

About the Human Rights and Consumer Protection in the Digital Age of Digital Services Act 2022 or What Aspects Interested Investors Should Pay Attention To

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Abstract

The EU Digital Services Act followed by the European Declaration on Digital Rights and Principles for the Digital Decade 2023/C 23/01/PUB/2023/89 delivered the latest updates marked by some specific principles, rights and obligations. It enshrines the principle that what is illegal offline must also be illegal online. Political agreement on this regulation was reached on 23 April 2022 between the European Parliament and EU Member States, and the final text of the document was published on 27 October 2022, with the DSA entering into force in November 2022, and the provisions applying mainly from 17 February 2024 (Article 93). For this article we used a research method directly connected to the current of constructivism in the evolution and propagation of international norms. The importance of understanding reality consists in the empirical approach based on the collection and analysis of relevant data to reach conclusions and generalizations based on objective and verifiable evidence based on primary and secondary sources.

Keywords: digitalization, principles, human rights, international digital investment.

JEL Classification: K33, K38, L86, O30, Z10

1. Introduction

In the analysis of how we remain some of the influences that certain regulations have on investments in the international digital services sector, the discussions revolve around the requirements and rules imposed by the DSA 2022 that could affect the decisions of investors, such as compliance requirements, liability service providers and oversight mechanisms. In the following we will dissect some key aspects that will give a clear direction to these types of investments in the future. Part of the following confuses investors because, in the absence of a clear definition of what a user means, problems of interpretation can be created that lead to confusion, since by user or by recipient of some digital services we also understand the robot or other entities ('recipient of the service' means any natural or legal person who uses the relevant intermediary service). In this case, when the Act talks about the fundamental rights of users, shouldn't the fundamental rights of service recipients also be understood? However, before any debate, this study remains focused on the notion and meaning of the term consumer in the context of human rights.

This article helps us to demarcate the meaning of the notion of consumer from any other recipient of digital services. The digital age has taken hold globally in almost

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all dimensions of society, which has required an active change in the modern collective mindset towards all these implications. These changes underline the role of experience. The mindset of primitive man, for example, was passive in that it did not analyse and change the relationships between the objects of external intuition according to some logical interest, but received everything that external intuition offered in passive association. "Because of this, the savage cannot understand the use of instrumental technique in civilized man."² Now, we are witnessing the digital transition from *rebus se subicere*, to *res sibi subicere*. The consumer himself has an active role by definition, he is a person who consumes material goods to satisfy his needs, which relates to his choices as a user of digital services Hence the protection of his own rights. It has been noted that since the end of the 20th century, both nationally and internationally, economic developments (in particular) have given rise to certain insights that consumer rights activism continues to offer the international human rights movement³. For example, the theme of this study highlights the obvious convergence of consumer protection and human rights within European Union law observed by theorists in recent years⁴. Through this merger, a two-way consolidation is taking place: from fundamental (and other human) rights to consumer protection, and *vice versa*, especially in the digital sector. Various theories examine the conceptualization of consumer protection as an intrinsic part of human rights.⁵ Whether and to what extent consumer rights are human rights has been an issue debated since the 1990s, when the digital age was beginning to take hold. Some authors proposed the gradual recognition of some consumer rights as human rights of a softer character that could later achieve full recognition, this being the general tendency of the international community to recognise new rights⁶.

Although these protections are inextricably linked in the age of digitisation, consumer rights organisations are advised to be in an integral relationship with human rights movements. The theme of this article cannot be treated in isolation from cross-disciplinary approaches and these issues will lead to changes in the setting of different educational standards in the main. This means that for example, the inter, multi or trans approach seeks to bridge the divide between communication, technology and law by examining the wider context in which they interact and considering the social, political and economic implications of their interactions. In doing so, it provides a comprehensive understanding of the legal implications of new technologies and their potential to reshape

² Daniel R. Quiroga-Villamarín, *Standardisation instead of litigation: what can human rights advocates learn from consumer protection at the ISO?* In Australian Journal of Human Rights, 2022, 28:1, p. 47, DOI: 10.1080/1323238X.2022.2094214.

