Council of the European Union

NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
No. prev. doc.:	9309/1/24 REV 1
Subject:	Draft Council Conclusions on the Future of EU Digital Policy - Approval

1. On 19 February 2024, the Presidency published the first draft of the Council conclusions on the Future of EU Digital Policy (document 6782/24). The aim of these Council conclusions is to identify, based on a stocktaking exercise, the main priorities for the future of EU digital policy that Member States would like to see addressed in the upcoming legislative cycle.

2. On 27 February, 19 March, 16 and 30 April 2024, exchanges of views were held during the Working Party Telecommunications and Information Society.

3. The Permanent Representatives Committee will find in the Annex the draft Council Conclusions on the Future of EU Digital Policy as resulting from the work carried out at Working Party level, with the addition of the word 'accessible' in point 2 compared to document 9309/1/24 REV 1.

4. The Permanent Representatives Committee is invited to:
   - examine and approve the text set out in the Annex to this note, with a view to allowing for its approval by the Council;
   - recommend that the Council, at the meeting of the TTE (Telecommunications) Council on 21 May 2024, approves the draft Council conclusions on the Future of EU Digital Policy.

THE FUTURE OF EU DIGITAL POLICY

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING

- The Council conclusions of 7 June 2019 on the future of a highly digitised Europe beyond 2020 entitled "Boosting digital and economic competitiveness across the Union and digital cohesion",

- The Commission Communication of 19 February 2020 on A European strategy for data,

- The Council conclusions of 5 June 2020 on Shaping Europe's digital future,

- The Council conclusions of 11 December 2020 on Digitalisation for the Benefit of the Environment,

- The Commission Communication of 21 April 2021 on Fostering a European approach to Artificial Intelligence, and its Annex entitled "Coordinated Plan on Artificial Intelligence 2021 Revision",

- The Commission Communication of 2 February 2022 on An EU Strategy on Standardisation Setting global standards in support of a resilient, green and digital EU single market,

- The Commission Communication of 11 May 2022 on A Digital Decade for children and youth: the new European strategy for a better internet for kids (BIK+),

- The Decision of the European Parliament and of the Council of 14 December 2022 establishing the Digital Decade Policy Programme 2030 (hereafter 'Digital Decade Policy Programme') and the Commission Communication of 27 September 2023 on the State of the Digital Decade 2023,

- The European Declaration on Digital Rights and Principles for the Digital Decade of 23 January 2023,

- The Council conclusions of 13 March 2023 on competitiveness, single market and the economy,

- The Decision of the European Parliament and of the Council of 10 May 2023 on a European Year of Skills,

- The Commission Communication of 15 June 2023 on the implementation of the 5G Cybersecurity toolbox,

- The Joint Communication of 20 June 2023 on a European Economic Security Strategy,

- The Council conclusions of 18 July 2022 and of 26 June 2023 on EU Digital Diplomacy,

- The Commission Communication of 11 July 2023 on An EU initiative on Web 4.0 and virtual worlds: a head start in the next technological transformation,

- The Commission Recommendation of 3 October 2023 on critical technology areas for the EU's economic security for further risk assessment with Member States,

- The Council position and findings of 17 November 2023 on the application of the General Data Protection Regulation (GDPR),

- The Council Recommendations of 23 November 2023 on improving the provision of digital skills and competences in education and training and on the key enabling factors for successful digital education and training,

- The Commission AI innovation package of 24 January 2024 to support Artificial Intelligence startups and SMEs,

- The Commission Recommendation of 26 February 2024 on Secure and Resilient Submarine Cable Infrastructures,

- The Council conclusions on the future of cybersecurity, Implement and protect together, of 21 May 2024,

1. UNDERLINES that the digital transformation and the development of the Digital Single Market offer significant opportunities for a better quality of life, economic growth and sustainability and is essential to contribute to an innovative, resource efficient and fair economy and society in the Union.

