



OPINION

European Economic and Social Committee

Digital Decade Principles Digital rights and principles

a) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Establishing a European Declaration on Digital rights and principles for the Digital Decade
[COM(2022) 27 final]

b) Digital rights and principles
(exploratory opinion)

INT/976

INT/988

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Referral	a) European Commission, 02/05/2022 b) Czech Presidency, 26/01/2022
Legal basis	a)Article 304 of the Treaty on the Functioning of the European Union b)Article 304 of the Treaty on the Functioning of the European Union
Section responsible	Single Market, Production and Consumption
Adopted in section	01/06/2022
Adopted at plenary	15/06/2022
Plenary session No	570
Outcome of vote (for/against/abstentions)	181/0/2

1. **Conclusions and recommendations**

- 1.1 The EESC refers to the strong link between the Path to the Digital Decade and the Declaration of Digital Rights and Principles, with the former placing emphasis on quantitative targets and the latter mainly on qualitative targets. The EESC believes that both are highly relevant to facilitating the digital transformation for society and the economy.
- 1.2 The EESC believes that the declaration should work for sustainable development as a whole. The success of the digital transformation is a combination of economic, social and environmental benefits stemming from its contribution to greater competitiveness, prosperity, jobs, well-being and the transition to a circular and zero-emission economy, accompanied by prevention and minimisation of the undesirable risks it may carry for society.
- 1.3 The EESC believes that addressing digital skills, digital infrastructure, digital business and digital public services is critical to support economic recovery and growth in Europe, while ensuring that progress is made in compliance with fundamental rights and in a human-centric and inclusive way, leaving no one behind. The EESC also recommends considering the conclusions of the Conference of the Future of Europe regarding digital transformation.
- 1.4 Although intended to serve as a solid political commitment, the declaration would not affect current legal rights. The EESC believes that digital rights derive from and are defined by existing fundamental rights in that they are part of EU values and principles, where different rights and freedoms coexist and values also set limits for each other.
- 1.5 The different principles and rights described in the draft declaration overlap in many respects and the mix of principles and rights makes it difficult to perceive the essence of the content. It is therefore absolutely necessary to promote the understanding of their practical meaning. This applies to businesses, workers, consumers and the population in general.
- 1.6 The EU's fundamental rights and values are essential from the point of view of both people and businesses. The declaration should therefore recognise that most of them, especially SMEs, face more or less the same challenges as people in general in adapting to the digital world. The EESC also points out the challenge of avoiding a digital divide in terms of access to public and private services by aging and rural populations.
- 1.7 The EESC stresses the importance of the principles of connectivity, skills and security, which are essential for people and businesses alike, as well as for overall economic and societal development. The war between Russia and Ukraine has made it even more visible, and the war has also reinforced the need to develop people's skills and the means to recognise and combat disinformation.
- 1.8 The EESC emphasises the importance of measuring and monitoring the digital progress and recommends that the tools in this area should not be multiplied. The objectives of the declaration need to be measured by concrete indicators in the framework of the Path to the Digital Decade, and the annual report on the State of the Digital Decade should feed into the European Semester.

- 1.9 The smooth functioning and fairness of the single market play a crucial role in the digital development in the EU. The EESC therefore believes that the very essence of freedoms in the single market must be fully protected. The free flow of data and ownership of data are of increasing importance, as they not only concern the single market for data as such, but also have an intrinsic link with the markets for capital, goods and services. The principles relating to innovation and intellectual property and the freedom to conduct business should also be recognised in the declaration.
- 1.10 The single market is also a springboard for the EU to expand the use of external markets and supply chains and to be an influential and powerful global player. The declaration should therefore be actively promoted in an international context using a wide range of tools, ranging from global agreements set up by the social partners in multinationals to diplomatic action and innovation cooperation, trade and investment agreements and financing conditions.

2. **Background**

- 2.1 At the last State of the Union address, the European Commission presented the Path to the Digital Decade¹. This plan aims to digitalise skills, infrastructure, businesses and public services in order to achieve the digital transformation of our society and economy by 2030.
- 2.2 At the same time, the Commission is working to finalise the proposal for a joint declaration on digital principles by the European Parliament, the Council and the Commission in order to ensure that European values and rights are taken into account in the digital space. This will allow everyone to benefit from the possibilities offered by digital technology, such as universal access to the internet, algorithms that respect fundamental rights through a regular audit of algorithms carried out by independent third parties, and a safe and reliable online environment.
- 2.3 To ensure that Europe moves rapidly towards the objectives of the Digital Decade, the proposed governance framework provides for a monitoring system based on the strengthened Digital Economy and Society Index (DESI), and the State of the Digital Decade report will serve as an annual assessment of the digital transformation in Europe. In particular, the report will (i) identify areas where further action is needed, (ii) analyse investment or other resource gaps and highlight the actions needed to increase the EU's digital sovereignty and (iii) assess the implementation of relevant regulatory proposals and actions taken at EU and Member State level. The report will also provide an opportunity to take stock of the level of adherence to the digital principles that will be set out in the future declaration.