³ Ibid, pp. 40-55.

⁴ See Sartor, G., *New aspects and challenges in consumer protection*, Study for the committee on the Internal Market and Consumer Protection, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2020.

⁵ Benöhr, Iris, *The Evolution of Consumer Protection and Human Rights*, EU Consumer Law and Human Rights, Oxford Studies in European Law (Oxford, 2013; online edn, Oxford Academic, 16 Apr. 2014), <https://doi.org/10.1093/acprof:oso/9780199651979.003.0003>, accessed 5 Feb. 2023.

⁶ Deutch, Sinai, *Are Consumer Rights Human Rights?*, in Osgoode Hall Law Journal 32.3, 1994, pp. 537-578, available online here: <http://digitalcommons.osgoode.yorku.ca/ohlj/vol32/iss3/4>, accessed 05.02.2023. The author states in his conclusions: "It is indeed the right time, both in domestic and international law, for such recognition".

how communication is regulated⁷. "Indeed, perhaps the most promising human rights organizations are those that undertake transdisciplinary activities, engage with the arts, media and broader forms of collective social organizing, so as to reinvent themselves for the times ahead"⁸.

The digital environment is in essence all about connecting with its consumers. Consumer digital engagement takes place in a variety of ways, from visiting and browsing a digital service provider's website, to interacting, with that provider (provider of various digital services) via social media or by clicking on company advertisements⁹. Digital consumer engagement is best examined through a cultural value lens, but also through international business and marketing research, from the perspective of the relationship between societal cultural value/personal cultural value¹⁰. Following this line of thought, we enter into the regional analysis of this issue, focusing our attention on the changes that have occurred at the level of the European Union.

The EU's Digital Services Act (DSA) delivered updates marked by some specific obligations. Political agreement on the DSA¹¹ was reached on 23 April 2022 between the European Parliament and EU Member States, and the final text of the DSA was published on 27 October 2022, with the DSA entering into force in November 2022, and the provisions applying mainly from 17 February 2024 (Article 93)¹². From the analysis of the DSA, it appears that it contains a common set of rules on responsibilities and liability for intermediary service providers and online platforms such as social networks and marketplaces. It also aims to effectively harmonise the legal framework in EU Member States and ensure a high level of protection for all internet service users, by establishing notification and action procedures for illegal content and the possibility to challenge decisions to moderate platform content; it sets stricter requirements and responsibilities for extremely large online platforms with over 45 million European users¹³. Individual legislative measures at national level would not be effective in ensuring a uniform robust protection of online rights, so regulation may be considered necessary¹⁴. Non-legislative measures are to follow on from the implementation of the provisions of the EUSD. Council of Europe member states have an obligation to guarantee human rights as described in the ECHR and interpreted in ECHR practice¹⁵.

⁷ Antonia Rosetto Ajello, *Method of Knowledge and the Challenges of the Planetary Society: Edgar Morin's Pedagogical Proposal*, in *World Futures*, 61:7, 2005, pp. 511-533, DOI: 10.1080/02604020500283126.

⁸ Peter Joseph, *The New Human Rights Movement: Reinventing the Economy to End Oppression*, BenBella Books 2017, p. 87.

⁹ See Kumar Viswanathan, Bhaskaran Vikram, Mirchandani Rohan and Shah Milap, *Creating a measurable social media marketing strategy: Increasing the value and ROI of intangibles and tangibles for hokey pokey* in *Marketing Science*, 32(2), 2013, pp. 194-212. See also Lamberton Cait, Stephen T. Andrew, *A thematic exploration of digital, social media, and mobile marketing: Research evolution from 2000 to 2015 and an agenda for future inquiry* in *Journal of Marketing*, 80(6), 2016, pp. 146-172.

