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NOTE

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Objet:	Déclaration européenne sur les droits et principes numériques pour la décennie numérique - Examen de la proposition de la Présidence aux fins de préparer les discussions inter-institutionnelles

I. INTRODUCTION

1. La Commission a proposé le 26 janvier 2022 une Déclaration européenne relative aux droits et principes numériques pour la décennie numérique (« Déclaration ») qui fait suite à la communication « Boussole numérique 2030: une voie européenne à suivre pour la décennie numérique » du 9 mars 2021.
2. Le groupe de travail « Télécom » a entamé l'examen du texte proposé par la Commission lors de sa réunion du 14 février 2022.

3. Suite aux réunions du groupe de travail « Télécom » du 29 mars, 28 avril et 9 juin 2022, trois projets de compromis ont été rédigés par la Présidence française.

II. MODIFICATIONS PRINCIPALES

4. Les modifications apportées au fil des projets de compromis ont principalement visé à améliorer la lisibilité du texte et à le compléter avec des références utiles.
5. Plusieurs ajouts et modifications mineures ont été effectués, afin de garantir une cohérence avec les instruments législatifs et non-législatifs, existants ou en cours de négociation. En particulier, la Présidence française a révisé les paragraphes relatifs à l'Intelligence Artificielle (Chapitre III) et les plateformes en ligne (Chapitre IV).
6. Au considérant (4), la référence à la Décision relative au Programme politique de la Décennie numérique 2030 a été remplacée par une référence plus générale à la Communication relative à la boussole numérique datant de mars 2021.
7. À la suite des discussions du Coreper du 11 mai sur le Programme politique de la Décennie numérique 2030, la référence aux activités de suivi de la mise en œuvre de la Déclaration au considérant (8) a été complètement dissociée de la Décision et remplacée par la mention que la Commission présentera régulièrement un rapport au Conseil et au Parlement européen.
8. L'accent a également été mis sur le respect de la Charte des droits fondamentaux de l'Union européenne ainsi que sur les droits de l'homme universels dans le cadre du considérant (0) et le paragraphe introductif, ainsi que tout au long du texte.
9. Des engagements supplémentaires ont été proposés concernant la protection des données personnelles et la portabilité des données ou encore la diversité culturelle et linguistique.

10. Les modifications du document par rapport à la dernière version de compromis de la Présidence discutée le 9 juin sont soulignées: les ajouts sont marqués en **gras**, les suppressions ~~barrées~~. Les modifications apportées au document par rapport à la première proposition de la Commission sont soulignées: les ajouts sont marqués **en gras**, les suppressions barrées. Les changements antérieurs par rapport à la proposition initiale de la Commission, sont toujours marqués comme décrit ci-dessus mais ne sont plus soulignés.

III. ACTION POUR LE COMITE DES REPRESENTANTS PERMANENTS

11. Compte tenu de ce qui précède, le Comité des représentants permanents est invité à :
- examiner la proposition de la Présidence en annexe;
 - autoriser la Présidence à entamer, sur cette base, les négociations inter-institutionnelles avec le Parlement et la Commission.

European Declaration on Digital Rights and Principles for the Digital Decade

The European Parliament, the Council and the Commission solemnly proclaim the following joint Declaration on Digital Rights and Principles for the Digital Decade

Preamble

Whereas:

- (0) **The EU is a ‘union of values’, as enshrined in Article 2 of the Treaty on European Union, founded on respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. Moreover according to the Charter of fundamental rights of the European Union, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity. The Charter also reaffirms the rights as they result, in particular, from international obligations common to the Member States.**
- (1) The digital transformation affects every aspect of people’s lives. It offers significant opportunities for a better quality of life, **responsible** innovation, economic growth and sustainability, but it also presents new challenges ~~for the fabric, security and stability of our societies and economies.~~ With the acceleration of the digital transformation, the time has come for the European Union (EU) to spell out how its values and fundamental rights should be applied in the ~~online world~~ **digital environment**.
- (2) The Parliament has made several calls for ensuring the full compliance of the Union’s approach to the digital transformation with fundamental rights such as data protection ~~or~~ **and** non-discrimination, and with principles such as technological and net neutrality, and inclusiveness¹. It has also called for a strengthened protection of users’ rights in the digital environment².
- (3) Building on previous initiatives such as the “Tallinn Declaration on eGovernment” and the “Berlin Declaration on Digital Society and Value-based Digital Government”, the ~~Council~~ **Member States** have called, through the “Lisbon Declaration – Digital Democracy with a Purpose” for a model of digital transformation that strengthens the human dimension of the digital ecosystem with the Digital Single Market as its core. ~~The Council also~~ **Member States have** called for a model of digital ~~transition~~ **transformation** that ensures that technology assists in **addressing** the need to take climate action and protect the environment.