2. STRESSES that a successful digital transformation of our societies can only be founded on mutual trust among all players, including Member States, citizens and businesses and UNDERLINES the EU's commitment taken in the Digital Decade Policy Programme to ensure a secure, safe, inclusive, accessible and sustainable digital transformation, based on technological leadership, competitiveness and on a human-centric approach, where EU values are promoted and fundamental rights are protected in full respect of the Charter of Fundamental Rights of the European Union and in line with the EU Declaration on Digital Rights and Principles.

3. HIGHLIGHTS the EU's ambition to play a leading role globally in the digital transformation and digital governance that respects, promotes and protects universal human rights, democracy and sustainable development, and puts people and their universal human rights at the centre, in line with the international law and the EU Declaration on Digital Rights and Principles.

4. REAFFIRMS that digital sovereignty in an open manner is essential for the Union to chart its own path in the digital transformation, to enhance the Union's open strategic autonomy and resilience, to strengthen its economy and industry and to promote a sustainable technological development across the Union. RECALLS that this should be in line with the Union's commitment to a fair, open and rules-based global digital market and in strong cooperation with its international partners.

5. EMPHASISES, without pre-empting the discussions on the next Multiannual Financial Framework Regulation (MFF), that the digital transformation needs adequate, combined and coordinated investments at EU level in addition to investments from public and private actors at national level. These investments, in particular leveraged by the Digital Europe Programme (DIGITAL), the Connecting Europe Facility (CEF Digital) and Horizon Europe, are important to foster responsible research and innovation, digital skills, infrastructure and the development and uptake of digital technologies across the EU. UNDERSCORES the importance of ensuring that procedures in the EU funding programmes are streamlined, with a view to improving certainty and predictability and to fostering a level playing field for all the actors involved, including SMEs and start-ups, across the EU. CALLS UPON the Commission to prioritise between actions when preparing the draft general budget of the Union within the applicable ceilings of the MFF and promote synergies between research and innovation endeavours under Horizon Europe and practical deployment initiatives within DIGITAL and CEF Digital, as these programmes are instrumental to achieve the targets of the Union's Digital Decade Policy Programme. CALLS on the Commission to decrease the administrative barriers for public and private actors to access EU fundings.

Digital rules and governance

6. NOTICES the significant number of EU legislative acts that have been adopted in recent years to strengthen the Digital Single Market and STRESSES the need to prioritise in the coming years their effective and efficient implementation. UNDERLINES the need to thoroughly assess the impact of any new legislative initiative, in particular with a view to ensuring a balance between innovation and regulatory burden by guaranteeing a coherent regulatory framework, minimising administrative burden and preventing the risk of hampering an agile and innovation-friendly European Digital Single Market while remaining vigilant to potential risks of new technological developments. ENCOURAGES the Commission to carry out a mid-term analysis of the interplay of horizontal and sectoral EU legislative acts in digital matters.

7.   ACKNOWLEDGES the setting up of several EU boards, in order to ensure the coordination of the national competent authorities, as well as the EU enforcement role such as in the Digital Services Act, the Digital Market Act, the Data Governance Act, the Data Act, the Interoperable Europe Act and the Artificial Intelligence Act. UNDERSCORES the need for the Commission and the Member States to foster synergies, avoid duplication and adopt a coordinated approach to the existing governance structures, taking into account the division of competences at EU and national level, in order to avoid the fragmentation of the EU's Digital Single Market as well as to ensure legal certainty. UNDERLINES the interaction with the work carried out by other bodies with competences in digital, cyber and data matters such as the European Union Agency for Cybersecurity (ENISA), the European Cybersecurity Competence Centre (ECCC), the European Data Protection Board (EDPB) and the Body of European Regulators for Electronic Communications (BEREC).

8.   CALLS UPON the Commission, in collaboration with the Member States, to reflect on tools and solutions to build synergies and ensure consistency in the application of existing legislative acts and to explore ways to reduce administrative burden for public and private actors, in particular for SMEs, start-ups and scale-ups as well as local authorities.

