

EU Digital Agenda

Shaping EU policies

EFTA Introductory Seminar, 15 September 2020

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Shaping Europe's digital future

A human-centred, fair and sustainable digital transformation

Data

Data Governance Act
2020

High Value Data sets Impl. Act
2021

Data Act
2021

Artificial Intelligence

Artificial Intelligence Act
2021

Digital Europe Programme
2021-2027

Online platforms

Digital Services Act
2020

Digital Markets Act
2020

Cybersecurity

NIS 2 Directive
2020

Cyber Competence Centre and Network
2021

Connectivity

Roaming Review Regulation
2021

Broadband Cost Reduction Directive
2021



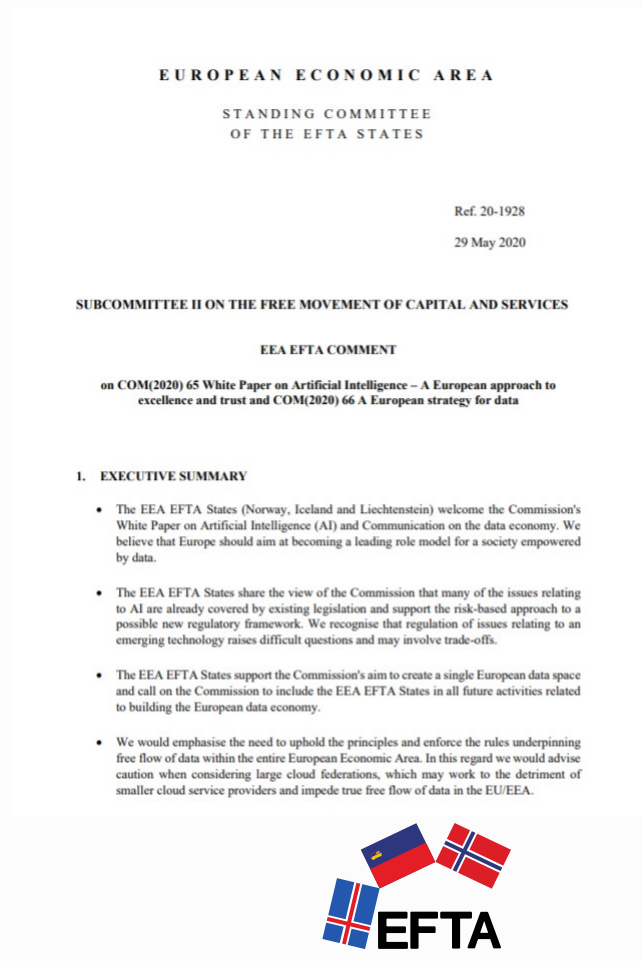
EEA EFTA Comment on AI and Data Strategy

- > Support the vision that Europe should become a leading role model for a society empowered by data
- > A common European approach to AI and the data economy is important to preserve the integrity of the Digital Single Market and safeguard privacy, security, safety and ethical standards
- > Support the risk-based approach to AI
- > The principle of free flow of data should take precedence over the establishment of large cloud federations
- > Issues regarding third-country legislation on access to data should be addressed
- > Data spaces for health, mobility, Green Deal, public administration, marine and maritime sectors should be prioritized



EEA EFTA Comments

- > Common position papers to raise issues of importance to the EEA EFTA States
- > Issued during consultation phase, after adoption or throughout co-decision procedures
- > Submitted to EEAS, relevant DGs, European Parliament and current/incoming Council Presidency
- > Tool for establishing a dialogue with the EU side
 - > Invitation to discuss at WG meetings
 - > Bilateral meetings





Home - European Economic Area (EEA) / Relations with the EU - EEA EFTA Comments

EEA EFTA Comments

One of the ways in which the EEA EFTA States participate in shaping EU policies, programmes and legislation is by agreeing on common position papers, called EEA EFTA Comments, distributed to the EU side.

The EFTA Working Groups (see [policy areas](#)), assisted by the EFTA Secretariat, prepare the EEA EFTA Comments.

EEA EFTA Comments may be issued as input to public consultations organised by the Commission when preparing a legislative proposal, a policy or a strategy, or after their adoption by the Commission throughout the co-decision procedures on the EU side.