¹ 2020/2216(INI)

² 2020/2018(INL); 2020/2019(INL); 2020/2022(INI); 2020/2012(INL); 2020/2014(INL); 2020/2015(INI); 2020/2017(INI)

- (4) The EU vision for digital transformation puts people at the centre, empowers individuals and fosters innovative businesses. **In its Communication “2030 Digital Compass: the European way for the Digital Decade”,** ~~the Commission has recently presented a Proposal for a Decision on a “Path to the Digital Decade”, which sets out a vision~~ **the concrete digital targets based on four cardinal points for mapping the EU’s trajectory** (digital skills, digital infrastructures, digitalisation of businesses and of public services) ~~that will help us achieve this vision.~~ The Union way for the digital transformation of our societies and economy should encompass digital sovereignty, **openness**, inclusion, equality, **cultural and linguistic diversity**, sustainability, resilience, security, trust, improving quality of life, respect of ~~people’s~~ **human** rights ~~and aspirations~~ and should contribute to a dynamic, resource-efficient and fair economy and society in the Union. **The Union should also continue to consistently advocate a multistakeholder approach to internet governance.**
- (5) ~~This~~ Declaration ~~aims to explain~~ **lays out** shared political intentions. ~~Not only does it~~ recalls the most relevant rights in the context of the digital transformation, ~~it~~ **and** should also serve as a reference point for businesses, **in particular start-ups and SMEs**, and other relevant actors when developing and deploying new technologies. ~~This~~ Declaration should also guide policy makers when reflecting on their vision of the digital transformation: putting people at the centre of the digital transformation; underlying solidarity and inclusion; restating the importance of freedom of choice; participation in the digital public space; **ensuring** safety, security and empowerment; and sustainability.
- (5a) The Union should promote the Declaration in its relations with other international organisations and third countries, with the ambition that the principles serve as an inspiration for international partners to guide a digital transformation that puts people at the centre throughout the world.**
- (6) ~~The democratic oversight of the~~ digital society and economy should ~~operate~~ **be further strengthened**, in full respect of **democracy, fundamental rights**, the rule of law principles, effective justice and law enforcement. This Declaration does not affect lawful limits on the exercise of ~~legal~~ rights, in order to reconcile them with the exercise of other rights, or necessary and proportionate restrictions in the public interest. ~~The Union should promote the Declaration in its relations with other international organisations and third countries with the ambition that the principles serve as an inspiration for international partners to guide a digital transformation which puts people and their human rights at the centre throughout the world.~~
- (7) This Declaration notably builds on primary EU law, in particular ~~in~~ the Treaty on European Union, the Treaty on the Functioning of the European Union, the ~~EU~~ **EU** Charter of Fundamental Rights **of the European Union** and ~~the case-law of the Court of Justice of the EU,~~ as well as ~~ion~~ secondary law **and the case-law of the Court of Justice of the European Union**. It also builds on and complements the European Pillar of Social Rights. It has a declaratory nature **and, as such**, does not ~~as such~~ affect the content of legal rules or their application.

- (8) The promotion and implementation of the digital principles is a shared political commitment and responsibility of the Union and its Member States within their respective competences and in full compliance with Union law. ~~[The Commission has proposed that the annual report on the “State of the Digital Decade”, to be submitted to the Parliament and Council, would cover the monitoring of the digital principles.] Any monitoring of the actions taken to promote and put in practice the principles set out in the Declaration should not constitute an administrative burden for national authorities. **The Commission will regularly report to the Parliament and the Council on the progress made in that regard.**~~

Declaration on Digital Rights and Principles for the Digital Decade

We aim to promote a European way for the digital ~~transition~~ **transformation**, putting people at the centre. It ~~shall be is based~~ **builds on universal human rights and** European values, ~~and~~ benefitting all individuals and businesses.

We therefore declare:

Chapter I: Putting people at the centre of the digital transformation

1. People are at the centre of the digital transformation in the European Union. Technology should serve and benefit all Europeans and empower them to pursue their aspirations, in full security and respect of their fundamental rights.

We commit to:

- a) strengthening the democratic framework for a digital transformation that benefits everyone and improves the lives of all Europeans;
- b) taking necessary measures to ensure that the values of the Union and the rights of individuals as recognised by Union law are respected online as well as offline;
- c) fostering responsible and diligent action by all ~~digital~~ actors, public and private, for a **sustainable, accessible**, safe and secure **digital** environment;
- d) actively promoting this vision of the digital transformation, **including through innovative European technologies and businesses**, ~~also~~ in our international relations.

