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Data is Power

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Statements

1. There is a fundamental connection between data protection law and competition law, and it is crucial that regulators take it into account in order to regulate digital markets.
2. The GDPR is an effective tool for the regulation of small webstores, schools, hospitals, churches, and the like, but falls significantly short when those same norms are applied to large online ecosystems.
3. Transparency for large-scale online interest profiling algorithms is impossible to achieve: one cannot provide information that is both complete and easy to understand for the average consumer.
4. Defining several narrow and specific markets under art. 102 TFEU does not capture the potential market power of a data ecosystem, as their market power is derived from the close connections and sharing of personal data with all of the other services in the ecosystem.
5. Consumer welfare should not be purely economic: consumers' interest in their fundamental right to data protection is also an integral part of their welfare.
6. Merger oversight is a perfect point for the European Commission to introduce stricter data protection oversight: doing so can help prevent the strengthening of ecosystems which threaten both the competitive playing field and the protection of personal data.
7. Just as an employee usually cannot "freely" give consent to their employer, consumers usually cannot freely give consent to a gatekeeping digital market undertaking.
8. Art. 5(2) DMA, introduced in 2023, is substantively identical or even less restrictive than the GDPR regime in force since 2016.
9. On the digital market, all personal data processing must be considered in the context of competition and all services are in support of the ecosystem's monetization.
10. 0 and 1 are the most important numbers since π .