¹⁰ Yuliani Suseno, Doan T. Nguyen, *Culture is in the eye of the beholder: using metaphoric representations of cultural values to enhance consumer digital engagement*, *Journal of Strategic Marketing* (online), 2021, DOI: 10.1080/0965254X.2021.1902373.

¹¹ Hereafter, the Digital Services Act will be used in the text of this article using the acronym DSA.

¹² See Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act).

¹³ For details see DSA Chapter III Section 4 and Chapter IV Section 4.

¹⁴ Lakivaliokunnan lausunto 9/2021, U 2/2021, 8 (statement of Finnish Legal Affairs Committee).

¹⁵ See for practical explanation Päivi Korpisaari, *From Delfi to Sanchez - when can an online communication platform be responsible for third-party comments? An analysis of the practice of the ECtHR and some*

This issue concerns a massive mass of consumers and internet users. Indeed, the foundations have not yet been laid for conflating human rights with consumer rights, although some pro-arguments have begun to be built. The European Declaration on Digital Rights and Principles for the Digital Decade states that consumer protection is an ethical principle (point 4 of the introductory part) and that it is protected together with the rights of users (the commitment in point 11 (a))¹⁶.

The accelerating digitisation of society and the economy has found some unregulated ground, sometimes leading to unfair conditions for investors or providers of these services and a dramatic reduction in consumer choice. This is the starting point for the analysis that is the subject of this article.

Legal research analyses and assessments need to address the impact of the convergences, divergences and intersections of the very different regimes on the realisation of human rights.

2. Digital Services Act protections

Although discussions can still be separated on certain categories of human and consumer rights, the trends are now clearer.

The harmonisation of European rules in the field of digital services mainly aims at the following courses of action: 1) measures to combat illegal content, products or services online; 2) new rules on the traceability of commercial users in online marketplaces to identify sellers of illegal goods or services; 3) effective safeguards for users whose content has been wrongly removed by platforms; 4) transparency measures for online platforms; 5) obligations on very large online platforms to prevent misuse of their systems; 6) facilitating researchers' access to key platform data; and 7) an innovative process of cooperation between public authorities to ensure effective enforcement across the single market¹⁷.

DSA establishes the following: "Commercial users, consumers, as well as other users are considered, for the purposes of this regulation, "recipients of the service" (para 2, final sentence of the preamble). In Article 3, which covers the definitions, the DSA defines the consumer as follows: "„consumer" means any natural person who acts for purposes other than those of his commercial, economic, craft or professional activity."

Point 3 states that: "Responsible and diligent behavior on the part of intermediary service providers is essential for a safe, predictable and reliable online environment and to enable citizens of the Union and others to exercise their fundamental

reflections on the Digital Services Act, Journal of Media Law (online), 2022, DOI: 10.1080/17577632.2022.2148335.

¹⁶ (4) „The ethical principles are data protection, the right to privacy, non-discrimination and gender equality, as well as principles such as consumer protection, technological and network neutrality, credibility and inclusion. Included here is enhanced protection of users' rights in the digital environment, as well as workers' rights and the right to disconnect"; plus art. 11 (a) „, to ensure a safe and secure digital environment, based on fair competition, in which fundamental rights are protected, user rights and consumer protection are guaranteed in the digital single market, and the responsibilities of platforms, especially the big players, are well defined and information flow controllers."

¹⁷ See European Commission, *What are the key objectives of the Digital Services Regulation*, material available online at: https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-services-act-ensuring-safe-and-accountable-online-environment_ro#care-sunt-etapele-urma-toare, accessed on 06.02.2023.

rights guaranteed by the Charter of Fundamental Rights of the Union European Union (hereinafter referred to as the "Charter"), in particular freedom of expression and information, freedom to carry out a commercial activity, the right to non-discrimination and the achievement of a high level of consumer protection."

