



Council of the
European Union

Brussels, 28 January 2022
(OR. en)

5781/22

TELECOM 30
DIGIT 20
CYBER 31
COMPET 55
RECH 47
PI 8
MI 68
EDUC 33
JAI 109
ENFOPOL 44
COSI 28

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	27 January 2022
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	COM(2022) 27 final
Subject:	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Establishing a European Declaration on Digital rights and principles for the Digital Decade

Delegations will find attached document COM(2022) 27 final.

Encl.: COM(2022) 27 final



Brussels, 26.1.2022
COM(2022) 27 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**Establishing a European Declaration on Digital rights and principles for the Digital
Decade**

{SWD(2022) 14 final}

“We believe in a human-centred digital transition. This is about who we want to be, as Europeans. To capture this better, we will formulate a set of digital principles. Such as access for all to the Internet; a secure online space; the right to learn digital skills; algorithms that respect people; the protection of children online. These important principles will complement the legal rights that already protect Europeans online like the protection of personal data or the freedom of expression.”

President Ursula von der Leyen, Leading the Digital Decade,
Sines, 1 June 2021

1. Introduction

Putting people at the centre of the digital transition is a key priority for the European Commission. The digital transformation should be shaped according to our European values and laws.

Today, the Commission is proposing to define a set of principles for such a human-centred digital transformation. This **European Declaration on Digital Rights and Principles** (hereinafter the “Declaration”) would set out shared political intentions to citizens, businesses, public administrations and policy-makers. The digital principles included in the Declaration are intended as essential concepts, based on common European values, and serving as guidance for a human-centred, secure, inclusive, and open digital environment, where no one is left behind. The aim is to ensure that the values of the Union and the rights and freedoms of individuals as guaranteed by Union law are respected and reinforced both offline and online.

The Declaration will take the form of a *joint solemn declaration* to be signed by the European Parliament, the Council, and the Commission. The present Communication accompanies the proposed draft for such a Joint Declaration..

This Declaration responds to the calls from the European Parliament to ensure full compliance of the EU’s approach to digital transformation with fundamental rights, including data protection rules and equal treatment, principles such as technological and net neutrality, inclusiveness,¹ as well as to enhance digital skills and competences and foster a high-performing digital education ecosystem². It also takes into account the Parliament’s invitation to protect users’ rights in the digital environment,³ ensure media freedom and combat disinformation⁴.

In the 2020 Berlin Declaration on *Digital Society and Value-Based Digital Government*, the Council stated that everyone should be able to seize the opportunities offered by the digital transformation. Through the Lisbon Declaration (*Lisbon Declaration - Digital Democracy with a Purpose*) presented at the June 2021 Digital Assembly, it further called for a model of digital transformation that strengthens the human dimension of the digital ecosystem, with the Digital

¹ (2020/2216(INI)

² 2020/2135(INI)

³ Ref. 2020/2018(INL); 2020/2019(INL); 2020/2022(INI); 2020/2012(INL); 2020/2014(INL); 2020/2015(INI); 2020/2017(INI), 2020/2216(INI), 2019/2181(INL)

⁴ 2020/2009(INI)

Single Market as its core. The Council also called for a digital transition that builds bridges with the green transition towards a climate-neutral and sustainable future.

Since the first announcements of this initiative in its Digital Compass Communication in March last year⁵, the Commission **has been actively engaging with citizens and interested parties** to hear their views. These consultation activities have helped to shape the proposed Declaration.

This Communication also outlines the way forward for monitoring the measures and action taken to put the Declaration into practice. The Declaration is closely linked to and complements the proposal for the “Path to the Digital Decade” which was adopted in September 2021 and sets out the broader digital targets and the path to achieve them. As set out in the Path to the Digital Decade proposal, an effective monitoring of the principles enshrined in the Declaration will be presented annually, together with a yearly Eurobarometer on the European citizens’ perception of the actions and measures taken. This will ensure transparency, monitor trends and performance across Member States and inform policy guidance in any possible future legislation in the areas covered by the principles enshrined in the Declaration.

2. The rationale behind the European Declaration on Digital Rights and Principles

Digital technologies are transforming every aspect of our lives, offering unprecedented opportunities. Working, learning, socialising, entertaining, shopping, accessing public administration, healthcare or culture increasingly happen via digital means. The COVID-19 pandemic has radically changed the role and perception of digital in our societies and economies, and has accelerated its pace.

Emerging technological breakthroughs in fields such as artificial intelligence, data analytics, robotics, the Internet of Things and their integration into business models and everyday services and products have helped to transform the way the economy and society are organised. The increased pace of the digital transformation has generated major innovations, offering new tools to address global societal challenges and to improve the efficiency of private and public services. At the same time, it has facilitated access to education and training and to information resources and opened new spaces of public discourse. The widespread adoption of digital technologies has enhanced our freedom, connecting even the most remote locations, creating new opportunities for citizens, for workers and consumers; for businesses to be created and prosper; for communities to thrive; for the inclusion of disadvantaged groups; and for our society to advance as a whole.

