
AT A GLANCE: KEY TAKEAWAYS FROM EU ELECTIONS 2019 – EUROPEAN COMMISSION RECOMMENDATIONS ON NEXT STRATEGIC AGENDA 2019-2024 – MEMBER STATE COMMITMENTS FOR THE FUTURE OF THE EU DIGITAL SINGLE MARKET – PRIORITIES OF THE DIRECTORATE-GENERAL FOR COMMUNICATIONS NETWORKS, CONTENT AND TECHNOLOGY – PRAGUE 5G NETWORKS SECURITY PROPOSALS – FIRST ANNIVERSARY OF THE GENERAL DATA PROTECTION REGULATION

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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.

DG CNECT: European Commission Directorate-General for Communications Networks, Content and Technology.

DPA: Data Protection Authority, responsible for protecting personal data in accordance with Article 8(3) of the Charter of Fundamental Rights of the EU.

DPO: Data Protection Officer, ensures, in an independent manner, that an organization applies the laws protecting individuals' personal data.

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 organisations across the region approach data privacy.

IAPP: International Association of Privacy Professionals, a nonprofit, non-advocacy membership association founded in 2000.

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

NIS: Network and Information Security Directive, published on 6 July 2016, concerns measures for a common level of cybersecurity across the European Union.

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EU ELECTIONS

Key takeaways from EU Elections 2019



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On 23-26 May 2019 European citizens elected a new European Parliament, which will be co-legislating along with the Council of the EU the next five years. The first conclusions arising from the last elections are the following:

1. Voter turnout rises for first time ever in EU Elections

The EU28 turnout passed by little the 50% mark, which is an 8% increase from 2014. Since 1979 turnout has been steadily dropping, going from almost 62% in that year, down to a historic low of 42.6% in 2014. Widespread calls to get out the vote, echoed by many business leaders and EU policymakers, clearly worked and young voters in particular responded.

2. New reality to find majorities in the Parliament

The two until now largest groups, the European People's Party (EPP) and the Progressive Alliance of Socialists and Democrats (S&D), fell below 50% for the first time (combined total of only 44%). This means that they will need to adapt to the new reality of trying to find a compromise with the Liberals and Greens to secure a majority and decide on top EU jobs and policies. Together they should command two-thirds of the Parliament and deliver the majority needed. Without the Greens, EPP/S&D/Liberals can only command 58%, which probably will not be enough to secure a comfortable majority.

Therefore, the candidate for Commission President will need to take into account the respective Green and Liberal manifestos. Climate action, fair taxation, a more assertive trade policy (i.e. sign up to the Paris Climate Agreement) can be expected as key priorities.

3. Greens and Liberals gain momentum

Green gains in Germany and France saw the Group reach 70 seats and they will look to influence the EU's future priorities and demand positions of influence. Meanwhile, the new centre Liberal Group, composed by the Alliance of Liberals and Democrats for Europe (ALDE) and other liberal parties such as the French Renaissance or the Romanian USR+ is an untested coalition of newcomers. There

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will be internal talks ahead to ensure that their new strength – passing the symbolic 100 seat mark- is not diluted by internal disputes. However, they will no longer accept being side-lined and will expect, as the Greens, positions and influence to match their increased numbers.

4. Eurosceptics do well but no breakthrough

As expected, Eurosceptics saw remarkable results in France and Italy, with Rassemblement National recording a victory over Renaissance (even though they actually lost a seat) and Lega Norte dominating in Italy. Poor results in Germany, Denmark, Netherlands and Spain will have reduced any thoughts of a major breakthrough of an Eurosceptic super group. This will mean that their influence on the day-to-day operation of the Parliament and its committees will remain limited.

5. Brexit on the EU's future agenda?

The combination of 29 Brexit Party MEPs and an expected more hard line UK Prime Minister will concentrate the minds of EU leaders on how they can possibly avoid the UK situation negatively influencing the EU's future agenda. In case the UK leaves at the end of October 2019 as planned, the Parliament will revert to its revised size of 705 MEPs.

In terms of next steps, Parliament's group leaders will meet in the coming days to demand negotiations with Donald Tusk to ensure EU leaders take account of the results ahead with the Commission nomination process. The European Council is expected to agree a nomination by its next meeting on 20-21 June 2019.