9.   ACKNOWLEDGES that, in light of the growing importance of digital technologies, the current legal framework entails important cybersecurity elements such as security and resilience by design, to address cybersecurity vulnerabilities in digital products, services and processes. Therefore, UNDERLINES the need to ensure the inherent coherence between the digital and cybersecurity EU policy.

10. UNDERLINES the importance of an effective and efficient implementation and enforcement of the Artificial Intelligence Act to foster innovation, develop and promote trustworthy artificial intelligence (hereafter 'AI'). EMPHASISES in this regard that a close cooperation between the AI Office, the AI Board, the AI Scientific Panel and the advisory forum is key and INVITES the Commission to also reflect upon the future role of the European Centre for Algorithmic Transparency and leveraging its expertise beyond the Digital Services Act. ENCOURAGES also the Commission and the Member States to strengthen the AI innovation ecosystem, including by further coordinating support for the development, testing, deployment and scaling up of AI solutions.

11. EMPHASISES the importance of harmonised standards and certifications, in particular in the context of AI, cybersecurity, digital identity, data sharing mechanisms and services and common European data spaces, as well as the potential of regulatory sandboxes, in order to further enable and stimulate the adoption of digital technologies aligned with EU legislative requirements. ENCOURAGES the Commission to issue standardisation requests in a timely, open and coherent manner, involving Member States, European standardisation organisations and stakeholders appropriately, facilitating Member States' and businesses' compliance to the largest extent possible.

Societal effects of digitalisation

12. ACKNOWLEDGES the need to foster innovation, entrepreneurship and capital market development and to maximise the benefits of digitalisation for all, while at the same time establishing safeguards regarding risks and challenges related to digital technologies and services, including discrimination, disinformation, illegal content online, cyber violence, identity theft, security breaches, data protection issues and lack of access and user's choice. STRESSES in this regard the importance of the General Data Protection Regulation as well as the new rules framing obligations for online platforms, online search engines and gatekeepers, notably through the Digital Services Act and the Digital Markets Act. ENCOURAGES the Commission and the Member States to continue the strict enforcement of these rules to ensure that societal risks are tackled, in particular for the protection of children, and to pursue discussions on the rising challenges related to promoting a safer, responsible and trustworthy online environment, including the possible need for additional joint efforts.

13. EXPRESSES ITS CONCERN that in return for access to digital services, users often provide vast amounts of data without fully understanding how their data is used and the implications thereof. STRESSES the importance to further reflect on the societal risks stemming from digital services and to consider the need for any measures, including non-legislative measures, to address issues related to addictive and deceptive designs as well as excessive online tracking resulting from the use of tracking technologies by providers of digital services. RECALLS the need for special attention on the well-being of children, by protecting them from exposure to certain types of content, safeguarding their data, protecting their privacy and empowering them to make informed choices.

14. CALLS UPON the Commission to examine the functioning of, and potential gaps in the Directive on privacy and electronic communications, taking into account technological development and the evolution of digital services and their business models, the growth of the data economy as well as the broader EU legislative landscape and policy measures of relevance for the digital context.

15. ACKNOWLEDGES the need to ensure the ability of the competent authorities in the area of security and criminal justice, e.g. law enforcement and judicial authorities, to exercise their lawful powers, both online and offline, to protect our societies and citizens. Competent authorities should be able to access data in a lawful and targeted manner, in full respect of fundamental rights and the relevant data protection laws, while upholding cybersecurity. EMPHASISES that any actions taken should balance these interests carefully against the principles of necessity, proportionality and subsidiarity.

16. ENCOURAGES the development of concrete use-cases for public and private sector services in the use of the European Digital Identity Wallet and trust services based on the Regulation for a European Digital Identity Framework including by ensuring alignment across EU legislation, while respecting its voluntary nature for the end-user. CALLS UPON the Commission to offer guidance and develop harmonised policies and tools in close cooperation with Member States to ensure secure, user-friendly and interoperable digital identity solutions and trust services, including for age and identity verification.