While the COVID-19 pandemic has accelerated the pace of this transformation, 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

⁵ “2030 Digital Compass: the European way for the Digital Decade” COM(2021) 118 final, 9.3.2021

an enriched, accessible, interoperable and secure digital environment, and those who cannot. More than ever, poor access to connectivity and Internet services, but also limited opportunities to acquire digital skills and understanding of digital technologies are major risks to the cohesion of today's society. The COVID-19 pandemic has demonstrated how vital it is that all actors including **institutions such as administrations, research, education and training institutions and healthcare facilities be ready for the digital society**, in particular to ensure inclusiveness and support of vulnerable people, elderly, children and people with disabilities, so that they can benefit fully from the digital transformation.

Furthermore, the burgeoning availability of new digital technologies and data also comes with undesirable risks that can have far-reaching effects for citizens, our democratic values, our security, or the fundamentals of our societies. These risks have grown significantly, including with regard to privacy and personal data breaches, the spread of illegal and harmful content and unsafe products as well as disinformation, cybercrime and cyberattacks, exploitation and abuse of human beings, including of children, mass surveillance, algorithmic biases hindering fair and non-discriminatory access to information and democratic debate and even outright censorship. Such problems go to the heart of the fundamental rights and undermine the hard-fought progress made in this field both in the European Union and internationally.

People and businesses do not enjoy fewer rights, nor are they less protected, when interacting with the digital environment compared to the offline world. The digital transformation does not justify exceptions to the rights and freedoms that the Union citizens enjoy under EU law. Rather, it should aim at the reinforcement of those rights and freedoms. The Union is committed to empowering all Europeans to benefit fully from the opportunities brought by the digital transformation, regardless of their age, gender, abilities, condition, or geographical location and has taken both corrective and preventive actions by adopting the necessary regulations and policy measures in all of these areas in recent years. However, as technological solutions affecting our lives become increasingly intertwined, pervasive and complex, it becomes increasingly urgent to step up efforts for achieving an open, fair and equal access to digital tools, services, infrastructures and skills which can ultimately strengthen our democracies.

As explained in the 2030 Digital Compass, the Union has a vision for a digitally transformed Europe of 2030 in line with European values. It embraces empowered citizens and innovative businesses in a human-centred, inclusive, prosperous and sustainable digital society. The recently adopted “Path to the Digital Decade” aims at further reinforcing our digital leadership and empowering citizens and businesses, thus making the digital transformation the engine of sustainable economic growth, and social well-being in Europe. That will be achieved in particular by extending high-performance broadband access for all citizens including in rural and remote areas, by building up digital skills and competences for the workforce to enable them to fully participate in the digital economy, by digitalising businesses and public services, and by making the latter more efficient and easy to use to the benefit of everyone in our society. Secure

cyberspace also creates greater trust among people in digital tools and services. It allows to preserve freedom of expression and information, including media freedom and pluralism. Finally, in line with the twin digital and green transition, the digital transformation will also aim to harness the power of technology to take climate action, protect biodiversity and restore nature, in line with the European Green Deal, the UN Sustainable Development goals and the Paris Agreement.

It is against such background that, responding to calls from the European Parliament and the Council, the European Commission is proposing to define a set of principles that will serve as a guidance for a sustainable, human-centric and value-based digital transformation.

In this context, the Declaration puts forward digital principles, to serve all Europeans, along the following lines in particular: putting people at the centre of the digital transformation; solidarity and inclusion; freedom of choice; participation in the digital public space; safety, security and empowerment; and sustainability.

In turn, the Declaration should also serve as a reference for both public and private actors when developing and deploying new technology. And it should guide policy makers in a joint effort to define the European way to a sustainable, human-centred, inclusive digital world, and to firmly anchor EU policy interventions to that end. The Declaration has the potential to become a global benchmark for many emerging societal and ethical questions that the digital transformation brings. The same principles will be at the core of EU actions towards its partners and in the framework of international organisations.

The proposed Declaration builds on previous initiatives from Member States and from the European Parliament, and benefits from **numerous contributions gathered during the public consultation**. Following the consultation, a number of principles were refined as compared to the preliminary set of principles presented in the public consultation.

Public consultation on a set of European digital principles

Between 12 May and 6 September 2021, the Commission carried out a public consultation to gather views on the formulation of European digital principles to promote and uphold EU values in the digital space.

The public consultation was promoted during the event “Leading the Digital Decade” on 1-2 June, on the digital platform of the Conference on the future of Europe as well as on social media accounts. The main objective of the consultation was to collect the views of all interested stakeholders including Member States, regional and local authorities, non-governmental and civil society organisations, business associations and companies, other interested parties, and, of course, citizens.

This marked the opening of a broad consultation exercise, including participatory workshops and targeted interviews, a Eurobarometer survey to gather views across Member States, and different age groups, with a particular focus on children and young people and different social backgrounds.