(Source: [Interel](#))

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EU ICT PRIORITIES

European Commission recommendations on next strategic agenda 2019-2024



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Ahead of the European Council in Sibiu, Romania, on 9 May 2019, the Commission published a document titled **'Europe in May 2019: Preparing for a more united, stronger and more democratic Union in an increasingly uncertain world'** listing a series of recommendations on what could be the next Commission policy priorities.

The Commission recommends implementing a modern industrial policy to achieve a competitive Europe. Therefore, it calls for new powers to ensure fair competition and respond to the challenges of non-EU companies receiving state support, by saying that "the EU should develop new tools to address the distortive effects of foreign state ownership and support." The document adds that "we should be ready to take immediate action if internal or external competitors distort the level playing field."

Besides the issue of unfair subsidies, the Commission says it is open to revising competition rules, as they should "stay up to date" in the digital age, especially because of the "increased dependence on data access across industrial sectors".

Moreover, the Commission reiterates its push for an EU digital tax, as it says that "we need a fair and modern taxation policy, adapted to the challenges of the digital economy and ensuring a level playing field for internet giants, on-line merchandise platforms and local businesses".

Finally, the Commission recommends that Europeans position themselves as global standard-setters, rather than standard-takers. It further issues a general recommendation to support the multilateral, rules-based global order, for instance through a reformed World Trade organisation, "adapted to the new realities of world trade".

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(Source: European Commission)

Member States commitments for the future of the EU Digital Single Market

EU leaders met at Sibiu, Romania, at the beginning of May 2019 to agree on 10 broad commitments for Europe, before formally adopting the final agenda for the next five years in June 2019. On tech policy, discussions focused on three key areas: the development of artificial intelligence; the promotion of access, sharing and use of data; and the robustness of connectivity. Additional topics on the agenda include hybrid threats, cybersecurity, disinformation and the security of strategic supply chains.

It is worth noting that digital policy appeared under the broader heading of "developing our economic base", suggesting a possible shift of the Digital Single Market rhetoric under the general Single Market topic.

This is further accentuated in a non-paper supported by 19 Member States on the future of the Digital Single Market. The first point raised in the document talks about a horizontal approach to the digital agenda, noting that "there is no longer a separate digital economy – the economy is digital.

Other priorities mentioned in the non-paper include the effective enforcement of competition law, as it should be ensured that competition rules are up to date in the age of online platforms, given that digital markets evolve very quickly and the effects of certain practices "can be significant and difficult to reverse". Therefore, competition rules must be re-examined to prevent platforms from anti-competitive behaviour.

Secondly, the document highlights that consumer policy should be fit for the digital age. Signing Member States believe the EU should work towards a higher level of harmonisation, given advances in the movement of goods and services across borders, and it ensure information obligations are fit for the age of smartphones and tablets, taking into account consumer behaviour.

Furthermore, it is mentioned that the EU should: avoid fragmentation of the Single Market; safeguard digital trust by implementing data ethics; introduce digital-by-default and future-proof regulation; promote a European data economy; keep focussing on intelligent connectivity; cooperate in key enabling technologies; and develop digital skills.

It is clear that there is already significant pressure by Member States for a review of EU competition rules to bring them in line with the platform economy and address specific challenges arising from new business models. At the same time, the issue of data access, sharing and use is also a key point expected to feature heavily in discussions in the next policy cycle.

(Source: European Council)

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Priorities of the Directorate-General for Communications Networks, Content and Technology



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During a meeting of the American Chamber of Commerce to the EU, Digital Economy Committee, Mr Khalil Rouhana, Deputy Director General at the European Commission Directorate-General for Communications Networks, Content and Technology (DG CNECT), outlined the current and future priorities of the EU in the digital and technology area.

Regarding cybersecurity, work is ongoing on the proposal for a European Cybersecurity Industrial, Technology and Research Competence Centre and Network of National Coordination Centres, as well as on the roll out of first certification schemes envisaged in the Cybersecurity Act, covering 5G communication networks and cloud services. The report on the consistency of identification of essential services operators included in the Network and Information Security (NIS) Directive is also expected in the coming weeks.

Moreover, regarding artificial intelligence, work continues on the deliverables of the High Level Expert Group on Artificial Intelligence (AI HLEG), including the policy and investment recommendations.

