

AT A GLANCE: LATEST DEVELOPMENTS IN THE EU INSTITUTIONS – POLICY AND INVESTMENT RECOMMENDATIONS FOR TRUSTWORTHY ARTIFICIAL INTELLIGENCE – FINNISH PRESIDENCY PRIORITIES IN TELECOMMUNICATIONS AND DIGITAL – EU TO PROMOTE THE “DATA FREE FLOW WITH TRUST” INITIATIVE AT THE G20 SUMMIT – EUROPEAN COMMISSION PUBLISHES GUIDANCE ON THE PROCESSING OF MIXED DATASETS– EU MINISTERS URGE THE COMMISSION TO PROPOSE EU-WIDE DATA RETENTION LAW – EESC TO PUBLISH AN OWN INITIATIVE OPINION ON BLOCKCHAIN

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GLOSSARY

AI HLEG: European Commission led High-Level Expert Group on Artificial Intelligence composed of 52 experts from industry, academia, and civil society, with the aim to support the implementation of the European initiative on artificial intelligence.

COUNCIL OF THE EU: Co-legislator, made up of representatives from Member State Governments. Has a six-month rotating presidency, currently held by Romania until the end of June 2019.

GDPR: General Data Protection Regulation, it replaces the Data Protection Directive 95/46/EC and is designed to harmonize data privacy laws across Europe, protect and empower all EU citizens data privacy and reshape the way organizations across the region approach data privacy.

EESC: European Economic and Social Committee, an EU advisory body comprising representatives of workers’ and employers’ organisations and other interest groups. It issues opinions on EU issues to the European Commission, the Council of the EU and the European Parliament, thus acting as a bridge between the EU’s decision-making institutions and EU citizens.

EP: European Parliament, institutions of the European Union constituted of 751 Members of Parliament directly elected by European citizens.

FFD: Free Flow of non-personal Data regulation, applicable as of 28 May 2019, aims at removing obstacles to the free movement of non-personal data across Member States and IT systems in Europe.

G20: International forum for the governments and central bank governors from 19 countries and the European Union, which meet once a year to discuss policy pertaining to the promotion of international financial stability.

MEP: Member of the European Parliament, a co-legislator within the EU that is made up of representatives from political parties throughout Member States.

WTO: World Trade Organisation, intergovernmental organization that is concerned with the regulation of international trade between nations.

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EU ELECTIONS

Latest developments in the EU institutions

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In the aftermath of the EU elections, the European Parliament (EP) still needs to publish the names of the elected Members of Parliament (MEPs). It will only publish the official list of new MEPs once it has received all names from all national authorities, which can submit names right up to 1 July 2019. Therefore, no official list is expected before the first EP plenary session on 2 July 2019.

Moreover, the decision on the new Commission President was postponed to 30 June 2019. Since no agreement was found during the European Council of 20-21 June 2019, EU leaders will reconvene on 30 June 2019 to try and reach agreement on a nominee for Commission President and other top EU jobs. Many of the key leaders will be at the G20 in Japan on 28-29 June 2019 and talks are likely to continue there. There is pressure to find some agreement on the package of top EU jobs by the start of July 2019 as the EP is due to elect its President, which is part of the package, on 2 July 2019.

While EU leaders could not agree on who will lead the EU, they did adopt the new **priorities** that provide the overall framework and direction to guide the work of the EU institutions over the next 5 years. It focuses on the following four main priorities and how to deliver them: protecting citizens and freedoms; developing a strong and vibrant economic base; building a climate-neutral, green, fair and social Europe; promoting European interests and values on the global stage.

Finally, all the main EU political groups have now elected their leader:

European People’s Party (EPP) with 182 MEPs: Manfred Weber (Germany) was re-elected unopposed and continues to have the support of the EPP group and EPP leaders to be Commission president.

Progressive Alliance of Socialists and Democrats (S&D) with 153 MEPs: Iratxe Garcia (Spain) was elected leader unopposed following the withdrawal of current President Udo Bullmann (Germany), signalling the leading role of the Spanish delegation in the S&D. Former Chair of the Women’s Rights Committee, she put gender equality, social justice and the environment at the heart of her campaign.

Renew Europe (RE) with 108 MEPs: Dacian Ciolos (Romania) elected leader, beating Sophie In t’Veld (Netherlands) by 65 votes to 41. He is a former Romanian Prime Minister, Agriculture Commissioner and his new Plus party is pro-European and anti-corruption. Renew Europe replaces the former Alliance of Liberals and

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Democrats for Europe group (ALDE).

Greens–European Free Alliance with 75 MEPs: Ska Keller (Germany) and Philippe Lamberts (Belgium) were re-elected as co-presidents.

Identity & Democracy (ID) with 73 MEPs: Marco Zanni (Italy) from the Lega was elected Chairman, with Nicolas Bay (France) from Rassemblement National as deputy. ID replaces the former far-right ENF group.

European Conservatives and Reformists (ECR) with 63 MEPs: Ryszard Legutko (Poland) and Raffaele Fitto (Italy) elected as co-leaders. Jan Zahradil (Czech Republic), who ran as their candidate for Commission President, will now be their candidate for President of the European Parliament.