The EEA EFTA Comments are approved by the [Standing Committee of the EFTA States](#) before they are submitted to the European External Action Service, the relevant Directorates of the European Commission and to the European Parliament, as well as to the Presidency of the European Council.

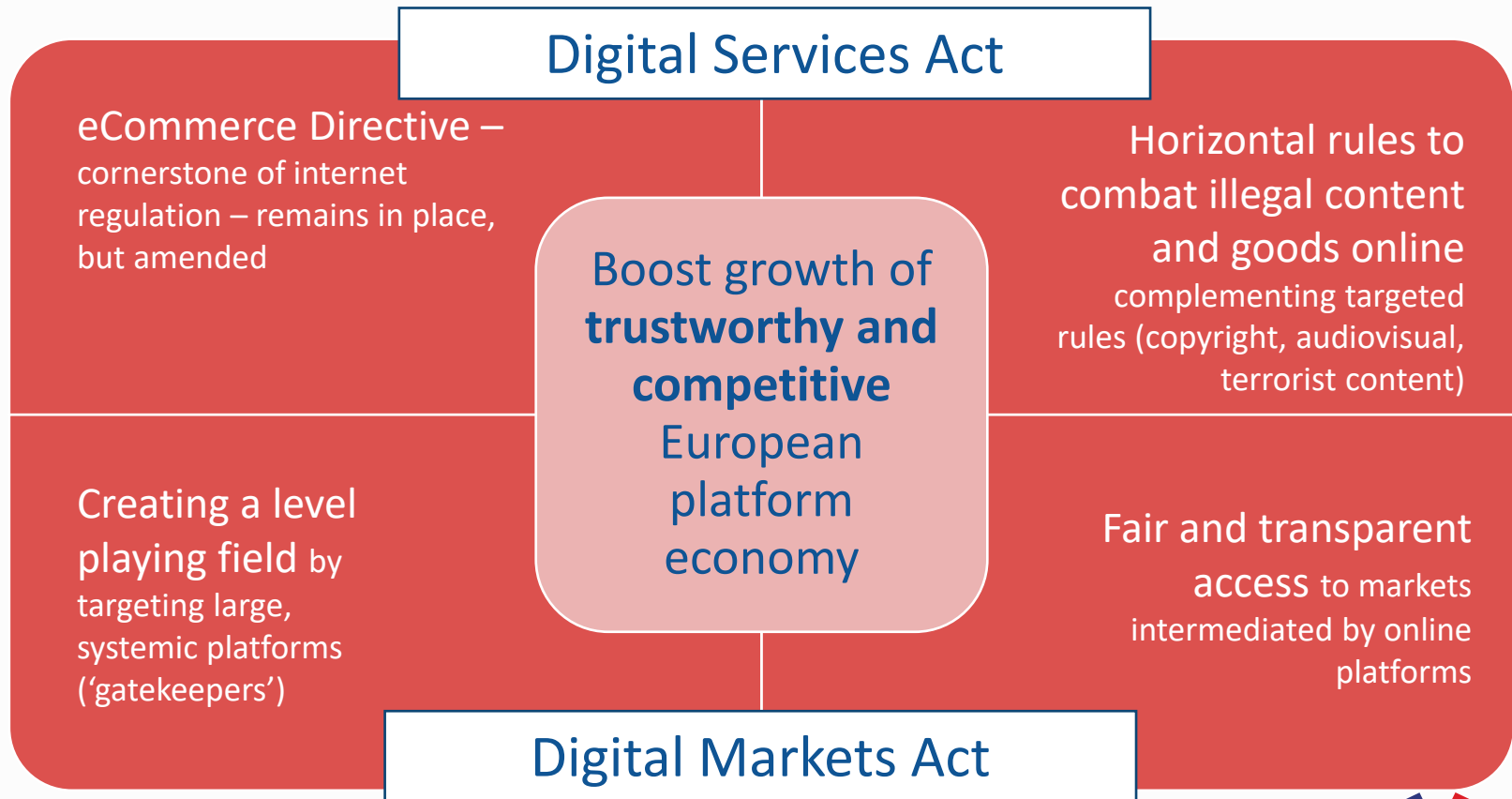
The EEA EFTA Comments are often followed up with discussions between representative from the EU institutions and EEA EFTA Member States in the EFTA Working Groups, and/or in bilateral meetings. The Comments are published on the EFTA homepage, see below.