3. **General comments**

- 3.1 The EESC considers the Path to the Digital Decade to be an important development in supporting the digital transformation in the EU, as it takes into account the accelerating trends and growing needs for digitalisation, which have also been highlighted by the pandemic. The need to close the gaps in Europe's digital capabilities remains a concern, as does the need to take

¹ COM(2021) 574 final.

a more unified approach and invest in large-scale digital projects to reap the benefits of digitalisation.

- 3.2 The EESC believes that attention to digital skills, infrastructure, businesses and public services is essential to support economic recovery and growth in Europe, which is essential for improving incomes, living standards and working conditions. Special attention should be given to the EU's ageing and rural population to ensure they are not left behind in the digital transformation.
- 3.3 In addition, a successful digital transformation will put Europe at the forefront of global trends, support its competitiveness and facilitate the setting of universal standards. In addition, digital technologies are an essential cog in the wheel for the EU to achieve the sustainability objectives of its Green Deal.
- 3.4 The EESC welcomes the fact that the Commission and the Member States will work closely together to achieve the targets and objectives of the Digital Decade. As a first step, as soon as the Decision establishing The Path to the Digital Decade enters into force, they will jointly define forward trajectories at EU level for each of the objectives. These trajectories will make it possible to assess progress towards the goals.
- 3.5 The EESC recognises that it is the responsibility of the Member States to include their national trajectories in the digital strategic roadmaps, as well as the current or planned policies or instruments they intend to use. Of course, not all the objectives of the Digital Decade require the same efforts in all Member States. Indeed, some of them have made considerable progress. In addition, several objectives call for a targeted effort on the part of some Member States. The EESC recognises that the potential contribution of Member States to the achievement of targets set at EU level varies considerably in some cases, which must also be taken into account. In connection with this, the EESC calls for concrete key performance indicators at national level to monitor progress and ensure that objectives are attained.
- 3.6 The EESC expects these considerations to be included in the Commission's annual progress report on the State of the Digital Decade. In this regard, it welcomes the commitment that, within five months of the publication of the report, the Commission and the Member States will cooperate closely to identify areas where progress is insufficient and agree on measures to ensure that the targets are met. Again, it will be up to the Member States to adapt their national strategic roadmaps to take account of the recommendations made in the report. It is essential that they commit to taking corrective action and/or implementing projects such as multinational projects.
- 3.7 The EESC also welcomes all the decision-making tools proposed to ensure that the measures taken by the Member States are sufficient to make progress towards achieving the objectives of the Digital Decade. These tools, which include peer review, Commission recommendations, possible further action at EU level, as well as targeted dialogue look very promising in terms of effectiveness, assuming of course that all recommendations are followed.

- 3.8 With regard to reporting, the EESC stresses the need to link the objectives of the Digital Decade to the European Semester. Digital aspects in the context of the European Semester and monitoring progress on digital transformation in the EU are of crucial importance, and the EESC supports the proposal that the annual report on the State of the Digital Decade should feed into the European Semester. The achievement of the objectives of the declaration should be monitored with concrete indicators that measure, for example, progress in vocational digital skills and skills to identify false online information, as well as reduction of the digital divide and support for people without access to online services. In this regard, aspects relating to the Recovery and Resilience Facility should also be taken into account.
- 3.9 The EESC reiterates its favourable position adopted in a related opinion on multinational projects which are large-scale projects supporting the EU's digital transformation objectives. The approach of channelling coordinated investments involving at least three Member States and, where appropriate, other public or all civil society stakeholders is relevant².
- 3.10 These projects support the productivity and resilience of the European economy and it is therefore necessary to formulate clear guidelines on how funds can be made available for multinational projects. Possible sources of funding include a combination of EU and Member State funding. On the European side, we can mention the Recovery and Resilience Facility, the Digital Europe Programme, the Connecting Europe Facility, the InvestEU Programme, Horizon Europe, the European Regional Development Fund and the Cohesion Fund. However, the contribution of Member States to multinational projects that the EESC considers essential for a more effective and coordinated European digital transformation is strongly encouraged.
- 3.11 The EESC believes that the viability of multinational projects should be regularly assessed and welcomes the proposal that the Commission will advise and provide, where appropriate, relevant guidance to support the implementation of multinational projects.

4. **Specific comments**

- 4.1 The Commission's proposals provide a basis and an argument for the European Parliament, the Council and the Commission to draw up and sign a joint declaration. A declaration bringing together in a single document different principles related to digital transformation would, according to the EESC, be a useful reference in the context of implementing the digital compass and the Path to the Digital Decade. In the best case, this declaration would strengthen the confidence of people and businesses. This requires a clear and easily understandable text and communication.
- 4.2 Although political in nature and not legally binding as such, such a declaration would serve as a solid reference and guide for future policy measures. As stated in the communication, the declaration would not affect current legal rights. Therefore, any other measure based on it should take due account of existing legal and other instruments.