The final sentence of para 47 states that: "All intermediary service providers should also pay due regard to relevant international standards for the protection of human rights, such as the United Nations Guiding Principles on Business and Human Rights."

Para 109 of the DSA provides: "In the exercise of their duties, all competent authorities should contribute to the achievement of the objectives of this regulation, namely to the smooth functioning of the internal market of intermediate services, within which the harmonized rules for a secure online environment, predictable and reliable to facilitate innovation and in particular the due diligence obligations applicable to different categories of intermediary service providers are effectively supervised and implemented with the aim of ensuring the effective protection of fundamental rights as enshrined in the Charter, to which is added the principle of consumer protection."

Last but not least, the DSA will aim to create a more stringent method of public overseeing of online platforms, especially those attracting more than 10% of the EU population.

At EU level, it is increasingly argued that a just digital transition means that "human rights and human control over the machine must remain fundamental values"¹⁸. The European Declaration on Digital Rights and Principles for the Digital Decade states that the European way of digital transformation puts people at the center and is underpinned by European values and EU fundamental rights, reaffirming universal human rights and benefiting all individuals, businesses and society as a whole. At the same time, the first principle presented in the Declaration is that of digital transformation centered on people¹⁹. Starting from the date of publication of the Declaration in the Official Journal of the EU on 23.01.2023, it is understood that any document must be interpreted based on the set of principles and rights in the Declaration. According to the right of freedom of choice in interactions with algorithms and artificial intelligence systems, the Declaration states that: "Artificial intelligence should serve as a tool for people, with the ultimate goal of enhancing their well-being." We can deduce that tools are by definition controlled by people, they are tools or devices suitable for the execution of a certain operation.

Human rights are enshrined in various international treaties, such as the Universal Declaration of Human Rights, and are designed to protect individuals from discrimination, injustice, and abuse. As technology advances, machines are becoming more powerful and are able to perform tasks that were once only possible for humans. This creates new opportunities, but also raises important questions about how we ensure that these machines are used in ways that respect and uphold human rights. One of the key ways in which human rights and human control over machines must remain

¹⁸ See European Economic and Social Committee, *Digital transition must be fair: human rights and human control over the machine must remain fundamental values*, available online here: <https://www.eesc.europa.eu/ro/news-media/news/tranzitia-digitala-trebuie-sa-fie-echitabila-drepturile-omului-si-controlul-uman-asu-pra-masinii-trebuie-sa-ramana-valori>, accessed on 06.02.2023.

¹⁹ "People are at the center of the digital transformation in the European Union. The role of technology should be to serve and benefit all people living in the EU and enable them to pursue their aspirations with full respect for their security and fundamental rights."

fundamental values is through the design and development of technology. If machines are designed without considering the potential impact on human rights, there is a risk that they will be used in ways that undermine these rights. For example, if facial recognition technology is used without proper safeguards, it can lead to discriminatory practices that violate the right to privacy and freedom from discrimination. Another important aspect of human rights and human control over machines is the need to ensure that individuals are able to make informed decisions about how their personal data is used. As technology continues to evolve, more and more data is being collected about individuals, and it is essential that individuals have control over how this data is used. This includes the right to access their data, to know how it is being used, and to give informed consent for its use. Human control over machines is essential to ensure accountability and responsibility for their actions. As machines become more autonomous, it can become increasingly difficult to attribute responsibility for their actions. Therefore, it is essential that humans remain in control of machines, and that there are mechanisms in place to ensure that those responsible for their actions are held accountable.

Human rights and human control over machines must remain fundamental values to ensure that technology is used in ways that respect and uphold human dignity and protect individuals from harm. This requires careful consideration of the potential impact of technology on human rights, and the development of appropriate safeguards and mechanisms to ensure accountability and responsibility for their actions.

