

## II. EFFECT OF FUNDAMENTAL RIGHTS: (2) HORIZONTAL

- Fundamental rights used (mostly by courts) to determine the entitlements and obligations of private parties against each other

### **Direct horizontal effect:**

- Remedy (e.g. damages, injunction) directly descends from fundamental rights
- Private party directly bound by fundam. right

### **Indirect horizontal effect:**

- Fund. right → interpretation of private law
- Private party not directly bound by fund. right

# Online Horizontal Effect Fundamental Rights Law

**Xiang Xie**



## **Online Horizontal Effect Fundamental Rights Law:**

*Judicial Protection of Fundamental Rights on the Internet* Oreste Pollicino, 2021-04-22 This book explores how the Internet impacts on the protection of fundamental rights particularly with regard to freedom of speech and privacy In doing so it seeks to bridge the gap between Internet Law and European and Constitutional Law The book aims to emancipate the debate on internet law and jurisprudence from the dominant position with specific reference to European legal regimes This approach aims to inject a European and constitutional soul into the topic Moreover the book addresses the relationship between new technologies and the protection of fundamental rights within the theoretical debate surrounding the process of European integration with particular emphasis on judicial dialogue This innovative book provides a thorough analysis of the forms models and styles of judicial protection of fundamental rights in the digital era and compares the European vision to that of the United States The book offers the first comparative analysis in which the notion of judicial frame borrowed from linguistic and cognitive studies is systematically applied to the theories of interpretation and argumentation With a Foreword by Robert Spano President of the European Court of Human Rights

**Fundamental Rights Protection Online** Bilyana Petkova, Tuomas Ojanen, 2020-12-25 Fundamental Rights Protection Online presents an in depth analysis of national supranational and international attempts at online speech regulation illustrating how the law has been unsettled on how to treat intermediaries

Digital Constitutionalism in Europe Giovanni De Gregorio, 2022-05-26 How to protect rights and limit powers in the algorithmic society This book searches for answers in European digital constitutionalism

**Responsible AI and Analytics for an Ethical and Inclusive Digitized Society** Denis Dennehy, Anastasia Griva, Nancy Pouloudi, Yogesh K. Dwivedi, Ilias Pappas, Matti Mäntymäki, 2021-08-25 This volume constitutes the proceedings of the 20th IFIP WG 6.11 Conference on e Business e Services and e Society I3E 2021 held in Galway Ireland in September 2021 The total of 57 full and 8 short papers presented in these volumes were carefully reviewed and selected from 141 submissions The papers are organized in the following topical sections AI for Digital Transformation and Public Good AI AI Philosophy Ethics Privacy Digital Enabled Sustainable Organizations and Societies Digital Technologies and Organizational Capabilities Digitized Supply Chains Customer Behavior and E business Blockchain Information Systems Development Social Media and Teaching Learning The conference was held virtually due to the COVID 19 pandemic

The European Union as Guardian of Internet Privacy Hielke Hijmans, 2016-09-06 This book examines the role of the EU in ensuring privacy and data protection on the internet It describes and demonstrates the importance of privacy and data protection for our democracies and how the enjoyment of these rights is challenged by particularly big data and mass surveillance The book takes the perspective of the EU mandate under Article 16 TFEU It analyses the contributions of the specific actors and roles within the EU framework the judiciary the EU legislator the independent supervisory authorities the cooperation mechanisms of these authorities as well as the EU as actor in the external domain Article 16 TFEU enables the Court of the Justice of the EU to play its role as

constitutional court and to set high standards for fundamental rights protection It obliges the European Parliament and the Council to lay down legislation that encompasses all processing of personal data It confirms control by independent supervisory authorities as an essential element of data protection and it gives the EU a strong mandate to act in the global arena The analysis shows that EU powers can be successfully used in a legitimate and effective manner and that this subject could be a success story for the EU in times of widespread euroskepsis It demonstrates that the Member States remain important players in ensuring privacy and data protection In order to be a success story the key stakeholders should be prepared to go the extra mile so it is argued in the book The book is based on academic research for which the author received a double doctorate at the University of Amsterdam and the Vrije Universiteit Brussels It builds on a long inside experience within the European institutions as well as within the community of data protection and data protection authorities It is a must read in a time where the setting of EU privacy and data protection is changing dramatically not only as a result of the rapidly evolving information society but also because of important legal developments such as the entry into force of the General Data Protection Regulation This book will appeal to all those who are in some way involved in making this regulation work It will also appeal to people interested in the institutional framework of the European Union and in the role of the Union of promoting fundamental rights also in the wider world