Chapter II: Solidarity and inclusion

2. ~~Everyone should have access to technology that aims at uniting, and not dividing, people.~~ The digital transformation should contribute to a fair **and inclusive** society and economy in the Union.

We commit to:

- a) making sure that **the design, development, deployment and use of** technological solutions respect **fundamental** ~~people's~~ rights, enable their exercise and promote inclusion **and participation**;
- b) a digital transformation that leaves nobody behind. It should **benefit all men and women everyone**, and notably include elderly people, ~~women~~, persons with disabilities, or marginalised, vulnerable or disenfranchised people and those who act on their behalf;
- c) developing adequate frameworks so that all market actors benefiting from the digital transformation assume their social responsibilities and make a fair and proportionate contribution to the costs of public goods, services and infrastructures, for the benefit of all Europeans.

Connectivity

3. Everyone, everywhere in the EU, should have access to affordable and high-speed digital connectivity.

We commit to:

- a) ensuring access to ~~excellent~~ **high-quality** connectivity for everyone, ~~wherever they live~~ **across the EU and including for those with low income, as well as for all businesses and whatever their income**;
- b) protecting a neutral and open, **safe and resilient** Internet where content, services, and applications are not **unlawfully** ~~unjustifiably~~ blocked or degraded ~~and to consistently advocating for a multistakeholder approach to Internet governance~~.

Digital education and skills

4. Everyone has the right to education, training and lifelong learning and should be able to acquire all basic and advanced digital skills.

We commit to:

- a) promoting and supporting efforts to equip all education and training institutions with digital connectivity, infrastructure and tools;
- b) supporting efforts that allow learners and teachers **of all ages** to acquire and share all necessary digital skills and competences **to empower them to think critically about information**, to take an active part in the economy, society, and in democratic processes;
- c) **Supporting efforts to giving** everyone the possibility to adjust to changes brought by the digitalisation of work through up-skilling and re-skilling.

Working conditions

5. Everyone has the right to fair, just, healthy and safe working conditions and appropriate protection in the digital environment as in the physical work place, regardless of their employment status, modality or duration.

We commit to:

- a) ensuring that everyone ~~shouldn't~~ be able to disconnect and benefit from safeguards for work-life balance in a digital environment.

Digital public services online

6. Everyone should have **online** access to ~~all~~ key public services **online across in** the Union. **In line with the Once-Only Principle**, ~~N~~nobody is to be asked to provide data more often than necessary when accessing and using digital public services.

We commit to:

- a) ensuring that all Europeans are offered an accessible, secure and trusted digital identity that gives access to a broad range of **online** services;
- b) ensuring, ~~where appropriate~~, wide accessibility and re-use of ~~government~~ **public sector** information, **including through the concept of open data**;
- c) facilitating and supporting seamless, secure and interoperable access across the Union to **digital public services, including** digital health and care services, including health records; designed to meet people's needs.

Chapter III: Freedom of choice

Interactions with advanced algorithms and artificial intelligence systems

7. Everyone should be empowered to benefit from the **social and economic** advantages of **algorithmic** and artificial intelligence **systems** by making their own, informed choices in the digital environment, while being protected against risks and harm to one's health, safety and fundamental rights.

We commit to:

- a) ensuring **an adequate level of** transparency about the use of algorithms and artificial intelligence, and that people are empowered and informed when interacting with them;
- b) ensuring that algorithmic systems are based on ~~suitable~~ **adequate** datasets to avoid **unlawful** discrimination and enable human supervision of outcomes affecting people;
- c) ensuring that technologies, such as ~~algorithms and~~ artificial intelligence are not used to **pre-**determine people's choices, for example regarding health, education, employment, **culture**, and their private life;
- d) providing for safeguards to ensure that **algorithmic and** artificial intelligence ~~and digital~~ **algorithmic** systems are safe, **trustworthy** and used in full respect of ~~people's~~ fundamental rights **and Union values**.

A fair ~~online~~ digital environment

8. Everyone should be able to effectively choose which online services to use, based on objective, transparent and reliable information.
9. Everyone should have the possibility to compete fairly and innovate in the digital environment.

We commit to:

- a) ensuring a safe, secure, **interoperable** and fair ~~online~~ **digital** environment where fundamental rights are protected, **users rights and consumer protection in the Digital Single Market are ensured, digital sovereignty is promoted,** and responsibilities of platforms, especially large players and gatekeepers, are well defined.