Comments by year: [2021](#), [2020](#), [2019](#), [2018](#), [2017](#), [2016](#), [2015](#), [2014](#), [2013](#), [2012](#), [2011](#), [2010](#), [2009](#), [2008](#), [2007](#), [2006](#), [2005](#), [2004](#), [2003](#), [2002](#), [2001](#), [2000](#), [1999](#), [1998](#), [1997](#), [1996](#), [1995](#), [1994](#)

Date	Subject
03.05.2021	EEA EFTA Comment on the revision of the Eurovignette Directive
04.03.2021	EEA EFTA Comment on the Farm to Fork Strategy for a fair, healthy and environment-friendly food system
18.02.2021	EEA EFTA Comment on the Review of the Construction Products Regulation
07.01.2021	EEA EFTA Comment on the Evaluation of the Postal Services Directive
02.12.2020	EEA EFTA Comment on the European Strategy for a Sustainable and Smart Mobility
03.06.2020	EEA EFTA Comment on Artificial Intelligence and Data Strategy

Regulating the platform economy

DSA and DMA centrepieces of the European digital strategy



Digital Services Act (DSA)

- > Updated content moderation rules
 - > Main principles of the e-commerce Directive (2000) remain valid but new rules needed to address new challenges
- > Deepening the internal market for digital services
 - > Complement sector-specific regulation (terrorist content, copyright, audiovisual media services) and avoid patchwork of national laws
- > Specific due diligence obligations for online platforms
 - > Harmonised notice & action procedure
 - > KYC – Know Your Business Customer
 - > Transparency obligations, cooperation with authorities
- > Upgrading cooperation mechanisms among Member States
 - > Digital Services Coordinators
 - > European Board for Digital Services



Asymmetric due diligence obligations

	VERY LARGE PLATFORMS	ONLINE PLATFORMS	HOSTING SERVICES	ALL INTERMEDIARIES
Points of contact	•	•	•	•
Legal representatives	•	•	•	•
Terms and conditions	•	•	•	•
Reporting obligations	•	•	•	•
N&A	•	•	•	
Statement of reasons	•	•	•	
Complaint handling	•	•		
OOB	•	•		
Trusted flaggers	•	•		
Abusive behaviour	•	•		
KYBC	•	•		
Reporting criminal offences	•	•		
Advertising transparency	•	•		
Reporting obligations	•			
Risk assessment and mitigation	•			
Independent audits	•			
Recommender systems	•			
Enhanced advertising transparency	•			
Crisis protocols	•			
Data access and scrutiny	•			
Compliance officer	•			
Reporting obligations	•			

European Commission: **direct enforcement powers** vis-à-vis very large online platforms

Very large online platforms: threshold set at **10 % of the EU population (45 mill.)**, as a proxy value for the significant, systemic role and potential impact of such services



Digital Markets Act (DMA)

- > New regulatory framework for platforms to ensure contestable and fair online markets
- > Identification of core platform services
 - > Online intermediation services (incl. marketplaces and app stores), search engines, social networks, video sharing platforms, e-com services, operating systems, cloud & advertising services
- > Gatekeeper designation
 - > Mix of quantitative and qualitative thresholds (size, control, entrenchment)
 - > EEA annual group turnover of **EUR 6.5 billion** and the required number of core platform services showing dependencies at **45 million** end users and **10 000 business users** during a number of years at a **single one** => 10 to 15 providers of core platform services
- > Directly applicable and self executing obligations (Article 5), with some obligations (Article 6) subject to possible implementation dialogue