If we look from the point of view of technical characteristics, it becomes essential that human rights considerations are integrated into the design and development of technology. It means that designers, engineers and developers must consider the potential impact of technology on human rights from the outset and take steps to ensure that their products and services do not violate these rights. For example, if an AI system is developed to make employment decisions, it is important to ensure that the system does not discriminate against certain groups of people based on their gender, race or ethnicity.

In the age of big data, it is essential that individuals have control over their personal data and can make informed decisions about how it is used. We mean the right to access their data, to know how it is being used and to give informed consent to its use. For example, when someone signs up for a social media platform, they should be given clear information about how their data will be used and given the option to opt out of certain uses.

In terms of human control and responsibility, as technology becomes more autonomous, it may become increasingly difficult to assign responsibility for its actions. This can create a risk of harm to people, as it may not be clear who is responsible for any negative consequences that occur. It is therefore essential that people remain in control of the machines and that mechanisms are in place to ensure that those responsible for their actions are held accountable. For example, if an autonomous vehicle is involved in an accident, there must be a clear process to determine who is responsible and to ensure that they are held accountable. Ethical considerations also play an important role in ensuring that technology is developed and used in ways that are consistent with human rights values. This includes considerations of fairness, non-discrimination and respect for individual autonomy. For example, if an AI system is used to make decisions about medical treatment, it is important to ensure that the system is fair and unbiased, and that

patients have the opportunity to contribute to the decision-making process.

In short, ensuring that human rights and human control over machines remain core values requires a multifaceted approach that includes design considerations, informed consent, accountability mechanisms, and ethical considerations. By considering these factors, we can help ensure that technology is developed and used in ways that respect and uphold human dignity and protect people from harm.

We recall in this context that the Guide to Human Rights for Internet Users²⁰ focuses on the following fundamental human rights and freedoms with reference to the Internet: 1) access and non-discrimination; 2) freedom of expression and information; 3) freedom of assembly, association and participation; 4) protection of privacy and personal data; 5) education and literacy; 6) protection of children and young people; and 7) the right to an effective remedy for invoking fundamental human rights and freedoms²¹.

In this framework, it becomes clear that "the mass take-up of new technologies requires more infrastructure investment"²². The starting point is the clear delimitation of internationally uniform definitions for consumer, user and recipient of digital services. The infrastructure of investments in new technologies will be built on these cornerstones. Everything will be closely connected by the relationship of human rights with all these new technologies²³.

2.1. Romania

Pursuant to Article 108 of the Constitution of Romania, republished, Article 11 para. (2) and art. 12 par. (2) of Government Emergency Ordinance No. 68/2019 on the establishment of certain measures at the level of central public administration and for amending and supplementing certain normative acts, of Articles 1, 2, 4 and 5 of Government Emergency Ordinance No. 90/2019 on the establishment of certain measures at the level of central public administration and of Article I of Government Emergency Ordinance No. 4/2020 on the establishment of some measures at the level of central public administration and for the amendment of some normative acts, was established The Authority for the Digitization of Romania, hereinafter referred to as ADR²⁴. It is organized and operates as a structure with legal personality within the working apparatus of the Government and under the coordination of the Prime Minister,

²⁰ Recommendation CM/Rec(2014)6 of the Committee of Ministers to member states on the Human Rights Guidelines for Internet Users and Explanatory Memorandum adopted by the Committee of Ministers on 16 April 2014.

²¹ On 16 April 2014, the Committee of Ministers adopted Recommendation CM/Rec(2014)6 on Human Rights Guidelines for Internet Users. The material is available here: <https://rm.coe.int/guide-to-human-rights-for-internet-users-romanian-/1680768064> and was accessed on 06.02.2023.

²² See Economic Commission for Latin America and the Caribbean (ECLAC), *Digital technologies for a new future* (LC/TS.2021/43), Santiago, 2021, p.18.