(Source: European Council & Interel)

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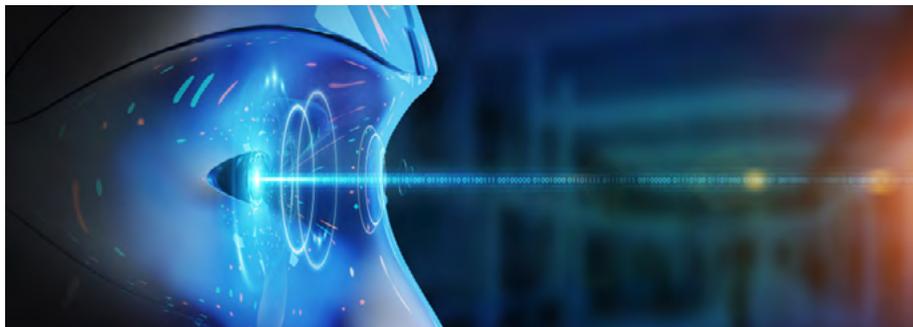
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ARTIFICIAL INTELLIGENCE

Policy and Investment Recommendations for Trustworthy Artificial Intelligence



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The European Commission High Level Expert Group on Artificial Intelligence (AI HLEG) is expected to publish its policy and investment recommendations for trustworthy AI at the end of June 2019, but a **leaked version** has already been circulated in the press. The report proposes a risk-based governance approach to AI and the creation of a Single European Market for Trustworthy AI, taking up a tailored approach to the AI landscape. The report makes 33 recommendations to guide Trustworthy AI towards sustainability, growth, competitiveness and inclusion, at the same time “empowering, benefitting and protecting human beings”. The recommendations focus on four areas: Humans and society at large; Private sector; Public sector; and Research and academia, while also addressing the main enablers needed to facilitate those impacts: availability of data and infrastructure; skills and education; appropriate governance and regulation; funding and investment.

In terms of regulation, the AI HLEG recommends an EU approach on AI to be risk-based. A precautionary principle should be employed for AI applications generating unacceptable risks or posing threats of substantial harm. Moreover, regulation should not be unnecessarily prescriptive, adopting a principle-based approach instead. The European Commission is recommended to undertake a mapping and evaluation exercise of all existing EU laws relevant to AI. This should be done either via an inter-service group or via the Secretariat-General to avoid siloed thinking. For civil liability and accountability, it would be necessary to include traceability and reporting requirements to facilitate auditing and ex-ante oversight of AI systems before deployment. For consumer rules, consideration must be given to safeguards against deceptive or manipulative behaviour by AI and whether a mandatory consumer protection impact assessment is necessary. For competition rules, consideration must be given to incumbency advantages when assessing market power. Finally, the EU should refrain from establishing legal personality for AI systems.

(Source: European Commission High Level Expert Group on Artificial Intelligence)

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EU ICT PRIORITIES

Finnish Presidency priorities in telecommunications and digital



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Since Finland will take over the rotating Presidency of the Council of the EU starting from July 2019, it already gave an informal preview of the country's priorities in the area of telecommunications and digital, which should be published at the end of June 2019.

The first priority is the mainstreaming and strengthening of digitalization, as an integral element of the European Single Market. Secondly, there should be better availability and use of data, based on free flow of data and through a human centric approach. The aim is for the EU to become a significant developer of AI, as well as a forerunner and a role model in AI ethics. Moreover, Finland emphasizes on the need to build trust, inclusion and skills in digitalizing societies. Finally, sustainable growth and security are considered key in the telecommunications and digital area.

In terms of non-legislative initiatives, data policy will be a priority for Finland. The Presidency will prepare a discussion paper on principles of data policy, will hold a High Level conference on the data economy on 25-26 November 2019 in Helsinki and will develop Council Conclusions on the regulation of data in the six coming months.

(Source: [Intere!](#))

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DATA POLICY

EU to promote the “Data Free Flow with Trust” initiative at the G20 summit



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Global data management is expected to feature prominently on the agenda of the upcoming G20 summit, to take place on 28-29 June 2019, with the EU and Japan taking this opportunity to promote an international regime governing the use and protection of corporate data as it flows across borders.

At the 26th EU-Japan Summit held in April 2019, Commission President Juncker **expressed** EU support for the “Data Free Flow with Trust” initiative, unveiled by Japan Prime Minister Shinzo Abe in January 2019, which would create economic zones enabling the free flow of non-personal data between countries with high levels of data protection. The Commission and Japan also agreed to work together on international initiatives on data protection.

Japan is hoping to reach an agreement in principle at the G20 summit with a view to launching negotiations on global data management at the World Trade Organisation (WTO) level, in the framework of the “Osaka Track”, a new track aimed to provide political impetus to international discussions on data management, focusing in particular on e-commerce. The Osaka Track aims to balance competing demands: the need to protect intellectual property, data protection and national security on the one hand, while enabling the free flow of non-personal data on the other hand. EU Commissioner Juncker supported the launching of the Osaka Track at the G20 summit, saying the Commission will play an active role in these initial talks on data management.