Examples of obligations by type of unfair practices

- > Data related unfair practices
 - > Allow business users to access the data that they generate when using the gatekeeper's platform
- > Unfair favourable treatment
 - > Allow business users to promote offers to their own customers and conclude contracts with these customers outside of the gatekeeper's platform
- > Unfair access conditions
 - > Prohibition against treating services/products offered by the gatekeeper more favourably in ranking than similar services/products offered by third parties
- > Unfair advertising related practices
 - > Provide advertisers and publishers with information concerning the price paid by the advertiser and the price paid to the publisher for the publication of a given ad



DSA – issues for consideration by EEA EFTA States

- > Illegal content versus harmful content and systemic risks
- > Additional safeguards for contextualized content
- > Full harmonization and scope for national regulation
- > Country of origin principle and cross-border removal
- > Micro and small online platforms and regulatory burden
- > Needs of consumers and KYBC obligation
- > Targeted advertising and groups of consumers
- > European Board for Digital Services
 - > Decision-making powers and outcome
 - > No legal personality and advisory role
 - > Voting by simple majority

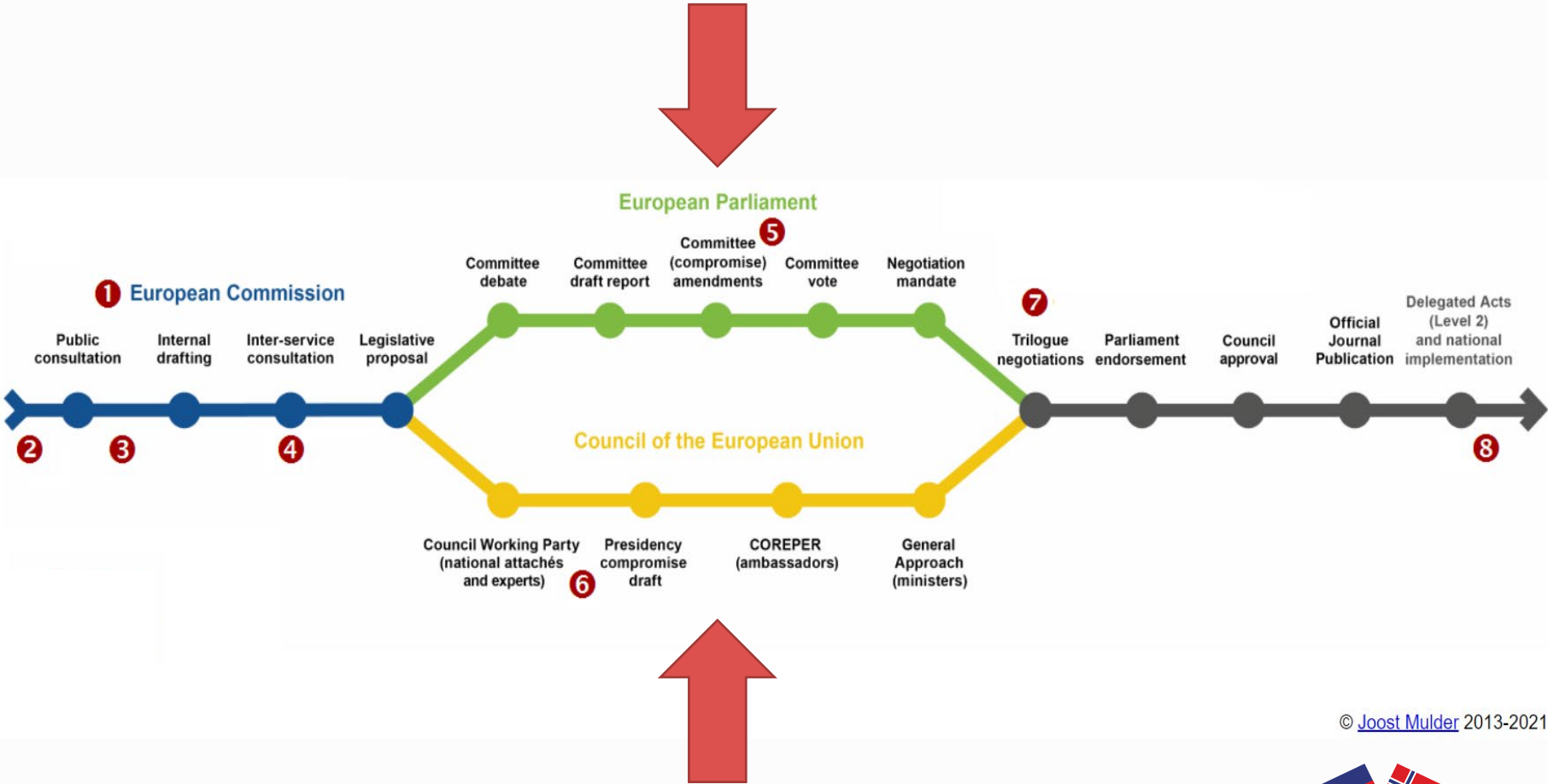


DMA – issues for consideration by EEA EFTA States

- > Scope of online platforms subject to new requirements
- > Centralized enforcement in DMA versus de-centralized enforcement in DSA
- > Room for national legislation and relationship between EU/national competition law and the DMA
- > Obligations and prohibitions (do's and don'ts) for gatekeepers and how they will be revised
- > Market fairness and B2B focus versus consumer focus
