



**Computer & Communications
Industry Association**
Tech Advocacy Since 1972

CCIA Recommendations to Germany's Presidency of the Council of the European Union

Germany's EU Presidency has the opportunity to set out a clear vision that makes Europe innovative, competitive and an attractive place to start a business, invest and live. Technology is key to enabling this vision and to helping solve societal challenges such as climate change, aging populations and boosting industrial competitiveness.

European prosperity and competitiveness relies on access to global markets

European firms rely on access to global supply chains, superior technology, and global markets. Calls for “technological sovereignty” must not become an excuse for protectionism, by Europe or our trading partners. Europe is stronger, safer, and more competitive and prosperous when we have access to choose any of the world's most innovative products and services. The EU should lead efforts to remove digital trade barriers globally.

The Digital Services Act must strengthen the Single Market and online safeguards

The Digital Services Act (DSA) is an opportunity to strengthen online rights, clarify rules and strengthen Europe's Single Market. We believe that the DSA should be a horizontal principle-based legislative initiative, which could be complemented by targeted measures (legislative and non-legislative) tackling specific problems. The existing liability regime with its prohibition of general monitoring and the country of origin principle should be maintained, while areas of national divergence can be addressed. We also see the opportunity to encourage proactive behaviours, without penalising companies for their good efforts to fight unlawful and harmful content, products or conduct. The expectations for these proactive behaviors should be in line with companies' particular service types and capabilities.

Allow Artificial Intelligence to solve societal challenges while minimising risks

AI has the potential to help solve Europe's major challenges, such as climate change, healthcare, safer transportation and competitiveness. Yet AI applications also raise valid questions. We welcome the European Commission's ambitions and emphasis on: enabling AI; consulting stakeholders; improving trust; taking a risk-based approach; tailoring regulatory intervention; and cooperating with like minded partners. However, the idea that many AI applications must be pre-approved before they can be introduced in Europe could result in Europe trailing behind more pro-innovative economies. It could also incentivise European companies to relocate to other markets with fewer bureaucratic hurdles.



Encourage voluntary data sharing where needed

Data-driven innovation is modernising Europe's economy. Businesses across sectors use data to improve their competitiveness and offerings while public authorities use data to better serve citizens. EU policy-makers should encourage voluntary data sharing practices where it demonstrably supports social improvements and economic innovations. EU actions should be technology neutral and non-discriminatory, respect industry's trade secrets, contractual freedom and the protection of personal data.

Promote an environment-friendly digital transformation

We welcome the EU's ambitions to become climate-neutral by 2050. As recognised by the European Commission, digital technologies, and in particular AI, will play an important role in helping the EU achieve that goal. The tech industry is also committed to further the green transformation of our own sector. The EU Presidency is an opportunity for Germany to shape long-term climate policy plans and promote best-in-class green efforts.

Adapt social and working policies to the changing world of work

The European Pillar of Social Rights was a significant step in adapting social protection and working conditions to the changing world of work. We encourage policy-makers to promote regulatory approaches that create the conditions for flexible independent work by allowing platforms to provide or facilitate access to social protection, without risk of being reclassified as employers. This will enable platforms to provide opportunities for independent work, while at the same time, ensuring people have access to social protection. Moreover, the tech industry is fully supportive of Germany's focus on digital skills and re-skilling.

Smart digital mobility policies

Digital mobility services are developing across the EU with the potential to tackle traffic congestion, pollution and contribute to the EU's 2050 carbon neutrality target. We encourage smart and sustainable mobility services as part of the EU's future transport and environment policies.

Remove unjustified online sales restrictions

The European Commission is currently reviewing the Vertical Block Exemption Regulation and its corresponding guidelines. This is an opportunity to ensure privately imposed restrictions to online trade, such as blanket online marketplace bans or brick and mortar store requirements, do not hamper e-commerce from flourishing in Europe.