Research Handbook on EU Internet Law Andrej Savin, Jan Trzaskowski, 2023-10-06 The Internet has brought about unprecedented changes to modern life creating a connected society but also radically opening up the question of how to design and apply legal rules in a digital world This thoroughly revised second edition provides an updated exploration of the latest developments and controversies in European Internet law

**The Financial Crisis in Constitutional Perspective** Poul F Kjaer, Gunther Teubner, Alberto Febbrajo, 2011-07-27 This volume presents the first thorough sociologically informed legal analysis of the financial crisis which unfolded in 2008 It combines a multitude of theoretically informed analyses of the causes dynamics and reactions to the crisis and contextualises these within the general structural transformations characterising contemporary society It furthermore explores the constitutional implications of the crisis and suggests concrete changes to the constitutional set up of contemporary society Although the question of individual responsibility is of crucial importance the central idea animating the volume is that the crisis cannot be reduced to a mere failure of risk perception and management for which individual and collective actors within and outside of financial organisations are responsible The 2008 crisis should rather be understood as a symptom of far deeper structural transformations For example contemporary society is characterised by massive accelerations in the speed with which societal processes are reproduced as well as radical expansions in the level of globalisation These transformations have however been asymmetrical in nature insofar as the economic system has outpaced its legal and political counterparts The future capability of legal and political systems to influence economic reproduction processes is therefore conditioned by equally radical transformations of their respective operational forms and self

understanding Potentially the 2008 crisis therefore has far reaching constitutional implications Publishers' Rights and Copyright Law Michalina Kowala, 2025-06-30 This book assesses the related rights of press publishers in the context of access to information and media pluralism Discussing Art 15 of the Directive EU 2019 790 of 17 April 2019 the book looks to create balance between publishers rights and both the protection of freedom of expression and freedom of information With the rise of AI and an increasing interest on internet users right to access information the book focuses on online platforms and the dissemination of information as well as on the legal challenges posed by the use of AI to produce and disseminate news Using the French transposition of Art 15 as a case study and referring to its implementation in numerous Member States the book discusses the broad picture of publishers protection across Europe and even further as international case studies in Australia and Canada are also discussed The book will be of interest to researchers in the field of media law EU law copyright law and freedom of information

**The Right to Erasure in Eu Data Protection Law** Postdoctoral Researcher Jef Ausloos, 2020-04-27 The right to erasure or right to be forgotten has become a major flashpoint in the courts and public opinion of the potential and limits of data protection law to empower individuals to control their data This is the first book to focus on the right to erasure in the context of Article 17 of the GDPR its theory history and legal scope YSEC Yearbook of Socio-Economic Constitutions 2023 Eduardo Gill-Pedro, Andreas Moberg, 2024-05-06 Artificial intelligence AI has the potential to radically transform our society It may lead to a massive increase in the capabilities of humankind and allow us to address some of our most intractable challenges It may also entail profound disruption to structures and processes that have sustained our society over centuries These developments present a unique challenge to the socio economic constitutional arrangements which govern our world at national regional and international level The deployment of increasingly powerful AI systems able to function with increasing degree of autonomy has led to concerns over loss of human control of important societal processes over the disruption of existing economic social and legal relationships and over the empowerment of some societal actors at the expense of others together with the entrenchment of situations of domination or discrimination It has also made increasingly clear how tremendous the potential benefits that these technologies may bring are to those who successfully develop and deploy them There is therefore great pressure on governments international institutions public authorities civil society organisations industry bodies and individual firms to introduce or adapt mechanisms and structures that will avoid the potentially negative outcomes of AI and achieve the positive ones These mechanisms and structures which have been given the umbrella term AI governance cover a wide range of approaches from individual firms introducing ethical principles which they volunteer to abide by to the European Union legislating an AI Act which will prohibit certain types of AI applications and impose binding obligations on AI developers and deployers The fast pace of innovation in the development of AI technologies is mirrored by the fast pace of development of the emerging field of AI governance where traditional legislation by public bodies is complemented with more innovative approaches such

ashybrid and adaptive governance ethical alignment governance by design and the creation of regulatory sandboxes The chapter AI and Sensitive Personal Data Under the Law Enforcement Directive Between Operational Efficiency and Legal Necessity is available open access under a Creative Commons Attribution 4.0 International License via link [springer.com](https://www.springer.com)