The EU would like to use the G20 summit to promote its model of data management globally, either have it replicated or at least in part reflected in other countries’ legal systems. The EU will thus likely urge third countries to adopt a data management model similar to the EU’s own regime, building on its success of getting Japan and Argentina adopting the EU privacy standards.

(Source: European Commission)

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European Commission publishes guidance on the processing of mixed datasets



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The European Commission published on 29 May 2019 a practical **guidance** for business on how to process mixed datasets of both personal and non-personal data, as required by the **free flow of non-personal data regulation**, which is part of the Digital Single Market strategy and entered into application on 28 May 2019.

This guidance aims to give full clarity on how the free flow of non-personal data regulation (FFD) interacts with the **GDPR**, which entered into application on in May 2018. The Commission’s guidance explains the concepts of personal and non-personal data, including mixed datasets; lists the principles of free movement of data and the prevention of data localisation requirements under both, the GDPR and the FFD; and covers the notion of data portability under the FFD. The guidance also includes the self-regulatory requirements set out in the two Regulations.

By 29 November 2022, the Commission must submit an evaluation report on the implementation of the FFD regulation, in particular in respect to: (i) mixed data sets in light of market and technological developments which, according to the Commission, might expand the possibilities for deanonymizing data; and (ii) the development and effective implementation of CoC on data porting and switching of cloud service providers, as well as the effective provision of information by cloud service providers.

(Source: European Commission)

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EU ministers urge the Commission to propose EU-wide data retention law

In the **Conclusions** of the Council of the EU on Retention of Data for the Purpose of Fighting Crime, EU justice ministers noted that data retention is an essential tool for investigating serious crime efficiently, but one whose use should be guided by the need to protect fundamental rights and freedoms.

Therefore, the Council of the EU asked the European Commission, on 6 June 2019, to carry out a comprehensive study on "possible solutions for retaining [electronic communication] data, including the consideration of a future legislative initiative" in the area.

This exercise should include the collection of information on the need for data retention obligations for fighting crime, as well as targeted consultations with EU countries and relevant stakeholders on the matter. The Commission should report back to EU ministers by the end of 2019.

EU countries argue that data retention, which require telecom operators and other service providers to store large amounts of their users' personal data for a long period of time, is an essential tool for investigating serious crimes effectively. The police and prosecutors have long claimed that they need the historic records of electronic communications to conduct investigations, as recently underlined by Belgian investigative judge Philippe Van Linthout who pointed out that "nine out of 10 cases can't be solved without access to data".

Conversely, privacy activists and several MEPs are worried that a strict data retention regime would enable mass surveillance of EU citizens, while the private sector is concerned about the high costs associated with such a regime. "The data retention zombie is back. Blanket and indiscriminate telecommunications is the most privacy invasive instrument and the least popular surveillance measure that was ever adopted by the EU", recently **said** newly-elected German Pirate MEP Patrick Beyer, who fought against data retention before German courts.

In urging the Commission to propose EU-wide data retention law, EU ministers seek to revive the 2006 **Data Retention Directive** which was struck down by the European Court of Justice (ECJ) in 2014 in the **Digital Ireland Rights case**. In this case, the ECJ ruled that the Data Retention Directive was seriously interfering with EU citizens' fundamental rights to respect for their private life and to the protection of their personal data and was therefore non-proportionate. In 2016, the ECJ invalidated national data retentions laws in Sweden and the UK, in the **Tele2 case**, for imposing a general and indiscriminate obligation on ECS providers to retain traffic and location data of their users. Additionally, the ECJ is due to rule on other data retention cases further to requests for preliminary rulings made by several courts in the UK, France and Belgium.

(Source: Council of the EU & Interel)

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European Economic and Social Committee (EESC) is currently drafting an own initiative opinion on “Blockchain and distributed ledger technology as an ideal infrastructure for Social Economy”, which should be published in July 2019.

The study group in charge of the drafting **says** the opinion will explore “how Blockchain could serve as a tool for Social Economy, how it could build an infrastructure which would allow for this economic model to reinforce its societal impact and therefore contribute to a better world by focusing on values like fairness, cooperation and solidarity”.

In May 2017, in the Digital Single Market mid-term review, the Commission recognised Blockchain-inspired technologies as having huge potential for administrations, businesses and the society in general. Also, the **Council conclusions of 19 October 2017** highlight Blockchain, along with AI, as “key emerging trends”.

EU Governments and the European Commission work actively on Blockchain related actions, such as the **European Blockchain Partnership**, which gathers 26 Member States plus Norway and Liechtenstein, to cooperate in the establishment of a European Blockchain Services Infrastructure that will support the delivery of cross-border digital public services.

The European Commission launched the **EU Blockchain Observatory and Forum** in February 2018 to map key initiatives, monitor developments and inspire common actions related to Blockchain, as well as it facilitated the foundation of the International Association for Trusted Blockchain Applications in Belgium as global multi-stakeholder forum for developers and users of the Blockchain technologies.

(Source: EESC and European Commission)

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