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From:	Presidency
To:	Permanent Representatives Committee/Council
Subject:	Digital rights and principles - Policy debate

The European Council has highlighted the importance of the digital transformation for Europe's prosperity, security and competitiveness and for the well-being of our societies. In this context, it noted that the Commission's communication '2030 Digital Compass: the European way for the Digital Decade' is a step towards charting Europe's digital development for the next decade ¹.

Digital technologies are transforming every aspect of our lives and offer unprecedented opportunities. The COVID-19 pandemic has radically changed the role and perception of digitalisation in our societies and economies, and has accelerated its pace. However, it has also increased the digital divide across the European Union, not only between well-connected urban areas and rural and remote territories, but also between those who can fully benefit from an enriched, accessible and secure digital environment, and those who cannot.

¹ Statement of the Members of the European Council, 25 March 2021.

Large digital companies have become increasingly powerful, and their business models and pervasive control over our data give them the ability to influence our democratic process. Digital technologies increase the divide between the poor and the privileged; they present a series of risks in terms of safety, security, and limitation of choice and of the fundamental freedoms. Privacy breaches, the spread of illegal content and products, the spread of disinformation and cybercrime, the risk of mass surveillance of citizens, online censorship, and algorithmic biases can hinder the fair and non-discriminatory provision of private and public services to citizens and are increasingly prevalent. Such problems can potentially undermine the European way of life and model of society. To some extent, the digital transformation is reminiscent of historical evolutions where technology and progress have affected the fabric of our societies.

The EU has the opportunity and the duty to guide its citizens into an era of digital society where people overcome their digital immaturity to become aware of their digital rights and where governments can clearly define their expectations towards technology providers in order both to ensure individual rights and freedoms and to provide an environment in which pressing societal challenges can be addressed.

As explained in the 2030 Digital Compass, the EU has a vision for a digitally transformed Europe by 2030, in line with European values. It is a Europe that embraces innovative businesses and empowered citizens in a human-centred, inclusive, prosperous and sustainable digital society. The recently adopted ‘Path to the Digital Decade’ is a first step towards further reinforcing our digital leadership and empowering citizens and businesses, thus making digitalisation the engine of economic growth and social well-being in Europe. The Commission is currently working on digital rights and principles that will ensure a sustainable, human-centric and value-based digital transformation and it plans to come forward with a proposal by the end of the year in the form of a joint solemn declaration.

The declaration setting out the EU’s digital rights and principles is intended to serve as a reference framework for all Europeans, to inform and empower them regarding the rights, freedoms and principles enshrined in the European Union’s legal framework and to help ensure that they are respected online in the same way they are offline. It should guide policy makers in a joint effort to define the European way to a sustainable, human-centred digital world, and to firmly anchor EU policy interventions on the way to Europe’s digital transformation. The declaration could therefore also become a global benchmark for addressing societal and ethical questions that emerge from the digital transformation.

Since this initiative was first announced in its Digital Compass Communication in March this year, the Commission has been actively engaging with citizens and relevant stakeholders to give them a say. In May 2021, the Commission launched a broad online public consultation on a draft set of digital principles based on a number of main areas in line with those identified in the Digital Compass Communication: universal access to internet services; universal digital education and skills for people to take an active part in society and in democratic processes; accessible and human-centric digital public services and administration; access to digital health services; an open, secure and trusted online environment; protecting and empowering children and young people in the online space; a European digital identity; access to digital devices, systems and services that respect the climate and environment; and ethical principles for human-centric algorithms.

The Commission also ran participatory workshops with civil society, targeted interviews, and a consultation with children and their educators. It also conducted a Eurobarometer survey to gather views across Member States and across different age groups, with a particular focus on young people and different social backgrounds. These consultation activities have been instrumental in helping shape the draft declaration that the Commission will propose after the TTE Council meeting.

- The consultation activities showed broad support for a European declaration on digital rights and principles. The results of the Eurobarometer indicated that a large number (82%) of citizens would find it useful if a common European vision for a digital society were to be defined and promoted by compiling a list of rights, principles and values.
- In addition, 77% of citizens indicated that they would like to know more about their rights in the online environment, with a significant number of citizens (34%) also indicating that they were not aware that rights such as freedom of expression, privacy, or non-discrimination should also be respected online.
- Respondents in the public consultation frequently emphasised that Europe's digital society should be based on European values, and that it would be key for a digital society in the 'European way' to leave no one behind.

The results of the consultation activities will be taken into account in the proposal for a European declaration on digital rights and principles. The declaration will also build upon recent declarations (such as the Lisbon Declaration, Berlin Declaration and Tallinn Declaration) and on Member State initiatives such as the Spanish Charter of Digital Rights, the Italian Declaration of Internet Rights, the Portuguese Charter of Human Rights in the Digital Age, the Danish White Paper on a better social contract with big tech, or the Non-Paper on Promoting the Rule of Law in the Digital Space: A Human Rights-Based Approach to New and Emerging Digital Technologies by Slovenia, the Czech Republic, Slovakia and Austria.

Against this background, ministers are invited to answer the following questions for discussion:

1. Should a European declaration on digital rights and principles set out a way forward for the next decade and be the first step in setting a global benchmark together with those partners that embrace the EU's democratic values?
2. Would you agree that the areas described above establish a good basis for an overarching declaration on digital principles for a digital decade?