*Global Technology and Legal Theory* Guilherme Cintra Guimarães, 2019-06-05 The rise and spread of the Internet has accelerated the global flows of money technology and information that are increasingly perceived as a challenge to the traditional regulatory powers of nation states and the effectiveness of their constitutions The acceleration of these flows poses new legal and political problems to their regulation and control as shown by recent conflicts between Google and the European Union EU This book investigates the transnational constitutional dimension of recent conflicts between Google and the EU in the areas of competition taxation and human rights More than a simple case study it explores how the new conflicts originating from the worldwide expansion of the Internet economy are being dealt with by the institutional mechanisms available at the European level The analysis of these conflicts exposes the tensions and contradictions between on the one hand legal and political systems that are limited by territory and on the other hand the inherently global functioning of the Internet The EU's promising initiatives to extend the protection of privacy in cyberspace set the stage for a broader dialogue on constitutional problems related to the enforcement of fundamental rights and the legitimate exercise of power that are common to different legal orders of world society Nevertheless the different ways of dealing with the competition and fiscal aspects of the conflicts with Google also indicate the same limits that are generally attributed to the very project of European integration showing that the constitutionalization of the economy tends to outpace the constitutionalization of politics Providing a detailed account of the unfolding of these conflicts and their wider consequences to the future of the Internet this book will appeal to scholars working in EU law international law and constitutional law as well as those in the fields of political science and sociology

**Governance of Automated Decision-Making and EU Law**, 2024-08-22 Governance of Automated Decision Making and EU Law presents a comprehensive and nuanced exploration of the intricate relationship between technological innovation and democratic governance in Europe Focused on preserving constitutional values within the European Union the book rigorously examines the profound impact of information technologies on rule making and decision making processes The dual objectives of the volume are to comprehensively explore the impact of innovative information technologies on the EU's public law and to devise future proof regulatory strategies in the face of rapid technological advancements Addressing the spread of information technology and automated decision making processes across EU policy sectors the work delves into potential risks to democratic principles and accountability standards Advocating for a comprehensive approach the volume integrates legal policy and technological considerations to establish accountability standards for automated decision making systems Tailored for academics researchers and policymakers Governance of Automated Decision Making and EU Law provides a vital resource for understanding the complexities and

opportunities associated with the digitalization of shared administration in the EU. It contributes significantly to the ongoing discourse on safeguarding constitutional values and principles of good governance in the digital era. The findings underscore the interconnectedness of information systems across EU regulated policy areas and the risks posed by automated decision making systems. Urging attention to transparency and accountability, the book addresses these concerns through eleven chapters offering insights into normative requirements, administrative procedures, market regulation, digital health, borders and immigration, political advertising, interoperability framework, AI technology and their intersection with legal principles. This is an open access title available under the terms of a CC BY NC ND 4.0 International license.

### **Personal Data**

**Protection and Legal Developments in the European Union** Tzanou, Maria, 2020-06-12. In the age of technological advancement including the emergence of artificial intelligence, big data and the internet of things, the need for privacy and protection has risen massively. This phenomenon has led to the enforcement of two major legal directives in the European Union (EU) that aim to provide vigorous protection of personal data. There is a need for research on the repercussions and developments that have materialized with these recent regulations and how the rest of the world has been affected. *Personal Data Protection and Legal Developments in the European Union* is an essential reference source that critically discusses different aspects of the GDPR and the Law Enforcement Directive as well as recent jurisprudential developments concerning data privacy in the EU and its member states. It also addresses relevant recent case law of the Court of Justice of the EU, the European Court of Human Rights and national courts. Featuring research on topics such as public transparency, medical research data and automated decision making, this book is ideally designed for law practitioners, data scientists, policymakers, IT professionals, politicians, researchers, analysts, academicians and students working in the areas of privacy, data protection, big data, information technology and human rights law.

*The Quest for Rights* Massimo La Torre, Leone Niglia, Mart Susi, 2019. This discerning book explores the concept of human and fundamental rights originating from the seminal work by the German legal scholar and constitutional lawyer Robert Alexy. Recognising the growing challenges to the idea of the universality of Human Rights, expert scholars consider time independent conceptual questions which inevitably lie at the heart of any contemporary human rights discourse. What is the justification of balancing and/or trading off fundamental rights against other rights and collective goods? And are there utilitarian considerations that can limit the normative force of human rights?

