of Cybersecurity*, Vol. 11, Issue 1, 2025, <https://academic.oup.com/cybersecurity/article/11/1/tyaf008/8127651> (accessed 1.8.2025).

9 This presentation has been recorded and is available for viewing at <https://www.youtube.com/watch?v=fWAtwAnzqpk> (accessed 1.8.2025).

10 Directive 2014/104/EU on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union [2014] OJ L 349/1.

The panel concluded with **Dr Iga Małobęcka-Szwast** (University of Warsaw), who examined a critical intersection of digital regulation in her presentation *Interplay Between the DMA and GDPR – Is the GDPR a Barrier to the DMA's Data Obligations or a Driving Force Behind Them?* She argued that, substantively, the GDPR<sup>11</sup> can support the DMA's objectives. However, she stressed that effective cooperation between the relevant authorities is essential for realizing the DMA's goals in practice.

## V. Challenges for consumer protection in the Digital Single Market

Panel III, concluding the first day of the conference, explored the relevance of the DSM concept for protection of consumer rights. Moderated by Igor B. Nestoruk the panel reflected on today's challenges, shaped by the Information Revolution also called Industrial Revolution 4.0, that especially from consumer protection perspective resists simple legal classification. The panel aimed to showcase diverse approaches to consumer protection in digital environments, highlighting the complexity of the ongoing debate.

In the first presentation<sup>12</sup> of this panel **Prof. Emilia Miścenić** (University of Rijeka) referred to the concept of “digital fairness”, seeking to answer the question: *Is EU consumer law fit for purpose?* She pointed to the mosaic of regulations that consumers in the EU face when seeking to assert their rights in relation to traders or platforms. At the same time, she emphasized the significance of the Digital Fairness Fitness Check,<sup>13</sup> which highlighted, among other things, the considerable risk of information overload, while also noting that simplifying the existing rules would cause unnecessary compliance costs for traders. In her concluding remarks, she pointed to a list of proposals from academia and practice on how to address the challenges of the DSM and consumer protection.

The foundations of digital fairness were addressed in the presentation by **Prof. Monika Namysłowska** (University of Łódź). In revisiting the architecture of EU consumer law, she critically referred to the regulatory mosaic, which in her view creates an illusion of progress (“regulation grows, protection stagnates”). Especially when confronted with systemic power of platforms in her view the existing, classical legal tools (info duties, withdrawal rights) do not sufficiently address the systemic unfairness as exemplified by dark patterns, nudges and manipulative design (“we fix symptoms, not systems”). Pointing to the four pillars of the future Digital Fairness Act,<sup>14</sup> Prof. Namysłowska called for a shift in legal logic, which should be accompanied by a proper recognition of risks, tasks, and objectives (“fairness must be designed”).

The authors of the remaining three presentations in this panel were selected as a result of a call for abstracts addressed to postdoctoral researchers.

**Dr Klaus Wiedemann** (Max Planck Institute for Innovation and Competition in Munich) focused his research question on the ability of EU law, especially personal data and consumer protection law, to adequately protect consumers in the context of AI-based pricing methods in the DSM. After introducing the economic perspective on various price determination methods, he shared regulatory examples from selected EU legislation and pointed to the need for a coherent legal approach, emphasizing the importance of considering both the B2B and B2C levels. In the context of the latter relationship, Dr Wiedemann has not identified any fundamental challenges, nevertheless noted increased consumer protection

requirements (“more regulation on substance based on human rights considerations”).

The consumer perspective was also emphasized in the presentation by **Dr Adrianna Michałowicz** (University of Łódź), which focused on the topic of data altruism under the Data Governance Act<sup>15</sup> (DGA). The main research question analyzed was whether data altruism, as designed in the DGA, truly empowers consumers and facilitates the free flow of data in the EU's DSM, or whether it constitutes an overly rigid and unappealing legal structure that fails to achieve its objectives. Against this background, and in light of a critical assessment of the solutions adopted in the DGA, Dr Michałowicz suggested the need for a reform of the regulatory framework for data altruism “to make it more attractive and practical while maintaining robust consumer protection.”

**Dr Julija Kalpokienė** (Vytautas Magnus University), in turn, addressed the regulatory approach within the EU that requires the marking of AI-generated content. Given the rapid development and increasingly widespread use of applications based on generative AI tools, and in the context of transparency requirements and fostering informed consumer choices, she suggested a change in the current approach – instead of marking AI-generated content, it should be human-created content (i.e., content created without the use of AI tools) that is appropriately labelled. In her view, such a solution would promote human creativity, while still supporting informed decisions by users consuming digital content.