17. INVITES the Commission and the Member States to further reflect on the potential undesirable consequences of digitalisation on society, climate and the economy in the framework of existing mechanisms, such as the Declaration of Digital Rights and Principles or the EU's Digital Decade Policy Programme.

Digital and cutting-edge technologies

18. RECOGNISES the importance of a common and strategic European approach to innovative digital technologies such as advanced semiconductors, AI, quantum technologies, 6G technology, blockchain infrastructure, digital twins and virtual worlds, and to future technologies, as enablers for the technological development and competitiveness of the EU at a global level, as well as for sustainable development. ENCOURAGES the promotion of dynamic ecosystems around key digital technologies supporting their development, deployment and uptake among EU public and private sectors, based on openness and a level playing field, particularly for SMEs, start-ups and scale-ups in line with the SME strategy for a sustainable and digital Europe. ENCOURAGES the development of digital commons which contribute to increasing the usability of new technologies and data for the benefit of a society as a whole.

19. UNDERLINES the importance of supporting and enabling a resilient, green, safe and secure European ecosystem in semiconductors and microelectronics and HIGHLIGHTS, in this regard, the swift implementation of the European Chips Act, in particular the establishment of competence centres.

20. STRESSES the economic and strategic potential of quantum technologies for the scientific, technological and industrial competitiveness of the EU and CALLS on the Commission and the Member States to continue and coordinate efforts to create synergies between research and development activities, support joint initiatives and encourage further investments in EU quantum companies from the public and private sectors.

21. RECOGNISES the importance of Multi-Country Projects in facilitating the development of large-scale projects contributing to the scaling-up and strengthening of EU's digital capacities and to the benefits of citizens as well as public and private actors. In this regard, SUPPORTS the further development of European Digital Infrastructure Consortia, European Digital Innovation Hubs and, where justified, Important Projects of Common European Interest (IPCEI), while stressing the need for a continued optimisation of the IPCEI framework, in particular the improvement of their proceedings and timeframes.

22. RECALLS the three-pillar approach on promoting, protecting, and partnering set out in the European Economic Security Strategy and EMPHASISES the importance for the Union's competitiveness of ensuring the security of critical technology areas and of protecting against the risks of technology leakage, while preserving economic openness and dynamism and building on partnerships with like-minded international partners. CALLS ON the Commission and the Member States to continue working together on the risk assessment of the three digital critical technology areas with a view to identifying common solutions that can best mitigate the risks.

Digital infrastructure

23. EXPRESSES the importance of attaining the Digital Decade Policy Programme connectivity targets and supporting an innovative and competition-driven digital infrastructure ecosystem, i.e. to ensure all EU households have access to Gigabit speeds and a wireless highspeed network with performances at least equivalent to that of 5G technology by 2030. In that regard, CALLS on the Commission and the Member States to stimulate and facilitate the roll-out of secure and resilient 5G and fibre networks as well as to facilitate infrastructure sharing to lower the costs of deployment of very high-capacity networks and speed up their deployment across the Union.

24. WELCOMES the discussions on the future of Europe's digital infrastructure needs with the aim to ensure secure and resilient digital networks and infrastructures across the Union and globally, including with regard to 5G and fibre networks as well as submarine cables and space-based systems. TAKES NOTE of the Commission White Paper of 21 February 2024 on "How to master Europe's digital infrastructure needs?", the Commission Recommendation of 26 February 2024 on Secure and Resilient Submarine Cable Infrastructures and the High-Level Report of Enrico Letta of April 2024 on "Much more than a market". ENCOURAGES the Commission and the Member States to carefully assess the current state of digital infrastructure and regulatory landscape to ensure a safe, robust and future-proof framework for digital infrastructures and networks across the EU that can foster innovation and promote competition to the benefit of end-users. STRESSES the need to uphold consumer welfare at the core of the regulatory framework. INVITES the Commission to develop, in close cooperation with Member States, a long-term vision on digital networks and, taking into account the Commission report on the functioning of the Electronic Communications Code expected by 21 December 2025, prepare the ground for possible actions to strengthen the single market for electronic communications services.