²³ Murphy, Thérèse (ed.), *New Technologies and Human Rights*, Collected Courses of the Academy of European Law (Oxford, 2009; online edn, Oxford Academic, 1 May 2009), <https://doi.org/10.1093/acprof:oso/9780199562572.001.0001>, accessed 12 July 2023; Molly K. Land and Jay D. Aronson, *Human Rights and Technology: New Challenges for Justice and Accountability*, *Annual Review of Law and Social Science* 2020 16:1, 223-240; and Dubberley S, Koenig A, Murray D. 2020. *Introduction: the emergence of digital witnesses*. In *Digital Witness: Using Open Source Information for Human Rights Investigation, Documentation, and Accountability*, ed. S. Dubberley, A Koenig, D Murray, pp. 1–11. Oxford, UK: Oxford Univ. Press.

²⁴ The acronym ADR will be used in this text for the Authority for the Digitisation of Romania.

with the role of developing and coordinating the implementation of strategies and public policies in the field of digital transformation and information society.

According to the law, it has the following functions:

a) strategy, whereby it strategically plans and ensures the development and implementation of policies in the field of digital transformation and the information society;

b) regulatory, governing participation in the development of the regulatory and institutional framework in the field of digital transformation and the information society, including on the interoperability of the information systems of public institutions;

c) endorsement;

d) representation, whereby it ensures, on behalf of the Government, representation in national, regional, European and international bodies and organisations, as a state authority, for its field of activity, in accordance with the regulatory framework in force;

e) as a state authority, which ensures the follow-up and control of compliance with regulations in its field of competence;

f) administration and management;

g) promoting, coordinating, monitoring, controlling and evaluating the implementation of the policies in its area of competence and the national interoperability framework;

h) communication, which ensures communication with other public sector structures as well as with the private sector and civil society;

i) implementation and management of projects financed from European funds, as well as programmes and projects financed from national funds and other legally established sources;

j) as an intermediary body ensuring the implementation of the measures of the Sectoral Operational Programme for "Increasing Economic Competitiveness" and the Operational Programme "Competitiveness" under the terms of the delegation agreement concluded with the Managing Authority in accordance with Article 15 of Government Decision No. 398/2015 on the establishment of the institutional framework for the coordination and management of European structural and investment funds and for ensuring the continuity of the institutional framework for the coordination and management of structural instruments 2007-2013, as amended and supplemented, including with regard to other European funded programmes.²⁵

Pursuant to Art. 5 of this normative act, the ADR acts on the basis of a mandate, approved by the Prime Minister, with the opinion of the General Secretariat of the Government, to ensure the participation, elaboration and substantiation of Romania's positions in the process of negotiation and adoption of initiatives at European level, in its field of competence, according to the normative framework on the organization and functioning of the National System for the Management of European Affairs with a view to Romania's participation in the decision-making process of the institutions of the

²⁵ Government Decision No 89 of 28 January 2020 on the organisation and functioning of the Authority for the Digitisation of Romania, published in the Official Gazette No. 113 of 13 February 2020. See for some considerations at European level Perifanis, Nikolaos-Alexandros, and Fotis Kitsios, *Investigating the Influence of Artificial Intelligence on Business Value in the Digital Era of Strategy: A Literature Review*, Information 14, no. 2: 85, 2023, <https://doi.org/10.3390/info14020085>.

European Union, as subsequently amended and supplemented; ensures the fulfilment, within its area of competence, of the obligations deriving from Romania's status as a Member State of the European Union, including the transposition and/or creation of the legal framework for the direct application of binding legal acts of the Union, their implementation and monitoring; and develops the regulatory-methodological, functional, operational and financial framework necessary for the implementation of policies, including through the transposition of European standards in the field of information society, information technology, interoperability of information systems and digital transformation, in the process of harmonising national legislation with that of the European Union²⁶.

The ADR acts as the competent authority for the implementation of Regulation (EU) 2017/2.394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws.

