DIGITAL SINGLE MARKET TASK FORCE

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First some familiar topics ...

- Digital Single Market Strategy

- Accessibility of public websites

- ISA^2

- (General Data Protection Regulation now with Amalia)

Then some new topics

- Contracts for Digital Content
- Portability of Online Content Services
- Other copyright reform
- Priority ICT Standards
- e-Privacy Directive
- eGovernment Action Plan
- Action Plan for 5G Networks

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The Digital Single Market Strategy

The Digital Single Market

#DigitalSingleMarket

- **One of just ten** priorities of the Juncker Commission

- Strategy presented to Council 6 May

- Three main areas of focus:

  1. Better access for consumers and businesses to digital goods and services
  2. Creating the right conditions for digital networks and services to flourish
  3. Maximising the growth potential of the Digital Economy

Digital Single Market: the rationale

- The Single Market is the economic cornerstone of the EU project

- From 1992 the Single Market has been developed in terms of products, then services …

- The growing digital market is the next obvious target

    - Cross-border online trade is relatively undeveloped
    - ICT usage is low (compared with the US)
    - Few global digital firms have emerged in the EU

- Early successes of European telecoms industry (Nokia, GSM standard) have not been repeated

= Timing =

2015	2016

Better access for consumers and businesses to digital goods and services across Europe

Legislative proposals for simple and effective cross-border **contract rules** for consumers and businesses

GEO BLOCKED

A wide ranging review to prepare legislative proposals to tackle unjustified **geo-blocking**

Competition sector inquiry into **e-commerce**, relating to the online trade of goods and the online provision of services

Legislative proposals for a reform of the **copyright** regime

Review of the **Satellite and Cable Directive**

Review of the **Regulation on Consumer Protection Cooperation**

Measures in the area of **parcel delivery**

Legislative proposals to reduce the administrative burden on businesses arising from different **VAT** regimes

Creating the right conditions for digital networks and services to flourish

Comprehensive analysis of the role of **platforms** in the market including **illegal content** on the Internet

Legislative proposals to reform the current **telecoms rules** and the **Audiovisual Media Services Directive**

Review of the **e-Privacy Directive**

Establishment of a **Cybersecurity contractual Public-Private Partnership**

Maximising the growth potential of the Digital Economy

Adoption of a **Priority ICT Standards Plan** and extending the European Interoperability Framework for public services

Initiatives on data ownership, **free flow of data** (e.g. between cloud providers) and on a **European Cloud**

New **e-Government Action Plan** including an initiative on the 'Once-Only' principle and an initiative on mandatory interconnection of business registers

European Commission | Digital Single Market

Digital Single Market
– Parliament's intervention

- European Parliament has responded to the Strategy with a Resolution, 'Towards a Digital Single Market Act'

- Two aspects of particular interest:

  – Parliament recommends that public administrations should have open data by default and urges more rapid progress towards releasing open data

  – Parliament would abolish the Database Directive; members will recall that a recent CJEU Case established that map content can be protected by the Directive.

- Impact

  – Not part of a legislative procedure

  – Provides guidance to the Commission as it develops proposals to implement the Digital Single Market Strategy

  – Recommendations likely to have more influence where they concern specific proposals that are already on the Commission's roadmap

  – But Parliament has indicated strong preferences in these two areas and we must be alert to efforts by the Commission to meet Parliament's concerns

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Accessibility of public websites

Accessibility of public websites

- Proposal for a Directive on the Accessibility of Public Sector Bodies' Websites published in December 2012

- Parliament and the Council reached provisional agreement on the Commission's Proposal during a trilogue meeting on 3 May 2016

- Text of the provisional agreement not yet publicly available, but it:

    – Extends the scope of the Directive to mobile applications, as well as extranets and intranets published or substantially revised after the new rules come into force
    – Excludes certain types of content, such as third party content (e.g. user-generated content in a twitter feed), heritage collections held by libraries and museums, and live audio-visual material

- Council text of 30 November excluded 'online mapping services such as dynamic maps or route planning tools'; we need to check whether this survived into the provisional agreement

ISA² – Interoperability Services for Public Administrations

ISA² – a source of funding for ELF?