25. ENCOURAGES the Commission and the Member States to continue and strengthen efforts to establish an attractive policy framework for 6G research and development as well as for 6G deployment on the basis of an appropriate 6G strategic vision that takes into account the early recognition of spectrum needs based on the assessment of coverage and capacity requirements for 6G use cases and its environmental impact.

26. ACKNOWLEDGES the Member States and the Commission's efforts via the European High Performance Computing Joint Undertaking to coordinate European investment in major supercomputing infrastructures and accompanying software solutions, which will be fundamental to secure European leadership in a huge range of scientific and industrial applications, and WELCOMES the broadening of the Joint Undertaking's mission so that it also invests in AI-optimised supercomputers, in the creation of AI factories, whose resources should be made available to a large number of public and private users, in particular European AI start-ups to train their large AI models and generative AI systems.

Data strategy

27. EMPHASISES the significant steps made towards the development of a robust EU data governance that improves the free flow of, fair access to, and use of data in a secured, interoperable and trusted manner in line with the principles and safeguards laid down in the Data Governance Act and the Data Act as well as data protection rules. HIGHLIGHTS the importance of continuing the development of secure data spaces within and across sectors based upon experience from existing data spaces. CALLS on the Commission to make full use of the tasks of the European Data Innovation Board, and to further enhance its role in supporting coordination between and with Member States in order to ensure a successful implementation of the EU data legislative framework and to promote its consistency with sectorial initiatives.

28. ACKNOWLEDGES the important steps made towards the development of interoperable, trusted, safe and secure cloud and edge services. CALLS upon the Commission to continue its efforts, building on the swift implementation of the Data Act, to promote interoperability and portability and to ensure a fair, non-discriminatory and broad access to cloud and edge solutions for businesses, in particular SMEs. UNDERLINES the importance of ensuring an open, secure, trusted and competitive EU cloud and edge market to the benefit of European businesses and users. INVITES the Commission to continue its work on stimulating targeted investments in EU cloud and edge services and the development of these next generation services as an important aspect of the Union's digital sovereignty in an open manner and competitiveness.

Digital skills

29. STRESSES the need to increase efforts to bridge the digital divide, including the gender digital divide, by developing digital awareness, knowledge, skills and competences of all citizens, with a particular attention to vulnerable people, during all stages of life. UNDERLINES the role of the Digital Decade Policy Programme and the Digital Education Action Plan 2021-2027 in ensuring that the digital transformation responds to the needs of the EU society and labour market, including through regional and local networks. INVITES all institutions to support these efforts to bridge the digital divide and to support the development and uptake of solutions to better equip and accompany EU citizens, public and private sectors through the digital transformation.

30. STRESSES the need for an enhanced focus on ways to attract and retain talent in the EU in order to reinforce the competitiveness of the European Union and its positioning as a global digital player. CALLS on the Commission to support Member States in attaining the digital skills objectives of the Digital Decade Policy Programme, notably through academic and industrial partnerships, lowering barriers to attract and employ digital talent as well as recognising micro-credentials in the labour market in line with the EU Council Recommendation on a European approach to micro-credentials.

31. EMPHASISES the need to promote formal and non-formal education and training in ICT and Science, Technology, Engineering, Arts and Mathematics ('STEAM') areas to further develop digital skills and competences, with a particular focus on women and girls, since the severe and persistent gender gap in the digital sector undermines how digital solutions are designed and deployed, with proven negative consequences for social inclusion, gender equality, quality of life and economic growth.

Green and digital transition

32. STRONGLY UNDERLINES that the digital transformation should go hand in hand with the green transition. HIGHLIGHTS that the development and increasingly widespread use of digital technologies such as AI, cloud and edge computing, virtual worlds, blockchain, high-performance computing, quantum technologies and the Internet of Things can offer opportunities to foster a competitive European circular economy, to reduce the environmental footprint and to accelerate the green transition. However, ACKNOWLEDGES that these digital technologies and the increased amount of data and data centres require large amounts of resources including energy, water and critical raw materials, therefore exerting pressure on the environment and climate.

