

# Constructing European Digital Single Market

*Alexandre de Streel, University of Namur and CERRE*

*Christian Hocepied, University of Namur*

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# Why Digital Single Market ?

- Digital technologies are Europe future and the best allies to the single market
- Many digital services are - by their economics - cross-border: the world is flat

# OUTLINE

- 1. EU policy techniques to stimulate DSM**
- 2. Actions during the 8<sup>th</sup> Parliamentary legislature**
- 3. Possible future actions for the next legislature**

# 1. Regulatory Techniques to lower costs and barriers

- Directly: EU rules to **ease cross-border** digital trade
  - Country-of-origin principle
  - Prohibition of nationality/residence discrimination or surcharges
- Indirectly: EU **harmonisation of national rules**
  - EU rules, Codes of conduct, standards
  - 50 shades of harmonisation
- **National enforcement agencies**
  - Minimum EU requirements on structure
  - Effective sanctions
- **Coordination** of national enforcement
  - From information exchange to joint actions, possibly within EU networks
  - Common interpretation procedures

# Other EU techniques to reduce national divergences

- **Strategies and Action Plans**
- **Monitoring** and reporting
- **Financing**
  - EU Programmes: ESFI, EFSI, CEF, H2020 ...
  - PPPs
  - Joint national actions

## Platforms: E-Commerce-Content (21%)

- REG Portability online content - REG Geo-blocking
- REG and DIR VAT e-commerce
- REG Cross-borders parcel delivery
- DIR AVMS
- *REG P2B*
- *REG .eu*
- REC Illegal content
- COM Collaborative economy

## E-Government (4%)

- REG Single Digital Gateway
- COM European Interoperability Framework
- COM eGov Action Plan 2016-2020

## Intellectual Property (15%)

- DIR Trade secret
- REG and DIR copyright for print-disabled
- DIR Copyright in DSM
- REG Copyright and broadcasting
- DIR VAT e-publications
- COM Guidance IP Enforcement
- COM Approach SEP

## Data and AI (19%)

- GDP REG – DIR Data police- *REG e-privacy* - *DIR PSI* - REG Free flow data
- *REG EU-HPC*
- REC Scientific data - COM Guidance sharing private data

## Consumer Protection and Trust (14%)

- REG CPC
- *DIR Contracts digital content* - *DIR sales of goods*
- *DIR Better enforcement and modernisation – DIR Collective Redress*
- COM Guidance UCPD

## Security and Trust (9%)

- DIR NIS
- *REG Cybersecurity Act*
- *DIR Counterfeiting means of payment*
- REC Coordinated Response scale incidents

## Electronic communications Networks and Services (18%)

- REG Open Internet - REG Wholesale roaming
- DEC Frequency band
- DIR EECC – REG BEREC
- COM Guidelines SMP

## 2. Actions during the 8<sup>th</sup> Parliamentary legislature

- Lots has been achieved
- Mainly with **rules**
  - Specific for key cross-border issues
  - Harmonisation of national laws mainly with EU Regulations (19 - 63%) and Commission interpretative Guidance (9)
  - Strengthening of national agencies and their cooperation
  - Reliance on EU Codes of conducts and standards
- Complemented by **non-regulatory** actions
  - Many Action Plans - Close EU Monitoring (e.g. DESI)
  - Increase use of EU Funds

## E-Commerce-Content-Platforms

- Internal market clause
- Some specific rules to support cross-border trade: geo-blocking, portability, VAT, parcel delivery
- Increased harmonization of rules for operations of platforms: transparency, illegal content
- Increase cooperation: ERGA
- Facilitate dispute resolution

## E-Government

- Action plan to stimulate e-gov and interoperability
- Single Digital Gateway by 2020
- Some EU financial support

## Intellectual Property

- Copyright exemption for research
- Special formats for print-disabled
- Increased obligations on online providers and new rights for publishers and content holders

## Data and AI

- Facilitate a fifth freedom: data
- Partial harmonization of national rules on personal or public data
- Extensive cooperation between DPAs and DPB to ensure consistent enforcement
- Financial support for costly data infrastructures: Cloud, €1 bn for supercomputer
- European AI alliance & High-Level Expert Group



## Consumer Protection

- Adapted harmonised rules to digital, esp. transparency and unfair practices
- Strengthened cooperation between NCA within CPC Network

## Security and Trust

- Emerging harmonisation
- New cooperations: CSIRTs, ENISA
- Some financial support

## Electronic communications Networks and Services

- Specific rules on key cross-border issues: international roaming, calls
- Partial harmonization of national rules to ease entry and spectrum use and stimulate private investments while protecting consumers
- Maintain cooperation between NRAs within BEREC
- More EU financial support for deployment of new infrastructures: €29 bn from EFSI and €14 bn from ESIF

## 3. Possible Future Actions

- Fields of action
  - Content and Copyright
    - What industry structure do we want/need?
  - E-Government
    - National and cross-border digital public services
    - Regulating *with* digital technologies
  - Data, the infrastructure for innovation
    - Fluidity of data within and across Member States
  - AI and EU industrial policy
    - Not only rules but comprehensive sets of policies to affirm EU digital sovereignty

# Possible Future Actions

- Techniques
  - Regulatory
    - Country of origin principle is key but requires mutual trust
    - Simplification and more horizontal and principled-based EU legislation
    - More EU-type enforcement: establishment of EU like Federal Trade Commission with national bureaus
  - Complemented by non-regulatory
    - Monitoring and exchange of best practices
    - Develop digital skills
    - Increasing smart use of EU funds for cross-border projects



[alexandre.destreel@unamur.be](mailto:alexandre.destreel@unamur.be)

