

DIGITAL SINGLE MARKET TASK FORCE

(formerly known as the Digital Agenda Task Force)

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Today's topics

- Digital Single Market Strategy
– *featuring* Copyright Reform
- General Data Protection Regulation
- ISA2



Why change the name of the task force?

- The Digital Single Market has always been, for us, the most important pillar of the Digital Agenda
- Most actions under the Digital Agenda are complete or superseded
- The Digital Single Market has gained renewed impetus under the Juncker Commission



The Digital Single Market



The Digital Single Market



Digital Single Market

#DigitalSingleMarket
#teamJunckerEU



We should remove all barriers that prevent people from being able to cross borders as easily online as they can offline. A Digital Single Market will help European businesses to grow and make a real difference to people's lives.



Andrus Ansip
#DigitalSingleMarket

10
priorities

Jobs, Growth and Investment **Digital Single Market** Energy Union and Climate Economic and Monetary Union Internal Market EU-US Free Trade Justice and Fundamental Rights Migration EU as a Global Actor Democratic Change



Digital Single Market: the rationale in 2010

- 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 low
 - ICT usage is low (compared with the US)
 - Few global digital firms have emerged in the EU
- Initial success of European telecoms industry (Nokia, GSM standard) has not been repeated



The Digital Single Market in 2015

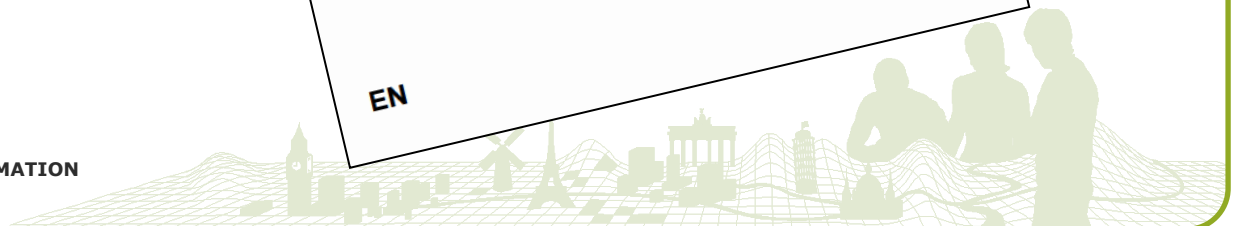


- One of (only) ten priorities of the Juncker Commission
- Three main areas of focus:
 1. Better access for consumers and businesses to digital goods and services
 2. Creating the right conditions for digital networks and services to flourish
 3. Maximising the growth potential of the Digital Economy
- Strategy presented to Council 6 May



The Digital Single Market Strategy

Presented to
Council
6 May 2015



Roadmap for completing the Digital Single Market /// Initiatives

2015

2016

I. 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



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

II. 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**

Review of the **e-Privacy Directive**



Review of the **Audiovisual Media Services Directive**

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

III. 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

A closer look at ...

Copyright Reform



Copyright reform

- Information Society Directive (2001) and Database Directive (1996) form the basis of the current acquis
- The previous Commission tackled a few specific issues:
 - Orphan works
 - Collective rights management
 - Copyright levies



Public consultation on copyright

- December 2013 – March 2014
- Wide-ranging – 80 questions
- Nothing directed explicitly at the public sector



Response to the consultation

- 9500 responses to the consultation
- Report published July 2014
 - 101 pages
- Responses broadly reflected the perspectives of different market participants
- The Barroso Commission failed to bring forward its promised White Paper



So 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 (2016)



Is that all?

- Some big legal issues not covered: digital exhaustion, hyperlinking?
- Predictably less ambitious than report by Julia Reda MEP on behalf of Parliament's Justice Committee ...



Meanwhile, in the European Parliament ...

- Parliament's own-initiative Resolution provisionally scheduled for plenary vote in June
- Rapporteur Julia Reda (Pirate, DE) presented draft Report to JURI Committee on 20 January



Reda report recommends, inter alia:

- Create a Single European Copyright title
- Exempt public sector works (within the political, legal and administrative process) from copyright protection
- Mandate all exceptions and limitations in the Copyright Directive
- Clarify that hyperlinking is not restricted by copyright
- Enable text and data mining



What next for copyright?