33. STRESSES the necessity to reduce the environmental footprint of the ICT sector and to support its transition to climate neutrality by 2050. UNDERLINES the need to promote awareness, including through transparency requirements and digital sobriety, as well as to develop solutions for businesses, public sectors and consumers, such as sustainability by design, to reduce their digital footprint and e-waste in order to avoid inefficient consumption and in line with the principle to reduce, reuse and recycle.

34. STRESSES the importance for the Commission and the Member States to support the deployment of combined digital and green solutions for future innovation and growth in all industries and public organisations. In that regard, WELCOMES the EU initiatives taken to improve the sharing of information on the energy and environmental impact of products and data centres.

35. CALLS for developing evidence-based assessment methodologies for measuring the environmental footprint as well as the positive effect of digital technologies based on high-quality, comparable, reliable and standardised data, and ENCOURAGES the Commission, Member States and stakeholders to use these methodologies to explore and harness the potential positive net environmental impact of digitalisation to assist the EU in achieving its goal of transitioning to climate neutrality by 2050 and the energy efficiency targets for 2030.

36. RECALLS the review of the EU's Digital Decade Policy Programme and INVITES the Commission and Member States to reflect on adding a target related to a greener digital transition with the aim to optimise energy consumption and use of resources in the digital sector and incentivise the deployment of innovative technologies to the benefit of climate action.

Digital government

37. UNDERLINES the need for digital government, driven forward by the human-centric, data-driven and AI-enabled transformation of the public sector, while embedding core principles for good governance such as interoperability, inclusiveness, transparency and sustainability. In this regard, CALLS on the Commission to promote knowledge exchange and to support joint initiatives between Member States.

38. INVITES the Commission to continue its support for the development of interoperable public digital services and the cross-border interconnection of public administrations' infrastructures, including cloud and edge infrastructures, to achieve their increased resilience, efficiency and sustainability, and to further reflect, together with Member States, on their technical, legal, semantic and operational barriers and on how to overcome them.

39. EMPHASISES the need to consider digital and interoperability implications of policies from the outset, in order to address potential issues ahead of time, to ensure the smooth implementation of legislation and to reduce the regulatory reporting burden as well as compliance costs on businesses. In this regard, CALLS UPON the Commission to put digital-ready policymaking in practice through guidelines, tools and trainings with the aim to bridge the gap between policy design and implementation.

International dimension of EU digital policy

40. CONSIDERS that digital matters, which are important enablers for the EU's competitiveness and security, gain significant international weight.

41. WELCOMES the development and strengthening of bilateral and regional digital partnerships and digital trade agreements, as well as cooperation in and with relevant multilateral and multistakeholder fora, in order to promote EU strategic interests, including economic security, and the human-centric approach to digital governance based on universal human rights.

42. CALLS UPON the Commission, the High Representative and the Member States to ensure a proactive and coordinated approach to develop a stronger, more strategic, coherent and effective EU policy and action and to continue the successful cooperation with existing entities such as the European Conference of Postal and Telecommunication Administrations (CEPT). HIGHLIGHTS the need to strengthen the EU's leadership in global digital affairs and INVITES the Commission and the High Representative to prepare a joint communication on the subject leveraging both technical and diplomatic expertise and building on the shared responsibilities and resources at EU and national level. In this context, WELCOMES the work done to develop a coherent EU Digital Diplomacy by Member States, the High Representative and the Commission and CALLS for a further strengthening of the Team Europe approach, for example in relation to secure and trusted connectivity and AI global governance.

43. EMPHASISES the need to develop an EU strategy on the multistakeholder governance of the Internet to set out a common position to uphold in international fora with a view to ensuring an open, free, affordable, neutral, global, interoperable, reliable and secure Internet.

44. WELCOMES the aim to increase European leadership in the development of global standards to drive greater impact from European research and innovation activities, using standardisation as an international scaling platform for innovation in line with EU values.

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