- > Digital Markets Advisory Committee
 - > Involvement of national authorities and expertise
 - > Members of the Advisory Committee



EU legislative process



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Process to develop EEA EFTA Comments

First drafts prepared by Member State or EFTA Secretariat	2 weeks
Review by EFTA Secretariat	2 days
1st consultation on draft with Working Group / tentative drafting meeting	2 weeks
2nd consultation on revised draft / tentative drafting meeting and agreement on final draft	1 week
Consultation with Missions and Heads of Delegations of Subcommittee II	1 week
Political approval (if needed) on Member State side and formal approval on EFTA side by Subcommittee II	1 week
Formal approval on EFTA side by Standing Committee (tacit approval)	1 day
Submission to the EU side with letter of transmittal from Chair of the Standing Committee	

- **Try to accommodate for milestones in the EU legislative process**
- **Monitor developments in Council and EP throughout the process**

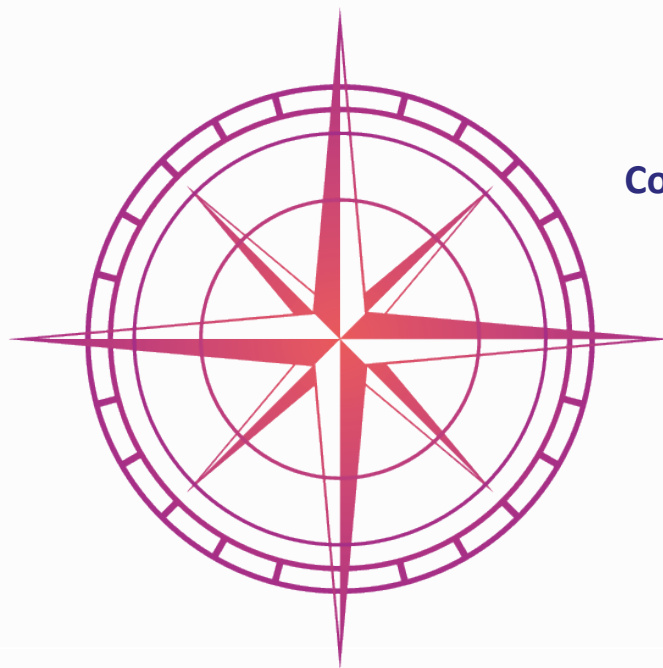


EU's 2030 Digital Compass

Skills

ICT Specialists: 20 million + gender convergence

Basic Digital Skills: min 80 % of population



Public Services

Key Public Services: 100 % online
e-Health: 100 % availability medical records
Digital Identity: 80 % citizens using digital ID

Infrastructures

Connectivity: Gigabit for everyone, 5G in all populated areas
Semiconductors: double EU share in global production
Data – Edge & Cloud: 10,000 climate neutral highly secure edge nodes
Computing: first computer with quantum acceleration

Business

Tech up-take: 75 % of EU companies using Cloud/AI/Big Data
Innovators: grow scale ups & finance to double EU Unicorns
Late adopters: more than 90 % of European SMEs reach at least a basic level of digital intensity



Thank you!