- Reda report - 556 amendments tabled, many in opposition
- JURI Committee vote 7 May
- Parliament Working Group on IPR and Copyright Reform will meet on 13 May - and will feed back to the Commission
- Further work in the Commission involves multiple actors:
 - Vice-President for the Digital Single Market: **Andras Ansip**
 - Commissioner for Digital Economy and Society: **Günther Oettinger**
 - Vice-President for Jobs, Growth, Investment and Competitiveness: **Jyrki Katainen**
 - First Vice-President for Better Regulation, Inter-Institutional Relations, Rule of Law and Charter of Fundamental Rights: **Frans Timmermans**
- Legislative proposal before the end of 2015?



The General Data Protection Regulation



The General Data Protection Regulation

- High public and political profile
- Sustained lobbying by business and privacy campaigners
- Proposed Regulation has 100+ articles
- Making very slow progress



General Data Protection Regulation - aims

1. allowing consumers to have better information, access and control over their personal data that are processed
2. increasing the security of processing personal data
3. enhancing the enforcement of rights for data subjects
4. reducing administrative burden for businesses arising from notification of data protection activities



Data Protection Regulation - definitions

- **'Personal data'** means data relating to a data subject
- **'Data subject'** means an identified natural person or a natural person who can be identified, directly or indirectly, by means reasonably likely to be used by the controller or by any other natural legal person, in particular by reference to an identification number, **location data**, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person

Timeline

- January 2012: Commission Proposal
- March 2014: Parliament plenary vote
- Rest of 2014: Council Working Party
- 15-16 June 2015: provisional date for informal political agreement in Council
- Rest of 2015: trilogue negotiations
- Q2 2016: Earliest likely date for adoption



Some of the issues

- Current Directive took five years to agree – one-third the length and only 11 Member States in Council then
- One-stop shop has been a sticking point for Member States – some argue for proximity to where the data subject lives
- Right to be forgotten
- Penalties
- Application to public sector



Progress?

- Council has found agreement difficult
- Slow progress – now using the tactic of 'Partial General Approach' on the basis that nothing is agreed until everything is agreed
- Latvian Presidency still seeking agreement on Chapter II – Principles, and the 'One-stop Shop'



Principles – Recital 24 of Presidency text

- When using online services, individuals may be associated with online identifiers provided by their devices, applications, tools and protocols, such as Internet Protocol addresses or cookie identifiers. This may leave traces which, when combined with unique identifiers and other information received by the servers, may be used to create profiles of the individuals and identify them. **Identification numbers, location data, online identifiers or other specific factors as such should not (...) be considered as personal data if they do not identify an individual or make an individual identifiable.**



ISA2 – Interoperability Services for Public Administrations



ISA2 – a potential source of funding for ELF?

- Interoperability Solutions for European Public Administrations Programme
- June 2014: Commission Proposal for a Decision on ...
- A new programme to follow ISA, which expires in December 2015
- 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



History

- 1995-99 IDA: Interchange of Data between Administrations
- 1999-2004 IDA II
- 2005-09 IDABC: Interoperable delivery of pan-European eGovernment services to public administrations, businesses and citizens
- 2010-15 ISA
- 2016-20 ISA II



Interoperability – Commission definition

The ability of disparate and diverse organisations to interact towards mutually beneficial and agreed common goals, involving the sharing of information and knowledge between the organisations, through the business processes they support, by means of the exchange of data between their respective ICT systems



ISA 2 – how will it work

- Commission will adopt a rolling work programme
- Commission shall be assisted by the ISA [2] Committee



What will be eligible for financing?

- Development, establishment and improvement of common frameworks and generic tools
- Development, establishment, industrialisation and improvement of common services; centralised operation of such services at Union level may be also funded by the Programme [in some circumstances]
- Interoperability solutions taken over by the ISA2 Programme as 'solution incubator' or as 'solution bridge' [interim funding]