² EESC opinion on the *Path to the Digital Decade*, [OJ C 194, 12.5.2022, p. 87](#).

- 4.3 It is also important to strengthen a wide range of instruments and measures contributing to the implementation of the declaration. For example, it is absolutely necessary to raise awareness of the practical meaning of the principles and to promote understanding of them. This applies to businesses, workers, consumers and people in general.
- 4.4 It is reasonable to use existing mechanisms to monitor how the principles will be and are already being put into practice. The proposed Path to the Digital Decade governance mechanism, with its overall objectives, is the most relevant in this regard. In addition, it is useful to monitor the evolution of people's perceptions by means of Eurobarometer surveys. I
- 4.5 In several previous opinions, the EESC has stressed the importance of the digital transformation taking place in a human-centred, inclusive and sustainable way, and the declaration would provide an essential reference to this end. Corresponding objectives have also been included in the Path to the Digital Decade, and the EESC believed that they provide a qualitative framework for the quantitative targets set out in this document and those of the Digital Compass³.
- 4.6 The different principles and rights described in the draft declaration overlap in many respects and each of them has a variety of aspects, some of which are quite detailed. It is therefore difficult to perceive the essence of the content. The mixture of principles and rights further blurs this content. The initial set of numerical principles launched by the Commission for consultation was clearer and easier to understand and was therefore a preferable approach, while using the enriching input from consultation.
- 4.7 The EESC believes that digital rights derive from and are defined by existing fundamental rights. They are part of the values and principles of the EU, which constitute a multi-level and multidimensional whole, where different rights and freedoms coexist and where values also set limits and ensure a fair balance. This is the case, for example, with the principles of freedom of expression and non-discrimination in the context of hate speech, a growing phenomenon in the online world.
- 4.8 The EESC believes that digital principles should serve for everything that is meant by sustainable development. However, the principle of sustainability in the draft declaration appears to refer primarily to environmental sustainability, while the other five principles focus primarily on social sustainability. The EESC believes that sustainability should be considered in the development and use of digital technologies in two ways: by minimising the harmful impact of technologies and maximising their positive impact on the economy and society. The success of the digital transformation is therefore a combination of economic, social and environmental benefits stemming from its contribution to the creation of greater competitiveness, prosperity, jobs and well-being and the transition to a circular and zero-emission economy.

³ EESC opinion on *Path to the Digital Decade*, [OJ C 194, 12.5.2022, p. 87](#).

- 4.9 The EU's fundamental rights and values are essential from the point of view of both people and businesses. Most of the aspects included in the project are relevant not only for people in general, but also for entrepreneurs, including social economy enterprises, and civil society organisations. The declaration should therefore recognise that most of them, especially SMEs, face more or less the same challenges as the population in general in adapting to the digital world.
- 4.10 The EESC believes that more emphasis should also be placed on enhancing the benefits of digital transformation, including economic prosperity. This underlines the importance of the principles related to connectivity, skills and security, which are essential for socio-economic development. In addition to those proposed in the draft declaration, the principles of innovation and intellectual property and freedom to conduct a business are of great importance for businesses in the digital world and should be recognised in the declaration.
- 4.11 The war between Russia and Ukraine has highlighted the importance of the proper functioning of digital connections and cybersecurity at all levels and in all sectors of society, as well as in international connections. It has also reinforced the need to develop people's skills and the means to recognise and combat disinformation.
- 4.12 The EESC has already stressed the importance of digital sovereignty as a key pillar of Europe's economic, social and environmental development and has also stressed that this sovereignty must be based on global competitiveness and on strong cooperation between Member States. This is an essential precondition for the EU to become a benchmark on the international scene, including with regard to the reliability of digital technologies. With regard to hosting Europeans' data, in particular, the EESC stresses the need to complete the European Gaia X cloud project, which would nurture the trust of the European population, thus promoting the flow of data⁴.
- 4.13 The smooth and fair functioning of the single market plays a crucial role in digital development in the EU. The EESC therefore believes that the very essence of freedoms in the single market must be fully protected. The free flow and ownership of data is becoming increasingly important, as it not only concerns the single market for data as such, but also has an intrinsic link with the markets for capital, goods and services.
- 4.14 The single market is also a starting point and springboard for the EU to expand the use of external markets and supply chains and to be an influential and powerful global player. The declaration should therefore be actively promoted on the international stage. While values cannot be "exported", the EU has the potential to exert global influence using a wide range of tools, from global agreements set up by social partners in multinationals to diplomatic action, innovation cooperation, trade and investment agreements and financing conditions. This applies to both bilateral and multilateral external relations.

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⁴ EESC opinion on *Path to the Digital Decade*, [OJ C 194, 12.5.2022, p. 87](#).

Christa SCHWENG

The president of the European Economic and Social Committee
