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Kontakta Tom

Dear Colleagues,

A lot has changed since the last Brussels Briefing on European Union (EU) Affairs went out at the end of February - whilst the COVID-19 threat was already looming, it did not yet dominate news reporting and social media. Not much later, in early to mid March, Brussels (along with much of the rest of the world) slowly went into the now all-too-familiar lockdown. The world's largest experiment in tele-working did of course not stop at the doors of the European Commission (EC); with the exception of key cabinet-level staff at the iconic Berlaymont Building, the EC is also continuing its policy work from home.

There has expectedly been a shift in EC efforts to concentrate on managing the COVID-19 outbreak and the economic fallout, by e.g. coordinating medical efforts and supplies throughout the bloc, keeping closed down borders in the Schengen zone open to freight transport ("Green Lanes"), and putting together an EU-wide economic rescue package either through the European Stability Mechanism (ESM) or through the creation of "Corona-Bonds". This refocus has a clear effect on on-going policy work, with delays, changes to policies in response to the crisis, and foreseen budgets being decreased.

So, for a roundup of recent developments in the EU digital policy space:

INDUSTRIAL STRATEGY AND CIRCULAR ECONOMY AS PART OF THE EU GREEN DEAL
Two components not of the EC digital strategy, but of the EC's environmental efforts (EU Green Deal) to make Europe a climate-neutral continent by 2050, but which have a bearing on the digital and Information and Communication Technology (ICT) sector have been published recently - albeit without the fanfare to be expected in a pre-coronavirus world. The European Industrial Strategy, aims at using the green and digital transformations to empower industry and small and medium-sized enterprises (SMEs). Amongst the published information are references to "possible measures to improve the conformity of products sold via online platforms" and to "to assess the need to upgrade the legal framework, ensure a smart use of Intellectual Property (IP), better fight Intellectual Property theft". The Circular Economy Action Plan mentions as a key sector to convert to these principles electronics and ICT.

DELAYS AND NEED FOR POLICY REFOCUS ON EU-LEVEL DUE TO COVID-19 RESPONSE

With delays and funding issues to be expected in the EU Green Deal, the European Digital Strategy is being affected too. Whilst the original deadline of end of May still applies for the public consultation on the EC White Paper on Artificial Intelligence (AI), the public consultation on the EU Digital Strategy expected for end of March has not been launched yet, with no information on timings going forward known. Overall delays to the next elements in the development of the EU Digital Strategy are likely, including the Digital Services Act - a virtual meeting with the EC unit responsible for this dossier did shed some light on this (see below).

COVID-19 AND THE WIDER DISCUSSION ON PRIVACY PROTECTION VS. THE GREATER GOOD

With the key principles of the EU Digital Strategy presented in February, including the EC Communication on Shaping Europe's Digital Future, the EC Communication on a European Strategy for Data, and the EC White Paper on Artificial Intelligence (all subject of the last Brussels Briefing), we are now seeing one key area, where cracks are already appearing, i.e. privacy in the context of fighting COVID-19. The discussion here centres around the use of apps to track movements and interactions of citizens having tested positive for the virus, and the privacy implications of collecting and storing these highly sensitive geo-localised data sets. This appears to boil down to the (philosophical) question if a disaster situation such as the coronavirus pandemic justifies the permanent relaxation of privacy rules "for the greater good".

UPDATE FROM EC DG CONNECT ON HOW COVID-19 AFFECTS EU DIGITAL POLICY

Despite the ongoing disruptions we were able to have a conference call with the unit in charge of eCommerce and Platforms at the EC, to discuss how COVID-19 is affecting their efforts, gain insights into their take on the EU Digital Policy, and learn what the timeline is likely to be. Their refocus in the digital space centres on helping businesses survive the immediate crisis, working with platforms on data sharing and analytics, and more long-term economic recovery. Key issues here are the use of geo-localised data and fighting the spread of misinformation on the pandemic. Pre-crisis priorities, which still apply, are AI policy, platform regulation, and cyber-security - albeit with some minor changes and delays. More specific EC policy goals in this space are to improve the functioning of the internal market, fairer competition between large platforms and SMEs, and regulating platform workers in the "gig economy". Next steps for the Digital Services Act are public consultations to be launched soon, followed by an impact assessment, and the eventual policy instrument(s) later in the year. The public consultation will, as usual, be in the form of an online questionnaire, to be split into a number of modules, covering separate policy areas - with some of them more developed than others.

Whilst COVID-19 is likely to affect our lives for some time to come and the EC, like most other organisations and Governments, will be focusing a large proportion of their efforts on winning the fight against the coronavirus and the subsequent need for economic recovery, most dossiers will of course continue, if delayed and perhaps changed or scaled down. We will be monitoring all developments in the EU digital policy portfolio and report back!