# Back-up Slides



E-commerce, Content and online platforms	E-Government	Data and AI	Intellectual Property	Consumer protection	Trust and security	Electronic communications networks and services
Regulation on cross-border portability of online content services (2017)	Regulation establishing a Single Digital Gateway (2018)	Regulation General Data Protection (2016)	Directive Trade Secret (2016)	Regulation on Consumer Protection Cooperation (2017)	Directive on Network Information Security (2016)	Regulation Open Internet/TSM (2015)
Regulation addressing unjustified geo-blocking (2018)		Directive data Police (2016)	Regulation and Directive on permitted uses in copyright for print-disabled persons (2017)	<i>Directive on contracts for the supply of digital content - P2015</i>	<i>Regulation on the EU Cybersecurity Act – P2017</i>	Decision on use of 470-790 MHz frequency band (2017)
Council Regulation and Directive VAT for e-Commerce (2018)		Regulation on Free flow of non-personal data (2018)	<i>Directive on copyright in the Digital Single Market – P2016</i>	<i>Directive on contracts for sales of goods - P2015, M2017</i>	<i>Directive on the combatting of fraud and counterfeiting of non-cash means of payment – P2017</i>	Regulation on wholesale roaming (2017)
Regulation on cross-border parcel delivery services (2018)		<i>Regulation e-privacy – P2017</i>	<i>Regulation on Copyright and broadcasting organisations – P2016</i>	<i>Directive Better enforcement and modernisation of EU consumer protection rules – P2018</i>		Regulation to promote Internet Connectivity in local communities (Wi-Fi4EU) (2017)
Directive Audio-Visual and Media Services (2018)		<i>Council Regulation establishing the European High-Performance Computing Joint Undertaking – P2018</i>	<i>Council Directive on VAT for e-publications – P2016</i>	<i>Directive Collective redress – P2018</i>		Directive on European Electronic Communications Code (2018)
<i>Regulation on promoting fairness and transparency for business users of online intermediation services – P2018</i>		<i>Directive on the re-use of public sector information (recast) P2018</i>				Regulation BEREC (2018)
<i>Regulation on the implementation and functioning of the .eu Top Level Domain name – P2018</i>						

E-commerce, Content and online platforms	E-Government	Data and AI	Intellectual Property	Consumer protection	Trust and security	Electronic communications networks and services
Recommendation on measures to effectively tackle illegal content online (2018)	European Interoperability Framework (2017)	Recommendation on access to and preservation of scientific information (2018)	Guidance IP Enforcement Directive (2017)	Guidance on the implementation UCPD (2016)	Recommendation on Coordinated Response to Large Scale Cybersecurity Incidents and Crises (2017)	Guidelines Market analysis and SMP (2018)
European Agenda for collaborative economy (2016)		Guidance on sharing private sector data (2018)	EU Approach to Standard Essential Patent (2017)			
Competition Sector Enquiry e-commerce (2017)						
COM Cross-border ecommerce - 2016	COM eGov Action Plan 2016-2020	COM Digitising European Industry - 2016	COM Copyright I - 2015		JOINT COM Cybersecurity for EU - 2017	COM Connectivity - 2016
COM Tackling online disinformation - 2018	COM eHealth - 2018	COM Data Economy - 2017	COM Copyright II - 2016			COM 5G Action Plan - 2016
		COM European Cloud - 2016				
		COM Exchanging and Protecting Personal Data in a Globalised World - 2017				
		COM European Data space - 2018				COM ICT Standardisation - 2016
		COM AI - 2018				

	Platforms : E-commerce, content	E-Gov
<b>Rules for cross-border trade</b>	<ul style="list-style-type: none"> <li>- Prohibition geo-blocking</li> <li>- Cross-border portability content</li> <li>- Cross-border parcel</li> <li>- VAT ecommerce</li> <li>- .eu</li> </ul>	<ul style="list-style-type: none"> <li>- Digital Single Gateway</li> <li>- VAT One Stop shop</li> <li>- eGov Action Plan</li> <li>- Interoperability framework</li> </ul>
<b>Harmonisation of</b> <b>- Hard-law</b> <b>- Codes of conduct</b> <b>- Standards</b>	<ul style="list-style-type: none"> <li>- Platforms: Transparency and fairness, illegal content</li> <li>- Media content: consumer protection, pluralism, EU content</li> </ul>	<ul style="list-style-type: none"> <li>- eGov Action Plan</li> <li>- Interoperability framework</li> </ul>
<b>Enforcement</b>	<ul style="list-style-type: none"> <li>- DG COMP ecommerce enquiry and cases</li> <li>- ERGA</li> </ul>	
<b>Dispute resolution</b>	Platforms	<ul style="list-style-type: none"> <li>- Digital Single Gateway</li> </ul>
<b>Financing</b>		<ul style="list-style-type: none"> <li>- Interoperability framework</li> </ul>

	Data and AI	Consumer protection	Security	Ecoms networks and services
<b>Rules for cross-border trade</b>	- Limitation of data location requirements		EU cybersecurity certification	- International roaming - International calls - EU numbering space
<b>Harmonisation of</b> - <b>Hard law</b> - <b>codes of conduct</b> - <b>standards</b>	- GDPR – e-privacy - Extension of open public data - Sharing private data	- Contracts digital content - Enforcement and modernisation	- NIS requirements and notification	- EECC - Spectrum 700 MHz
<b>Enforcement</b>	- Extensive cooperation between DPAs - DBP	- CPC Network	- Cooperation in large scale incidents - CSIRTs network - ENISA	- BEREC - RPSG
<b>Dispute resolution</b>		- ADR - Collective action		For ecoms
<b>Financing</b>	- Cloud - EU-HPC - AI centres of excellence		- EU Funds	- CEF-EFSI - Wifi4EU