Overall, the consultations showed broad support for a European Declaration on Digital Rights and Principles as well as on the first set of principles outlined in the open public consultation, highlighting the importance of some of them over the others and with some respondents stressing the need for additional principles. The responses to the different consultation activities have guided the design of the Declaration presented today.

A more detailed summary of the consultation is presented in the Staff Working Document published alongside this Communication.

3. The political nature of the Declaration on Digital Rights and Principles

The set of digital principles that should shape Europe's digital society is proposed in the form of a **joint solemn declaration** of the European Parliament, the Council and the Commission. The draft Declaration, as provided in the annex, is meant as a proposal to be discussed with the European Parliament and the Council, with a view to being signed by all three institutions.

The Declaration notably builds on primary EU law, in particular the Treaty on the European Union (TEU), the Treaty on the Functioning of the European Union (TFEU), the EU Charter of Fundamental Rights and the case-law of the Court of Justice of the European Union, as well as on secondary EU law.

These principles do not affect the legal rights that already protect people online within the European Union, and for which effective remedies must exist across the Union. Nor do they affect lawful limits on the exercise of such legal rights, in order to reconcile them with the exercise of other rights, or necessary and proportionate restrictions in the public interest. When implemented through policy initiatives, such principles will be applied together with existing rights and principles and for the overall public interest.

4. Follow-up at EU and global level

Endorsing the European Declaration on Digital Rights and Principles

The Commission proposes the European Declaration on Digital Rights and Principles to be solemnly signed jointly by the three EU Institutions concerned. Together with the European

Parliament and the Council, the Commission will facilitate the discussion on the basis of the draft Declaration presented today.

Current and future EU legislation and actions

Given the political nature of the Declaration, not all principles correspond to rights that are directly enforceable: some are already laid down in legislation, others may require further action, at the appropriate level. The Declaration must be read in conjunction with EU legal acts and instruments, and is without prejudice to them.

In fact, the Commission has already made a number of regulatory proposals and has put forward policy initiatives in the areas covered by the digital principles as set out in the draft Declaration. Together with the European Parliament and the Council, the Commission intends to continue pursuing, whenever needed, actions and initiatives putting into practice the digital principles shaping the digital transformation⁶.

Monitoring and review

The principles enshrined in the Declaration are of interest to citizens, public authorities, social partners and civil society at all levels. They are also relevant to businesses, both in the role as users of digital services as well as of active players bearing responsibility in the digital space..

The Commission will foster communication and engagement activities with Member States and all relevant actors to ensure awareness and shared commitment to the principles enshrined in the Declaration.

For this initiative to be successful, it is important that the manner in which the digital principles will be put into practice is effectively monitored. The Commission proposal for a Decision on the Path to the Digital Decade provides that Member States share with the Commission in a timely manner the necessary information required for the effective monitoring of the progress in the follow-up on the principles enshrined in the Declaration. Furthermore, the Commission proposal sets out that an annual report on “The State of the Digital Decade” would assess the state of measures following up on the principles enshrined in the Declaration. The Commission will then share its strategic assessment of the EU’s digital transformation with Council and Parliament, and would provide recommended actions and measures to Member States and / or discuss joint commitments undertaken between the Commission and the Member States.

The Commission will also enhance the cooperation with the Member States and all relevant actors on all EU relevant rules, including those laid down in the legislation mentioned above, focusing on their transposition (as the case may be) and implementation, and sharing best practices. A closer and regular dialogue with Member States can facilitate the timely adoption

⁶ In that respect, any action requiring a financial contribution from the EU budget will be accommodated within the envelopes agreed for 2021-2027 of the spending programmes concerned, and within the agreed staff resources.

and (as the case may be) transposition of EU legal instruments as well improve the quality of their implementation, thus avoiding the need to resort to infringement proceedings later on.

Moreover, the Commission will conduct a Eurobarometer survey to monitor the follow-up measures in the Member States on an annual basis. The Eurobarometer will collect qualitative data, based on citizens' perception of how the digital principles are put into practice in the various Member States.

The Commission will evaluate the need to review over time any of the principles in view of technological evolution and if necessary come forward with a proposal to the European Parliament and the Council to this effect.

Promoting the European Declaration on Digital Rights and Principles worldwide

The EU has always been at the forefront of the promotion of fundamental rights on the global stage, including at the United Nations. The EU is in a position to retain this role as responsible global leader of a human-centred and value-based approach model in the digital age. The Declaration will be a guiding tool also for EU diplomatic action and will shape our partnerships and discussions with our international partners.

5. Conclusion and way forward

With this Declaration on Digital Rights and Principles, the Commission puts forward both a reference framework for people and a guide for businesses and policy makers, with the aim of placing people at the centre of digital transformation.

The Member States, including their public authorities, all interested parties, civil society at all levels and the EU Institutions share a common responsibility to work for a human-centred digital transformation.

The Commission will continue to work very closely with the European Parliament and the Council to facilitate the signature of this Declaration as early as possible in 2022.