



## CCIA RECOMMENDATIONS TO FINLAND'S EU PRESIDENCY

Finland's Presidency of the Council of the European Union (EU) will set the scene for the next five year EU mandate. It is a golden opportunity for Finland to set out a clear vision for a Europe that is innovative, competitive and an attractive place to start a business, invest and live. Technology is key to enable this vision and to help solve societal challenges such as climate change and aging populations. Future EU regulation must be evidence-based and allow emerging technologies and new business models to develop and benefit Europeans.

### Updating Europe's Internet rules to boost innovation and online safeguards

An update of the EU's eCommerce Directive, a corner-stone of Europe's internet economy, could provide legal clarity and strengthen the EU digital single market. A new, pro-innovative regime should be based on strong internal market principles allowing companies to scale-up from wherever they are based. The liability protection regime and the prohibition of general monitoring obligations are the two key provisions of the eCommerce Directive and should be maintained. The introduction of a new 'Good Samaritan' provision would make sure companies are not punished for their efforts to fight illegal content.

### Tackling 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. Hopefully the Council will consider the vast differences between types of online services and also the abilities of smaller companies during the final negotiations.

### Competition law remains fit for purpose

We advise against the creation of a special competition enforcement regime targeted at digital companies. Throughout the last 60 years, our framework has proven to be flexible enough to deal with any technological wave. The Internet is no exception. Many high-profile enforcement cases on both EU and national level prove that point.

### 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 to flourish in Europe.

### Assess new online platform regulation before any new regulatory actions

The EU has just adopted its platform-to-business regulation ("P2B") specifically targeted at online platforms. Before jumping to any further regulatory measures, sufficient time should be given to evaluate the impact of the P2B Regulation. The newly established Observatory on the Online Platform Economy should also be allowed time to meaningfully assist in any evaluation.



## **The ePrivacy regulation should offer meaningful protection and be pro-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. A context and risk-based approach is key to guarantee appropriate privacy protection without unduly harming Europe's ability to innovate. An over-reliance on consent and overly restrictive rules to process communications and device data may jeopardise the roll-out of future communications services and the growth of IoT and machine-learning in Europe.

## **A transatlantic framework for law enforcement access to digital evidence**

An EU-U.S. agreement could strengthen user rights and due process for when law enforcement seeks to access user data during criminal investigations and prosecutions on both sides of the Atlantic. A framework agreement can lay down the conditions for bilateral agreements between the U.S. and EU Member States and help avoid conflicts between EU and U.S. laws.

## **Strengthening Cybersecurity in Europe**

When improving cybersecurity capabilities, Europe should continue to strive for agile responses to the rapidly evolving global security threat, 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 promote greater R&D collaboration and interoperability of cybersecurity products to better fend off global threats. Similarly, we welcome Finland's support for continued inclusion of EU's partners/allies in all efforts to strengthen cyber resilience in Europe – such as access and participation in the future European 'Competence Centre'.

## **eGovernment and digital transformation for Europe's public sector**

We encourage Finland to help accelerate the digital transformation of the public sector in Europe. The second anniversary of the EU's Tallinn Declaration presents such an opportunity to focus on the power of open source and open collaboration and innovation to form a key part in the upcoming EU five year mandate.

## **PSD2: An opportunity for interoperable online payments but also risk of collateral damage**

The Revised EU Payment Service Directive ("PSD2") promises to be a progressive and forward-looking legislation that will open up competition, new products and most importantly increased interoperability between different parts of the payment ecosystem. However, more attention should be paid to the implementation of the so-called "Strong Customer Authentication", an added layer of security and authentication that risk harming e-Commerce across Europe if not handled properly. We hope the Presidency will actively promote a smooth implementation of this important Directive.

## **Implementing new EU Copyright rules without hurting online innovation**

We encourage Finland to remain vigilant to the impact on online innovation and rights when transposing the new EU Copyright Directive into national law.

## **Europe should lead efforts towards ambitious, global tax reform**

Global technology firms support tax reform at global level. We encourage the EU Member States to lead efforts to achieve reform that is ambitious, covering all sectors, and global, within the +120 countries OECD/G20 framework. Nations should in the meantime avoid unilateral measures which risk upsetting trade relations and ruin the prospects of reaching consensus on more ambitious global reform.

*We look forward to contributing to a successful Finnish Council Presidency!*

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