Chapter IV: Participation in the digital public space

10. Everyone should have access to a trustworthy, diverse and multilingual online digital environment. Access to diverse content contributes to a pluralistic public debate and ~~should allow everyone to~~ **effective participation** in democracy.
11. Everyone has the right to freedom of expression **and of information** in the ~~online digital~~ environment, ~~without fear of being censored or intimidated~~ **unlawful censorship or intimidation**.
12. Everyone should ~~have the means to know~~ **be able to access information on** who owns or controls the media services they are using.
13. ~~Very large~~ **Online platforms, particularly very large online platforms**, should support free democratic debate online. ~~Given the role of their services in shaping public opinion and discourse, They~~ **Very large online platforms** should mitigate the risks stemming from the functioning and use of their services, including ~~for~~ **in relation to** disinformation campaigns and **to** protect freedom of expression.

We commit to:

- a) supporting the development and best use of digital technologies to stimulate ~~citizen~~ **everyone's** engagement and democratic participation;
- b) continuing ~~to~~ **safeguarding** fundamental rights online, notably the freedom of expression and information, **and the freedom and pluralism of the media**;
- c) taking **proportionate** measures to tackle all forms of illegal content ~~in proportion to the harm they can cause, and~~ in full respect of the right to freedom of expression and information, and without establishing any general monitoring obligations;
- d) creating ~~an online digital~~ environment where people are protected against disinformation **and of information manipulation** and other forms of harmful content-;
- e) **supporting the development and best use of digital technologies to stimulate the visibility, discoverability of, and effective access for Europeans to, digital content reflecting cultural and linguistic diversity in the EU.**

Chapter V: Safety, security and empowerment

A protected, safe and secure online digital environment

14. Everyone should have access to digital technologies, products and services that are **by design** safe, secure, and privacy-protective ~~by design~~.

We commit to:

- a) protecting the interests of people, businesses and public institutions against ~~hybrid threats, cyber threats and cybercrime~~ **malicious cyber activities**, including **cybercrime**, data breaches and ~~cyberattacks~~. This includes ~~protecting digital identity from~~ identity theft or manipulation. **A high level of cybersecurity should be promoted, including confidentiality, integrity, availability and authenticity, in all digital products and services (especially trust services) and processes;**
- b) countering and holding accountable those that seek to undermine security online and the integrity of the Europeans' ~~online~~ **digital** environment or that promote violence and hatred through digital means.

Privacy and individual control over data

15. Everyone has the right to **privacy and to** the protection of their personal data online. ~~Theat latter~~ right includes ~~the controlling on how their data are used and with whom they are shared~~ **that individuals should have control of their own personal data**.
16. Everyone has the right to the confidentiality of their communications and the information on their electronic devices, and ~~no one shall not to~~ be subjected to unlawful online surveillance or interception measures.
17. Everyone should be able to determine their digital legacy, and decide what happens **to their personal accounts and** ~~with the publicly available information that concerns them in~~ **digital products and services and platforms, after in the event of their death**.

We commit to:

- a) ensuring the possibility **for individuals** to easily move **their** personal data between different digital services;
- b) **Promoting the possibility for individuals to have simplified management over legible transparency and control of personal data flows operated by digital platforms towards third parties;**
- c) **Promoting the implementation of portability rights in relation to personal and non-personal data stored and/or generated by digital services.**

Protection and empowerment of ~~Children and young people should be protected and empowered~~ online in the digital environment

18. Children and ~~young people~~ should be empowered to make safe and informed choices and express their creativity in the ~~online~~ **digital** environment.
19. Age-appropriate materials **and services** should improve ~~children's and youth's~~ **the** experiences, well-being and participation in the digital environment **of children and youth**.
20. Children **and young people** have the right to **specific protection** ~~be protected~~ from all crimes, committed via or facilitated through digital technologies.

We commit to:

- a) promoting **positive experiences for children and youth in an** ~~positive~~, age-appropriate and safe digital environment ~~for children and young people~~;
- b) providing opportunities to all children **and youth** to acquire the necessary skills and competences to navigate the online environment actively, safely and make informed choices when online;
- c) protecting all children **and young people** against harmful and illegal content, exploitation, manipulation and abuse online, and preventing the digital space from being used to commit or facilitate crimes.

Chapter VI: Sustainability

21. To avoid significant harm to the environment, and to promote a circular economy, digital products and services should be designed, produced, used **and, where applicable, repaired, recycled and** disposed of ~~and recycled~~ in a way that minimises their ~~negative~~ **impact on the environment and on society** ~~environmental and social impact~~.
22. Everyone should have access to accurate, easy-to-understand information on the environmental impact and energy consumption of digital products and services, allowing them to make responsible choices.

We commit to:

- a) supporting the development and use of sustainable digital technologies that have minimal **negative** environmental and social impact;
- b) **incentivising sustainable business models and consumer choices, and promoting the development, deployment and active use of innovative digital technologies,** ~~developing and deploying digital solutions~~ with a positive impact on the environment and climate, **in order to accelerate the green transition.**