Competition law remains fit for purpose

For decades the EU competition framework has proven to be remarkably flexible to deal with disruption to incumbent industries caused by technological innovations. The Internet, and other forms of digital distribution and intermediation models are no exception. Most competition law experts agree, and high-profile enforcement



cases at both the EU and national level show that digital markets are not immune from competition enforcement. These markets are characterised by high innovation, cheap services, and a variety of choices. Competition, for the most part, is working. We therefore support strengthening existing enforcement agencies and tools, and would caution against the creation of any special competition enforcement regime which risks slowing down innovative companies.

Strengthen cybersecurity in Europe

When improving cybersecurity capabilities, Europe should continue to strive for agile responses to the rapidly evolving global security threats, with measures based on common risk management principles. Global cyber threats need global responses and the EU should develop a common baseline with its strategic partners, including the United States. Europe should also promote greater R&D collaboration and interoperability of cybersecurity products to better fend off global threats.

eGovernment and digital transformation for Europe's public sector

We encourage the new EU leadership to accelerate the digital transformation of the public sector in Europe. This should build on the EU's Tallinn Declaration and results achieved from open source, open collaboration and innovation.

Protect user communications and device data without hurting innovation

The EU's ePrivacy Regulation should ensure meaningful privacy protection and confidentiality of communications, while leaving room for the development and use of secure and innovative digital services in Europe, including those based on Artificial Intelligence. We believe a context and risk-based approach is the way forward to ensure appropriate privacy protections and to meet Europe's digital ambitions in the next 5 years.

A transatlantic framework for law enforcement access to digital evidence with strong safeguards

A future EU-U.S. agreement should strengthen user rights and due process safeguards when law enforcement needs access to electronic evidence during criminal investigations and prosecutions on either side of the Atlantic. The agreement should also seek to resolve conflicts of law between the two sides, codify existing practices as to the type of data European and U.S. authorities can seek to access, clarify the application of purely domestic instruments, and ultimately provide reciprocal benefits to both sides.

Finalise negotiations on a robust, user rights-friendly e-Evidence package

We encourage the EU institutions to finalise the on-going negotiations on the draft EU e-Evidence package. The future framework should fully protect the user rights and provide law enforcement with an efficient mechanism to access digital evidence in justified circumstances, and grant legal certainty to digital service providers.



An interoperable online payment ecosystem will help complete the Digital Single Market and promote innovation and choice

With the Revised EU Payment Service Directive, the EU has adopted a progressive and forward-looking legislation that will open up competition, new products and increase interoperability between different parts of the payment ecosystem. A holistic strategy building on fast, reliable and secure online payment solutions is needed to complete the EU Digital Single Market and to promote greater choice in European payment methods for merchants and consumers. More “Open Banking”, i.e. access for non-banks to the financial ecosystem, will allow new market entrants to innovate and compete and make Europe a FinTech leader.

Tackle terrorist content online while maintaining online safeguards and innovation

We support the goal of the EU proposal to tackle terrorist content online. However, the Council’s approach risks harming online freedoms by introducing a general obligation on companies to monitor online content. This, paired with the deletion of the ‘Good Samaritan clause’ suggested by the European Parliament, risks harming online freedoms. In view of the upcoming final negotiations, we encourage the Council to take into account the vast differences between types of online services and also the abilities of smaller companies. We hope the final law will strike the right balance between preventing dissemination of terrorist content online and avoiding over-removal of lawful content.

Implement new EU copyright rules without hurting online innovation

We encourage EU Member States to remain vigilant regarding online innovation and rights when transposing the new EU Copyright Directive into national law. A robust framework must include protections for online intermediaries as well as flexible limitations and exceptions to copyright that are necessary for the development of next-generation technologies. We encourage the Member States to have a consistent interpretation of what can constitute the ‘best efforts’ to avoid fragmentation. We would recommend a proportional, goal-oriented approach based on the objective to ensure the unavailability of copyright-protected content, without favoring any technology.

Europe should lead efforts towards ambitious, global tax reform

We strongly support efforts to achieve tax reform at a global level with a political compromise to be reached during the German EU Presidency. Efforts should centre around proposals that are profits-based and cover all sectors. Nations should in the meantime avoid unilateral measures, which risk upsetting trade relations and derailing the prospects of reaching consensus on more ambitious global tax reform.

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