#EUDS 2022
TAKEAWAYS

The 6th edition of the EU Digital Summit took place in an in-person format at Egmont Palace where prominent speakers from business, policy and academia were able to connect. The EU Digital Summit was a resounding success. During this summit, we hosted 12 high-level panels and interactive interviews featuring over 30 prominent speakers who joined in-person and virtually from all over Europe and around the world. This Summit has reflected our continuous engagement and strong commitment to work together with policy, business and academia to accelerate innovation and competitiveness while safeguarding the rights and interests of users, consumers and citizens.

OPENING UP THE DIGITAL ECOSYSTEMS

Our societies have been on a path of digital transformation for the last four decades accelerated by the COVID crisis, which has brought more regional integration and resilience within the European community. During the Czech presidency, it will therefore be important to implement efficient legislations in accordance with the needs of a fast-changing world, and to build strong links with the private sector, to follow its rapid evolutions.
Deputy Prime Minister for Digitalisation Bartos' political vision for the upcoming presidency involves providing excellent digital services and digital security to customers and citizens, who ought to be at the centre of policy design. Additionally, discussions have also been opened to create frameworks for future innovations, without slowing down progress. Working with a common language has also been pointed out as a necessity: indeed, a structured digital ecosystem will benefit everyone in the EU and beyond – as the presidency should also achieve a lot when it comes to providing help and digital tools to Ukraine.

EU VALUES IN DIGITAL: WHICH WAY AHAED?

EU values in the field of digitalization include quality, inclusiveness, and protection without protectionism. In this light, the EU needs to define very clear lines of what is acceptable, and what is not, in order to benefit from the advantages technology offers, while safeguarding citizens from potential malevolent use.

Regulation is not opposed to innovation. Indeed, smart regulation enables innovation by providing legal certainty for companies. It can be a bigger burden for Small and Medium Enterprises (SMEs), which is why the EU already developed sandbox environments for them.

The pandemic has forced us to focus on common priorities when regulating digital. While some divergences are coming back in policy debates, European Parliament's Vice-President Eva Kaili outlined that that the EU still shares the same big picture, which will offer a base to develop a common strategy for regulation and to build a very resilient economy. But collaboration beyond European borders is of course also a necessity: since raw materials are sourced outside Europe, it is impossible to reach full strategic autonomy.

DMA – EVERYTHING IS IN THE ENFORCEMENT

The enforcement of the DMA will rely on the European Competition Network and its existing sets of skills and knowledge, as it had previously been set up for the enforcement of other competition law instruments. However, securing enough powers for National Competition Authorities (NCAs), which are already preparing for the tight schedule of implementation of the DMA once it will be adopted will be one of the main challenges for the European Parliament. Indeed, while the NCAs will play an important role in triggering and conducting investigations, the Commission is the sole actor empowered to take final enforcement decisions. This is not to be underestimated: if the implementation will take a while, it is going to deliver results witnessable in citizens' daily lives.

The UK counterpart of the DMA – the DMU - is still in drafting: the UK is thus closely observing the DMA's implementation to draw lessons and avoid the same pitfalls. Indeed, while the DMU is more participative, and more principle-based than the DMA, the difference in practice is not expected to be huge.

HOW TO TURN HUMAN-CENTRIC ARTIFICIAL INTELLIGENCE INTO REALITY?

The legal framework for Artificial Intelligence has been in the works for one year and remains the first proposal for regulation of the use of artificial intelligence systems in the world. It focuses on high-risk applications of AI systems, which could for instance lead to risks of fundamental rights violations. Those will require the undertaking of a conformity assessment before being put in the market, as well as a reinforced surveillance system to prevent potential incidents afterwards. The proposal is to be comprehensive technology neutral, which means it should encompass different techniques from machine learning to expert systems.
However, while comprehensive, the regulation will need to be targeted and proportionate to still create a vibrant market of trusted AI systems for the European industry, economy, and society to harness all the potential and many benefits of AI application systems.

IS THERE A FUTURE FOR THE TRANSATLANTIC TECH PARTNERSHIP?

The cyberspace is being increasingly regulated, and every actor does it according to its own values. However, if the EU's goal is to promote sustainable and equitable digitalization in this interdependent world, points of convergence will have to be found, and divergences will have to be managed. While the US will not regulate as the EU does, there are still efforts to bring each area's policies as close together as possible. For instance, the US government is supportive of both the DMA and the DSA because they understand that they will have to comply with European regulation to access the broad EU market.