*Personality and Data Protection Rights on the Internet* Marion Albers, Ingo Wolfgang Sarlet, 2022-03-12. This book focuses on protection needs and new aspects of personality and data protection rights on the Internet, presenting a comprehensive review that discusses and compares international, European and national Brazilian, German, Pakistani perspectives. It deals with overarching questions such as whether universal minimum standards of privacy protection can be developed or how regional data protection rights can be safeguarded and enforced extraterritorially given the conditions of the Internet. Furthermore, the book addresses new challenges and novel rights, e.g. data retention and protection against mass

surveillance the right to be forgotten rights to anonymity legal issues of the digital estate or rights relating to algorithmic decision making Furthermore the book explores how well known paradigms such as liability for personality rights violations or damages have to be adapted in view of the significant role of intermediaries

**Assessing Internet Development in Germany** UNESCO,2021-09-11 Note This is an assessment of 109 core indicators and 21 contextual indicators instead of the full set of 303 indicators and it is therefore not intended to cover all dimensions of the digital ecosystem in the country but serves to take stock of significant progress and signal those gaps in a need to be improved in adhering to ROAM framework As the Internet environment is changing very fast so are the data collected and analysis and recommendations made upon UNESCO encourages countries to continue the dialogues about the findings and to update the assessment after due time while also keeping track of the latest developments to monitor and adapt and sometimes strengthen the recommendations to further enhance their impact as appropriate

*Transnational Culture in the Internet Age* Sean A. Pager,Adam Candeub,2012-01-01 Digital technology has transformed global culture connecting and empowering users on a hitherto unknown scale Existing paradigms from intellectual property rights to cultural diversity and telecommunications regulation seem increasingly obsolete confounding policymakers and provoking wide ranging debate Transnational Culture in the Internet Age draws on a range of disciplines to examine new approaches to regulating communications and cultural production The insightful contributions shed new light on insufficiently examined issues and highlight connections that cut across the many different domains in which such regulations operate Building upon the framework presented by David Post one of the first and most prominent scholars of cyber law and a contributor to this volume the authors address the implications and economics of the Internet s astronomical scale jurisdiction and enforcement of the web as it relates to topics including libel tourism and threats to free speech and the power of global communication to dissolve and recreate identities Ideal for students and scholars of innovation technology cyber law and communication Transnational Culture in the Internet Age will be a valuable addition to any library

*Research Handbook on Labour, Business and Human Rights Law* Janice R. Bellace,Beryl ter Haar,2019 Inquisitive and diverse this innovative Research Handbook explores the ways in which human rights apply to people at work through national constitutional provisions judicial decisions and the application of rights expressed in supranational instruments Key topics include evaluation of the role of the ILO in developing and promoting internationally recognized labour rights and the examination of the meaning of the obligation of business to respect human rights considering the evolution from international soft law to incorporation in codes of conduct and the emerging requirement of due diligence

**Private Law in the 21st Century** Kit Barker,Karen Fairweather,Ross Grantham,2017-01-26 This book brings together a wide range of contributors from across the common law world to identify and debate the principal moral and systemic challenges facing private law in the remaining part of the twenty first century The various contributions identify serious problems relating to complexity and overload threats to research and education the law s



unintelligibility the unsatisfactory nature of the law reform process and a general lack of public engagement They consider the respective future roles of statutes codes and judge made law in the form of both common law and equitable rules They consider how best to organise the private law system internally and how to co ordinate it externally with other public and economic systems human rights regulation insurance markets and social security frameworks They address the challenges for private law presented by new forms of technology and by modern demands for the protection of new and intangible forms of moral interest such as interests in privacy vindication and personal choice They also engage with the critical contemporary debates about access to and the privatisation of civil justice The work is designed as a source of inspiration and reference for private lawyers as well as legislators policy makers and students

*GOVERNANCE OF/THROUGH BIG DATA. Volume II*

Giorgio Resta,Vincenzo Zeno-Zencovich,2023-05-20 These two volumes collect twenty five articles and papers published within the Governance of through Data research project financed by the Italian Ministry of Universities The research project which was promoted by Roma Tre University as project lead and saw the participation of professors and reseachers from Bocconi University in Milan LUMSA University in Rome Salento University in Lecce and Turin Polytechnic cover multiple issues which are here presented in five sections Algorithms and artificial intelligence Antitrust artificial intelligence and data Big Data Data governance Data protection and privacy

## Whispering the Strategies of Language: An Emotional Journey through **Online Horizontal Effect Fundamental Rights Law**

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