

European Citizens' Initiative for the Interoperability of Digital Services.

A Position Paper - draft01 (November 2019)

Abstract

Digital Service market has not been developing competitively. Instead, it has been strongly influenced by the presence of positive externalities mainly coming from a huge network effect, which has led to monopolistic concentrations. Eumans¹ ECI initiative asks for an intervention of the European Commission aimed to set-up a regulatory framework and introduce the principle of interoperability into the digital service market.

Traditional markets reward best players, through competition and subsequent selection. **Survival of the fittest.**

Modern digital markets work differently, for - at least - a couple of reasons. The first one relates to the decision of the US government not to place a limit to digital giants, diverging from what has been done since the 1890's Sherman Act. Then, users themselves, have soon been interested in polarizing on a single, enormous, platform to better communicate with each other. **The Network Effect.**

For the first time in history, consumers have been creating their own monopolies to which submit themselves. This built the success of a single - unbeatable - platform for each market niche. One social network, one microblogging, one messaging app, one marketplace, one home rental service, and so on. **It's a winner-take-all world.**

It's essential to make an effort to heal this condition, as soon as possible.

How to recover this unfortunate situation.

Looking for an effective and liberal method to recover from this adversity, it comes clear that consumers should be allowed to choose a service (social network, messaging, advertising, auctioning) freely interacting, regardless of which platform they have chosen. A decentralized schema has, therefore, to be explored.

¹ <https://www.eumans.eu/>

What we need is a full open-standard solution, made of:

- an interoperability framework enabling citizens to use digital services via different platforms;
- a distributed schema able to let users decide whether to grant, deny or withdraw the use of data, they deem appropriate;
- a distributed technology to deploy such a logic, with no need for effective centralization;

Political actors engagement on such an issue is fundamental, to increase both awareness and attention. Indeed this seems to be true since world politics appears to be caught between two sorts of biases:

- China-style: the infamous, state-driven pervasive control;
- USA-style: the cheap *laissez-faire* practiced by an economy that abdicated all regulatory antitrust powers.

Citizen empowerment

The European Citizens' Initiative is “a participatory democracy instrument that allows citizens to suggest concrete legal changes in any field where the European Commission has the power to propose legislation, such as the environment, agriculture, energy, transport or trade.”²

An ECI needs to be backed by 1 million statements of support, in at least 7 countries of the European Union. Statement of Support can be collected on paper or via an online form. A first ECI draft has been edited, aiming to set some boundaries for impacted markets and to clarify which operators would be appropriate to involve in the effects of the legislation.

Eumans identifies a series of activities in coordination with the ECI: joint efforts, nonviolent actions, institutional interlocutions as well as other instruments of participatory democracy.

² <https://ec.europa.eu/citizens-initiative/public/basic-facts>

ECI text (draft01 - sep2019):

1. Title

An interoperability framework for information society services

2. Object

We ask the Commission to create a regulatory framework for interoperability in the information society service markets, in order to encourage competition amongst online operators and facilitate users' migration between service providers.

3. Main Objectives

Interoperability will allow small operators, new entrants and Start-up to better compete in online markets, especially when such markets are dominated by a single operator because of their network externalities.

Interoperability of services and competition will facilitate citizens to freely choose platforms for buying, searching, communicating, sharing on social media, getting informed or performing other online activities. To this purpose, interfaces shall be enabled in order to encourage integration between technical services like advertising networks, auctions engines and data sharing, with respect of data ownership and privacy regulations.

4. Legal Basis

Articles 4(2)(a), 26, 56, 102, 114 and 115 of the Treaty on the Functioning of the European Union (TFEU).

While drafting the text, an effort has been made to develop the correct terminology: European Law recognizes two large classes of digital services: Electronic Communication Services (ECS) and Information Society Services (ISS). ECS include internet and voice connectivity services, while ISS are defined as all the other services found in the digital ecosystem. Furthermore, a choice has been done, to prevent a strict definition of which category of services should be impacted by the ECI. Instead, attempts were made to include the various forms of digital services available today - and those that will be available tomorrow.

The intention to facilitate the entry of new small operators has been highlighted, since smaller companies could - in areas made interoperable - intervene on markets that are today completely unapproachable. Still open to discussion is the issue concerning the obligation

for interoperability, whether it should be applied to all operators or only to those in a position of dominance.

Carpe Diem

Observers, assessing the current situation in the EU and abroad, use to focus on a couple of issues:

1) the painful lack of competition, and the awareness that the proposed remedies are likely to be ineffective. Huge fines, strict rules, raised taxation could be of a certain help but surely would not get the point.

2) the making of public opinions (and this is scary). The assessments of the impact of social networks on opinion-making bring enormous, and totally unexplored, concerns regarding the distortions introduced via micro-targeting.

Both issues raised to public attention. It's now clear enough that time is come for EU citizens to act.

Activation

One million statements of support, collected all across Europe, represent a huge target that cannot be reached by a single organization.

Eumans calls single citizens and organizations to collaborate on this ECI project. Some work still needs to be done for:

- elaboration on regulatory, legal or technical matters that could become part of the dossier to be submitted to EU commission;
- studies on interoperability layers, setup of proof-of-concept, other technical collaboration
- collaboration to organize the collection of signatures

Who we are

EUMANS pushes forward Citizens Initiative within the EU, addressing issues such as Rule of Law, Climate Change, Digital Rights, Science Freedom, Information, Political Rights. EUMANS supports individuals and NGOs' own Initiatives in the perspective of a bottom-up wide reform of European Policies. EUMANS is led by Marco Cappato, a former MEP and nonviolent leader in Italy, together with European citizens and activists from all around Europe.