In Romania there is a large project that the Authority for the Digitization of Romania is implementing until the end of 2023, called "Strategic framework for the adoption and use of innovative technologies in public administration 2021-2027 - solutions for business efficiency", a project co-financed by the Operational Programme for Administrative Capacity 2014-2020, SIPOCA 704. Specific debates have been initiated within this framework. The most recent one is on "updated legislative framework associated with blockchain, artificial intelligence, EOSC, EuroHPC and PRACE technologies".

Another debate took place in October 2022 as part of a series of consultations with all relevant stakeholders - it was dedicated to central public authorities and public entities with a role in the adoption and use of artificial intelligence technologies to achieve the objectives of government, in particular to streamline the delivery of public services, communication with citizens and businesses, and to harness the potential of innovative technologies for the digital transformation of government.

²⁶ Wernick, Alina and Anna Artyushina, *Future-proofing the city: A human rights-based approach to governing algorithmic, biometric and smart city technologies*, in *Internet Policy Review* 12.1 (2023). Web. 18 Jul. 2023 and general considerations in Spar, Debora, *Foreign Investment and Human Rights*, Challenge, vol. 42, no. 1, 1999, pp. 55–80. JSTOR, <http://www.jstor.org/stable/40721920>. Accessed 18 July 2023. See also Donahoe, E., & Metzger, M. M., *Artificial intelligence and human rights*. *Journal of Democracy*, 30(2), 115–126, 2019, <https://doi.org/10.1353/jod.2019.0029>; Edwards, L., *Privacy, security and data protection in smart cities: A critical EU law perspective*. *European Data Protection Law Review* (Lexnion), 2016, <https://doi.org/10.2139/ssrn.2711290>; European Commission. (2020). *European missions. 100 climate-neutral and smart cities by 2030. Implementation plan* (pp. 1–62) [Working document]. https://research-and-innovation.ec.europa.eu/system/files/2021-09/cities_mission_implementation_plan.pdf; European Commission (2021). *Proposal for a Regulation of the European Parliament and of the Council Laying down harmonised rules on Artificial Intelligence (Artificial Intelligence Act) and amending certain Union legislative Acts* (COM/2021/206 final). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52021PC0206>; European Commission. (2022). *Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937* (COM/2022/71 final). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022PC0071>; Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 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 (General Data Protection Regulation), 2016/679 (2016). <https://eur-lex.europa.eu/eli/reg/2016/679/oj>; and Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act), 2022/2065 (2022). <https://eur-lex.europa.eu/eli/reg/2022/2065/oj>.

The empirical analysis shows that Romania is trying to keep up with the new waves of digitization, it is mobilizing and looking for solutions. The weak point is the absence of meetings, work sessions or other ways of action regarding the subject of human rights and the specific debates that are desired to be more intense in this area.

3. Conclusions

First of all, the chaotic synonymy between consumer, user and recipient of the services must be repaired through clearer specifications regarding from where and until where the consumer is also a user or the user can also be a consumer. As a zero point, based on what is presented in this article, it turns out that only investors who have the ability to adapt will resist, that is, those investors who are continuously attentive to compliance with the interactions between innovation and human rights, relevant legislation, risk assessment, business transparency and collaboration with regulatory authorities²⁷. Even if much remains to be done regarding the differences and definitions of what it means to be a user or a consumer, DSA 2022 represents a reference legislative framework for the protection of human and consumer rights in the digital age, offering opportunities and challenges for investors interested in this sector international. Compliance with the rules of the "game" and responsible attention to the protection of users' rights and interests will contribute to the creation of a safe and transparent digital environment, favorable for innovation and sustainable development, useful and fair for all actors.

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²⁷ See Calestous Juma, *Exponential Innovation and Human Rights Implications for Science and Technology Diplomacy*, Science, Technology, and Globalization Project Belfer Center for Science and International Affairs Harvard Kennedy School, 2018, pp. 5-19.

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