This cooperation is of course facilitated by the Trade and Technology Council (TTC). Far from being anti-China, it is pro-US and EU dialogue, and even has the potential to encourage cooperation with other international partners if it is a success.

THE DIGITALISATION OF SMES

The digital transition of SMEs should be supported by competition norms which level the playing field and enable them to compete with bigger players. Policies usually target big businesses and contain exceptions for smaller ones. But SMEs are the backbone of Europe's economy and are essential to accomplish the twin transitions towards a sustainable and digital society. Policies should thus be tailored to the needs of most entrepreneurs and include exceptions for bigger businesses. It is also crucial to improve communication about regulations to make compliance accessible to small businesses, which cannot afford to hire lawyers for the sole purpose of complying with EU regulations.

SHOULD DATA PROTECTION RULES BE CHANGED?

The pledge for a more centralized enforcement of data protection rules is not an attempt of the European Data Protection Office to grab more power. First, there are legitimate reasons to update data protection rules: the draft of the GDPR is ten years old. While a lot went as expected, there is still room for targeted improvement – notably more coordination and synergy between the 27 data protection authorities, which have different administrative laws and procedures. Besides, this can prove even more challenges in the instance of cross border procedures. Our diversity has to be a strength, not a bottleneck. Secondly, the Data Protection Board holds a very important role and has authority over the Secretariat as well as the National Data Protection Authorities.

PROTECTING CONSUMERS AND DEMOCRACY IN THE DIGITAL AGE

The EU has a lot of promising policy instruments in the making. Recently, a historic agreement was reached on the DSA, which will make sure that the online space is safe and can contribute to democracy. Together with the DMA, it complements the existing GDPR. Indeed, data sharing is crucial for the information economy and innovation, but it must come with a high level of information and data protection. Artificial Intelligence can also bring benefits for health, environment, or the economy, etc…, but once again, the people have to come first – this is the aim of the AI Act's risk-based approach, and of the new transatlantic framework which will replace the Privacy Shield and clarify who can use data and under which conditions. And by following this approach, the economy will follow: the DMA, the DSA and the new transatlantic framework could create an additional 270 billion EUR of GDP by 2028.

ARE STANDARDS A NEW GEOPOLITICAL TOOL?

China, the US, and the EU are all working on their own standardisation strategies. But the lack of a global approach creates the risk of a "splinternet": a fragmented digital economy. The EU already plays a major role in the field of standards and is not only developing them for its own single market. Its standardisation strategy is based on simplification, consistency, and inclusiveness. However, smaller businesses might not have the means to be included, and make substantial contributions in the processes, for lack of time, expertise, or money, and there are still insufficient investments when it comes to market deployment of standards.

International standards are prioritized in Europe if they meet all its requirements, which can only happen through international cooperation, and is the best way to guarantee knowledge-sharing, respect of values, access to market and interoperability. And while politics has a role to play when it comes to its implementation, geopolitics should not impede cooperation.

BOOSTING EUROPEANS' DIGITAL SKILLS

A lot of our ability to accomplish the digital transition depends on the general level of digital skills among the population, which include not only use of devices and software but digital interaction skills and content creation. Therefore, boosting those skills should be a priority, especially as they work to reduce the impact that education, socio-economic status, money, cultural background, gender, or age can have on individuals. Indeed, digital inequalities result from a combination of those factors. However, the challenges do not only lie within training but are also about how to continue using that training and the acquired skills in the long run, to improve employment, sustainability, and wellbeing, for instance. To succeed, both formal and informal education should be combined, and it is of course crucial that member states share best practices and create synergies.

WHAT FUTURE FOR PLATFORM WORKERS?

A lot of platform workers are in a very fragile social and economic situation, and this is not acceptable. Platform work also disrupts fair competition with other service providers. But European Commissioner for Jobs and Social Rights Nicolas Schmit believes the flexibility of platform work is not incompatible with guaranteeing minimum social protection, and while it will require them to change their business models, they should be capable of doing so, as the example of Spain has shown. Indeed, the European Platform Work Directive only requires that platform workers don't fall outside the status of 'normal' workers, and that they have effective means to claim their rights, and member states are then free to increase protection even more.