- Interoperability Solutions for European Public Administrations Programme
- June 2014: Commission Proposal for a Decision
- A new programme to follow ISA
- To ensure seamless electronic cross-border or cross-sector interaction between European public administrations
- Financial envelope €131m
- Same four Commissioners as are responsible for the Digital Single Market

What is eligible for financing?

- Development, establishment and improvement of **common frameworks and generic tools**

- Development, establishment, industrialisation and improvement of **common services**; possibly centralised operation of such services at EU level

- Interoperability **solutions** taken over by the ISA2 Programme as 'solution incubator' or as 'solution bridge' [interim funding]

- Several opportunities in the geospatial arena

ISA2 - Action

- Working together we raised the profile of ELF in the work plan for 2016

- as part of …
European Location Interoperability Solutions for E-government (ELISE)

ISA2 2016 work programme adopted

- Member States and the Commission submitted 52 proposals, of which 39 have been taken up

- Budget of ~€24 million

- Mix of new and continuing actions

- Nine packages:
  - 1. Key and generic interoperability enablers
  - 2. Semantic interoperability
  - **3. Access to data / data sharing / open data**
  - **4. Geospatial solutions**
  - 5. e-Procurement / e-Invoicing
  - 6. Decision making and legislation
  - 7. EU policies
  - 8. Supporting instruments for public administrations
  - 9. Accompanying measures

European Location Interoperability Solutions for E-government (ELISE)

- Geospatial solutions package consolidating all initiatives linked to the use of geospatial data in the public and private sectors; ELISE will …
  - take focus areas identified by the European Union Location Framework (EULF) as a basis for assessments and taking action
  - extend frameworks, guidelines, and tools initiated in the previous EULF and ARE3NA actions
  - **develop "common services"** for geonames, open mapping and addressing **in conjunction with** partners and related initiatives such as the **European Location Framework (ELF)** project
  - publish a package of recommendations and guidance to better link geodata and statistics in consistent ways, drawing on the work of UNGGIM and other initiatives
  - assess and address the barriers which impact the free flow of location-based data and which inhibit the achievement of the DSM (expected to include open data, licensing, privacy, data interoperability, skills, and public private partnerships)

www.eurogeographics.org

Contracts for Digital Content

Contracts for Digital Content

- Proposal for a Directive presented in December 2015

- Common rules for EU consumer (not B2B) contracts

- Covers supply of data (inc. games, video) and digital services (e.g. cloud storage, social media)

- Key features:
  - Supplier's liability for defects: no time limit
  - Burden of proof: if consumer claims content is defective, onus is on the supplier to disprove
  - Termination: consumers will have the right to terminate long-term contracts, and contracts which the supplier changes
  - Contract in exchange for data: where service is provided in exchange for personal data, supplier must stop using them when the contract ends

Contracts for Digital Content

- Early days; Parliament's IMCO (Internal Market) Committee and JURI (Legal Affairs) Committee to act as Joint Committees for the Directive

- Committees held a first joint debate on the Proposal on 27 April 2016.

- Concerns centred on what is digital content and what is its physical underpinning

- How does the Proposal compare with existing laws in your country? Likely impact?

Cross-border portability
of online content services

Cross-border portability of online content services

- Proposal for a <u>Regulation</u> on cross-border portability of online content services presented by the Commission in December 2015

- Aims to ensure that consumers can use online services they have signed up to in their home country, when travelling in the EU

- (films, sports broadcasts, music, e-books, games)

- Only paid services, though suppliers of free services could opt in

- Definition of 'online content service' is any service 'the main feature of which is the provision of access to and use of works [or] other protected subject matter'

- Could apply to an online consumer mapping service …?

Portability of online content

- Legal Affairs Committee has lead in Parliament, with Internal Market and Culture as Associated Committees

- Exchange of views in Legal Affairs Committee is expected on 23 May; Deadline for the draft Report July 2016; deadline for amendments September or October

- Council Working Party on Intellectual Property has a examined a revised Presidency compromise proposal

- Issues: how to verify habitual Member State of residence and whether to define temporary absence

More copyright reform on the way ...