Finally, on the proposal for an ePrivacy Regulation, the Council of the EU is still discussing the proposal but no movement is foreseen on the file before November 2019. On 20 May, the Romanian Presidency released a **progress report** outlining the state of play of the discussions. The document highlights that some Member State delegations have repeatedly underlined concerns about the way the ePrivacy proposal would interact with new technologies, in particular in the context of machine-to-machine communications, internet of things or artificial intelligence. Delegations also had diverging views on whether and how to address the issue in the ePrivacy proposal on the processing of electronic communications data for the purposes of prevention/ detection/ reporting of child abuse imagery.

(Source: Mr Khalil Rouhana, Deputy Director General at DG CNECT)

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Prague 5G networks security proposals



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Following the **Prague 5G security conference** that took place at the beginning of May 2019, the Czech Republic issued a set of **proposals** on the cybersecurity of 5G communication networks. The non-binding Chair's statement was drafted to support further discussion on this topic and help EU countries in their efforts to streamline security checks and procedures, in line with the **European Commission's recommendations on 5G security** released in March 2019.

This document was initially meant to be a joint statement called the "Prague Principles" that more than 30 countries present at the summit, including the U.S., Canada, Japan, South Korea and Australia would endorse. However, despite the insistence from the U.S., hesitations, especially by France and Germany, led to the organisers abandoning the idea of a joint statement of participating countries.

Even if the statement does not go any further than the Commission's recommendations, and therefore does not suggest the ban of any company or country from the roll out of 5G networks, it does allude to Chinese security laws when addressing the need to assess the legal framework and the model of governance of third country suppliers. The proposals outlined in the text cover the following four areas:

Firstly, in terms of policy, the document says that the overall risk of influence on a supplier by a third country should be taken into account, notably in relation to its model of governance, the absence of cooperation agreements on security, or similar arrangements, such as adequacy decisions, as regards data protection.

Secondly, regarding technology aspects, risk assessments of supplier's products should take into account all relevant factors, including applicable legal environment and other aspects of a supplier's ecosystem.

Thirdly, regarding economic concerns, state-sponsored incentives, subsidies, or financing of 5G communication networks and service providers should respect principles of fairness, be commercially reasonable, and be conducted openly and transparently, based on open market competitive principles.

Finally, in terms of security, privacy, and resilience, the document specifies that the risk management framework should be implemented in a manner that respects data protection principles to ensure privacy of citizens using network equipment and services.

(Source: Government of the Czech Republic)

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DATA PROTECTION

First anniversary of the General Data Protection Regulation

On 25 May 2019, the **General Data Protection Regulation** (GDPR) celebrated the first anniversary of its entry into application. On the occasion, EU Commissioner for Justice Vera Jourova said during a press conference that "our key priority for the months to come is to ensure proper and equal implementation of the GDPR in EU member states". She added that "we urge EU member states to respect the GDPR to the letter and its spirit".



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According to the **2019 Eurobarometer**, 67% of European citizens have heard about the GDPR and 57% of European citizens know there is a data protection authority (DPA) responsible for protecting their privacy, a 20% increase compared to 2015. Yet only 20% of them know which public authority is responsible for enforcing their personal data rights.

Over the past year, the Commission recorded around 145,000 complaints filed with EU data protection authorities (DPAs) for non-compliance with the GDPR requirements and up to 90,000 data breaches brought to their attention. One of the central challenges, said Commissioner Jourova, is to ensure that DPAs across the EU are sufficiently staffed given the high quantity of complaints to deal with. She added that the Irish data protection authority had "the most difficult task" since it is tasked with handling complaints filed against some of the world's tech giants, including Google, Facebook, Microsoft or Twitter. Telemarketing, promotional e-mails and video surveillance / CCTV are the types of activities for which most complaints were made.

The **research** conducted by the International Association of Privacy Professionals (IAPP) shows that around 500,000 organisations are estimated to have registered Data Protection Officers (DPOs) to comply with their obligations under the GDPR concerning the monitoring of individuals or the processing of special categories of their data on a large scale.

Finally, by June 2020 the Commission will deliver a report on the evaluation and review of the GDPR with a potential targeted review if deemed appropriate. On 13 June 2019, the Commission is holding an **event** to mark the first year of application of the GDPR and review its implementation & enforcement. The event will be opened by Commissioner Jourova and will feature speakers from DPAs, businesses and civil society.

(Source: European Commission)