## VI. Launch of the Handbook: Rights of Users in the Digital Single Market

To mark the end of first day the team of the dig\_INFlow Chair presented the recently published bilingual *Handbook: Rights of Users in the Digital Single Market*.<sup>16</sup> In a brief overview, Dr Malaga introduced the handbook's objectives and content. Based on their teaching and research experience, the authors of the Handbook discuss the new or reinforced rights granted to platform users in the DSA and the DMA.

The Handbook is intended as an invitation to further discussion on practical aspects of rights of users and its enforcement. It is also guiding the students participating in courses taught as part of the dig\_INFlow Chair project. Dr Malaga extended special thanks to the students who contributed to the publication by preparing illustrations highlighting key issues corresponding to the chapters discussing users' rights.

## VII. Neurodata and Neurorights

Involving young researchers has been an important objective of the dig\_INFlow Chair. Therefore, the second day of the

11 Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC [2016] OJ L 119/1.

12 This presentation has been recorded and is available for viewing at <https://www.youtube.com/watch?v=Xeqc0lQtxQA> (accessed 1.8.2025).

13 Commission Staff Working Document Fitness Check on EU consumer law on digital fairness, Brussels, 3.10.2024, SWD(2024) 230 final, [https://commission.europa.eu/document/707d7404-78e5-4aef-acfa-82b4cf639f55\\_en](https://commission.europa.eu/document/707d7404-78e5-4aef-acfa-82b4cf639f55_en) (accessed 1.8.2025).

14 See the progress of that initiative: [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14622-Digital-Fairness-Act\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14622-Digital-Fairness-Act_en) (accessed 1.8.2025).

15 Regulation (EU) 2022/868 on European data governance and amending Regulation (EU) 2018/1724 [2022] OJ L 152/1.

16 K. Klaffkowska-Waśniowska, M. Malaga, I.B. Nestoruk, Prawa użytkowników na jednolitym rynku cyfrowym. Rights of users in the Digital Single Market. Handbook, Wydawnictwo Naukowe UAM 2025, available online in open access: <https://repozytorium.amu.edu.pl/items/ee28edf0-0a38-4dc4-b17e-a7e67bcc23bc> (accessed 1.8.2025).

conference started with a workshop prepared in cooperation with AMU team Paulina Klisowska, Dr Igor Gontarz and Dr Łukasz Szoszkiewicz, responsible for Summer Institute in Computational Social Science (SICCS-AMU/Law). **Mikołaj Ryśkiewicz**, a PhD candidate researcher in empirical jurisprudence at the University of Warsaw, encouraged especially young researchers to explore computational methods for empirical research in the legal science.

The leading topic of this day was the neurodata and neuro-rights. Intriguing questions concerning brain data, access to and use of information derived from neuro-transmissions where explored first in the keynote lecture, and in the following debate<sup>17</sup>. The opening lecture offered the joint perspective of a neuroscientist **Dr Marcin Naranowicz** (AMU Cognitive Neuroscience Center, and Department of Psycholinguistic Studies of the Faculty of English) and a lawyer, **Dr Hannah Thornton** (Noerr PartGmbB), as well as a member of the Scientific Committee of the conference. Key objectives and methods of neuroscience were clearly outlined by Dr Naranowicz, based on his research into mood recognition. Dr Thornton discussed the need to develop new concepts for brain data in the broad framework of EU data law.

Dr Thornton, and Dr Szoszkiewicz (European Affairs Director at the NeuroRights Foundation) moderated the debate exploring further the issues of access to neurodata, innovation in the area of research and consumer devices as well as challenges for privacy and rights of consumers. The debate included researchers from US, **Prof. Peter Yu** (Director of the Center for Law and Intellectual Property, Texas A&M) and

**Dr Stephen Damianos** (Neurotechnology Center Columbia University, Executive Director NeuroRights Foundation) and Europe **Dr Mikołaj Buchwald** (Poznań Supercomputing and Networking Center, Polish Academy of Science). The perspective of the Polish Personal Data Authority, offered by Mrs **Marta Pych**, served as a valuable contribution from the regulatory perspective.

## VIII. Conclusions

The debate during the second day of the conference gradually unravelled the regulatory gaps and concerns, in light of the potential of neuroscience, including innovative products available on the market. It complemented perfectly the proceedings of the whole event that featured interdisciplinary discussions on existing and potential regulatory approach to most valuable resources of digital markets: information and data, as underscored in the closing remarks by prof. UAM Katarzyna Klaffkowska-Waśniowska. The conference gathered academics from different centres in Europe as well as researchers from the US, representatives of EU institutions and national authorities responsible for key areas related to users' protection within the DSM. The participants of the conference maintained predominantly legal perspective, but did not overlook Europe's ambitions to become the global technological hub and developing the striving digital economy. ■

<sup>17</sup> This part of the proceedings of the second day of the conference were livestreamed and is available for viewing at: <https://www.youtube.com/watch?v=9CwOfttgJ4c> (accessed 1.8.2025).