What does the draft Digital Single Market Strategy say about copyright?

- Four areas for action:

  - portability of legally-acquired content

  - ensuring cross-border access to legally purchased online services, while respecting the value of rights in the audio-visual sector

  - greater legal certainty for the cross-border use of content for specific purposes, such as education and research, through harmonised exceptions

  - clarifying the rules on the activities of intermediaries in relation to copyright-protected content.

- Plus: modernising cross-border civil enforcement

Commission Communication on Copyright Reform (December 2015?)

- Communication on copyright reform, 'Towards a modern, more European copyright framework'; the Commission:

- is assessing options for wider online access to protected works across the EU, but no suggestion of mandatory pan-European licensing of copyright works

- sees a need to harmonise exceptions, which currently are optional for the Member States, and will consider mandatory exceptions for text & data mining and illustration for teaching purposes

- discusses the uncertainty surrounding the definition of the restricted acts 'communication to the public' and 'making available' in the online environment – which affect hyperlinking

- notes disparities in market power between rights holders and online platforms; will examine whether any action specific to news aggregators is needed to protect traditional publishers

- proposes a 'follow-the-money' approach to target commercial-scale infringers

- argues that the long-term vision should be a single copyright code, a single copyright title and a single jurisdiction with its own tribunal (too much to stomach for Member States?)

- Will bring forward further legislative proposals in 2016

What's coming next?

- Commission consultation on neighbouring rights and panorama exception

  - Public consultation open 23 March to 15 June 2016

  - Seeks views on the role of publishers, who do not currently benefit from neighbouring rights

  - Also consulting on the panorama exception, which concerns the use made of images depicting buildings, sculptures and monuments located permanently in public places

- Commission has not yet announced the precise scope of the copyright reform package; neither its legal form nor the number of instruments

- Reform package, previously expected in spring 2016, now expected to be presented after summer 2016

- Suggested date for publication shortly after Commission meeting on 21 September

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Priority ICT standards

Priority ICT Standards

- Commission Communication on ICT Standardisation Priorities, highlighting five areas in which urgent progress is needed to support the Digital Single Market:

  - 5G communications
  - cloud computing
  - the internet of things
  - (big) data technologies
  - cybersecurity

- The Commission has little direct power in this area, but it is keen to encourage and support standards organisations and initiatives. It also sees itself in a co-ordinating role

- Communication was published on 19 April and it is too early to assess its impact

- Links
  - Joint Initiative on Standardisation
  - European Standardisation Guidelines

- Are your standards experts aware of these activities? Are they participating?

Review of the e-Privacy Directive

Review of the ePrivacy Directive

- Directive governs the processing of personal data and the approach towards privacy in the electronic communications sector

- Public consultation 11 April – 5 July 2016

- Seeking input from telecom operators and other service providers, public authorities, consumer associations, citizens, businesses, equipment makers and academics

- Directive updated in 2009, introducing the requirement to notify the competent national authorities, and in specific cases the concerned individuals, of personal data breaches

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eGovernment Action Plan

eGovernment Action Plan 2016-2020

- Published 19 April as successor to the 2011-2020 plan

- Principles:
  - Digital by Default
  - Once-only principle
  - Inclusiveness and accessibility
  - Openness & transparency
  - Cross-border by default
  - Interoperability by default
  - Trustworthiness & Security

- Geospatial does get a mention; the Commission will:
  - accelerate the deployment and take-up of the INSPIRE Directive data infrastructure

Action Plan for 5G Networks

Action Plan for 5G Networks

- The Commission is drawing up an Action Plan to deploy the technology of 5G in the EU

- Deployment of 5G mobile networks is going to be important for the development of Smart Cities and the Internet of Things

- Because 5G operates at high frequencies and short wavelengths, propagation will be an issue and 3D geospatial data should play an important role

- The Action Plan will take into account the interests of the automotive, health, smart factories, energy and media industries, with other main users such as the public sector

- The Plan is expected to include a strategy for increasing cooperation between the telecommunications sector and user industries

- The Commission is expected to adopt the Action Plan by the end of 2016

- How can we get involved?