

Introduction



Graça Enes , Inês Neves , and Tiago Morais Rocha 

The current digital transformation represents one of the most profound and far-reaching phenomena of our time, with ramifications that extend across a vast array of domains. The pace, scope, and impact of this phenomenon are pervasive, affecting every aspect of our lives, including the ways in which we work, communicate, consume, engage with governments, businesses, and one another. As the European Union (‘EU’) persists in defining and redefining its role in this rapidly evolving landscape, it is confronted with the urgent need to reconcile the promises of innovation with the protection of fundamental rights, democratic values, and constitutional principles.

This book represents the outcome of the inaugural International Conference, entitled “A Digital Europe for Citizens”, which was organised by the Jean Monnet Module DigEUcit. “A Digital Europe for Citizens. Constitutional and Policymaking Challenges”. The conference was held on 14 April 2023 at the Faculty of Law of the University of Porto and it brought together leading legal scholars, practitioners and policymakers to examine the interconnections between digitalisation, law and society in the context of the European Union’s regulatory framework and approach to digitalisation.

The book presents the work of experts from a range of legal fields. In particular, it examines three critical areas of digital policy and governance, building on the discussions and insights derived from the event. The subject matter of the conference

G. Enes (✉) · I. Neves · T. Morais Rocha
Faculty of Law of the University of Porto, Porto, Portugal
e-mail: gef@direito.up.pt

CIJ—Centre for Interdisciplinary Research on Justice, Porto, Portugal

I. Neves
e-mail: ineves@direito.up.pt

T. Morais Rocha
e-mail: trocha@direito.up.pt

was data governance, digital markets and digital services. This structured approach, reflected in this book, allows readers to navigate the key implications of European Digital Constitutionalism (*lato sensu*) with ease, thereby fostering a better understanding of the evolving digital landscape in Europe.

In light of the accelerated evolution of the digital landscape in the EU, the establishment of a robust protective framework for European citizens is of heightened importance. In order for this to occur, it is essential to begin with the fundamentals and gain an understanding of the central characteristics of digital constitutionalism and its capacity to safeguard citizens in the digital domain while also guaranteeing accountability and the rule of law in the context of rapid technological developments that challenge traditional legal frameworks. Given the ongoing digital transformation of the European landscape, this book seeks to emphasise the continued relevance of upholding democratic values, ensuring the protection of citizens' rights, and fostering an open and inclusive society. It examines how the EU's regulatory frameworks can facilitate the attainment of these objectives while also acknowledging the inherent complexity and dynamic nature of the digital world.

From this point onwards, an examination of specific aspects of the digital landscape and paradigmatic shifts can be undertaken, with a particular focus on the role of data in the digital economy. Data has emerged as a vital asset for economic growth and social development, with the European Union acknowledging the necessity for effective data governance, fair access and uses. The discussion held on 14 April 2023, and now reflected in this book of proceedings, presents the approach of the European Commission and elucidates the concept of European data spaces and the EU's objective of ensuring equitable data sharing among various stakeholders, while adhering to EU values and principles.

Moreover, it addresses the regulatory challenges of digital markets, which present distinctive challenges that traditional competition law and regulations seem inadequate to address. In view of the pivotal role played by the Digital Markets Act in addressing the fairness and contestability issues prevalent in contemporary digital markets, this book emphasises the necessity for an interpretation of the Act in conjunction with the freedom to conduct business for both gatekeepers and business users.

Although they originate from the same legislative package and are typically regarded as two aspects of a single entity, the Digital Services Act has a distinct focus. The objective is to establish a more secure online environment for users (citizens) and to ensure that digital platforms are held to account, irrespective of their scale. It is therefore related to the field of consumer protection in the context of the digital age, a relationship which is also addressed in this book.

As the digital realm continues to expand, it is of the utmost importance that the European Union demonstrates its commitment to upholding fundamental rights while fostering innovation, in order to ensure the creation of a fair and inclusive digital economy. The discussions held at the conference, together with the conclusions set out in this book, provide a valuable guide for policymakers, legal experts and citizens alike.

This collection of texts provides readers with a unique opportunity to examine the ongoing digital transformation from a distinctly European perspective. By drawing on the expertise of legal scholars and practitioners, readers will be able to gain insights into the EU's successes, its challenges, and the road ahead in managing the complexities of data, digital markets, and digital services, which are all the more important in the current geopolitical context. In contrast to numerous other texts that concentrate narrowly on a single aspect of digital law, this work integrates a diverse array of issues within a unified framework, thereby establishing a foundation for discussion on the broader constitutional principles of digital constitutionalism. The contributions presented here are unified in their commitment to ensuring that the digital revolution does not bypass the fundamental values of justice, equality, and fairness.

In conclusion, as indicated by the motto of the Jean Monnet Module, this book is not merely about the digitalisation of Europe; it is about the construction of a digital Europe that serves the interests of its citizens following a holistic constitutional perspective. The contributions presented here encourage engagement with the intricate and evolving domain of digital law, and prompt reflection on the future that is being shaped through our legal frameworks and policies.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

