



# Digital Single Market Bulletin

## Contents

- D9+ Meeting
- Digital Day 2019
- EU Ethics Guidelines for Trustworthy Artificial Intelligence
- Copyright Directive

**Further Reading:** More in-depth updates and commentary on the Digital Single Market agenda is available at:

[https://ec.europa.eu/commission/priorities/digital-single-market\\_en](https://ec.europa.eu/commission/priorities/digital-single-market_en)

**Further information:**

EU Digital Single Market Unit,  
[dsmunit@dbei.gov.ie](mailto:dsmunit@dbei.gov.ie) Tel: 01-631 2176

## Meeting of Digital 9+ (D9+) Ministers



*Minister Breen with other D9+ delegates*

On 15 April 2019, Mr Pat Breen, T.D., Minister for Trade, Employment, Business, EU Digital Single Market and Data attended a Ministerial level meeting of the Digital 9+ EU countries in the Netherlands. The theme of the meeting was online platforms, i.e., online marketplaces, social media and creative content outlets, application distribution platforms, price comparison websites, platforms for the collaborative economy as well as online general search engines.

The D9+ group is an informal alliance of Digital Ministers from the digital frontrunner EU Member States based on the DESI rankings. The Digital Ministers from these frontrunner countries meet twice a year to build on their collective strengths in advanced digital technologies and to confront the challenges associated with digital transformation. Ireland is at 6<sup>th</sup> position on DESI (2018 Index) making continuous improvements since 2014. Ireland ranks highly for Science, Technology, Engineering and Maths (STEM) graduates; Small and Medium Enterprises (SMEs) Selling Online; eCommerce Turnover; SMEs selling Online Cross-border and Open Data.

The headline item was a presentation from Roberto Viola, Director General of DG CONNECT, in which he addressed the meeting in relation to the future of Digital Single Market (DSM) policy and stated that the Digital Single Market strategy is one of the most successful policies under the current Commission. However, he stressed that before launching any new ideas the new Commission will have to assess the impact to date and particularly the status of local Member State legislation transposition. As a guiding rule and in relation to platform regulation, Dr Viola emphasised that for the next legislative cycle it would be better not to do at EU level what can be done at MS level. This means that it is likely

that any new proposed regulation will be on a case by case basis as the possibility of a one size fits all option suitable for all sectors is low. It is for this reason the Commission has not revisited the eCommerce Directive to date but Dr Viola was not excluding the possibility in the future as well as opportunities from setting up regulatory sandboxes.

This presentation was followed by a Ministerial round table meeting based on a discussion paper "Towards a flourishing European platform economy", which addressed issues such as the impact of the platform economy on society, the comparative advantage for Europe in the platform economy and the role Member States can play to stimulate a flourishing European platform economy. The event also featured presentations from two European platforms – Startup Delta and Marktplaats.

Minister Breen also took the opportunity to meet with Ann Linde, Swedish Minister for Foreign Trade and Minister for Nordic Cooperation to discuss the completion of the EU Digital Single Market initiatives and the future development of the next stage of the process – DSM 2.0 – towards a more integrated, more equitable and more digital Single Market that facilitates economic and social convergence in the European Union.

## Digital Day 2019



On 9th April 2019, the European Commission held the third annual Digital Day in Brussels. The Day offered European Member States and the European Commission an opportunity to discuss their shared ambitions for a digital future. This year's Digital Day was focused around the following key themes: Artificial Intelligence Ethical Guidelines (see below); Cooperation on advancing digitalisation of cultural heritage; Digitalisation of agriculture and rural areas; and promoting greater participation of women in digital.

Ireland was represented at the event by Sean Canney T.D, Minister of State for Natural Resources, Community Affairs and Digital Development. Ministers had been invited to strengthen Member States' commitments in key sectors where digital technologies can make a significant positive impact. Minister Canney signed three important declarations on behalf of Ireland concerning Women in Digital, Digitisation of Agriculture and Rural Communities, and Digitisation of Cultural Heritage. He also participated

in a panel discussion on the topic of Digitisation of Agriculture and Rural Areas, which was introduced by Commissioner Phil Hogan.

Minister Canney also took the opportunity to have one-to-one discussions with his Ministerial counterparts both from Poland and Bulgaria, where they discussed common challenges and shared best practice from their Member States.

## EU Ethics Guidelines for Trustworthy Artificial Intelligence

The European Commission published their [Ethics Guidelines for Trustworthy Artificial Intelligence](#) (AI) at the EU Digital Day event in Brussels on 9 April 2019. The guidelines were prepared following consultation by a 52-member High-Level Expert Group on AI (AI HLEG) that was established by the Commission in June 2018.

The guidelines set out three elements that trustworthy AI should be, namely:

1. lawful – respecting all applicable laws and regulations;
2. ethical – respecting ethical principles and values; and
3. robust – both from a technical perspective while taking into account its social environment.

The guidelines set out the foundations of Trustworthy AI by laying out a fundamental-rights based approach and identify and describe four ethical principles that must be adhered to in order to ensure ethical and robust AI, namely: respect for human autonomy; prevention of harm; fairness and explicability. The guidelines put forward a set of seven key requirements that AI systems should meet in order to be deemed trustworthy:

- **Human agency and oversight**, including fundamental rights, human agency and human oversight.
- **Technical robustness and safety**, including resilience to attack and security, fall back plan and general safety, accuracy, reliability and reproducibility.
- **Privacy and data governance**, including respect for privacy, quality and integrity of data, and access to data.
- **Transparency**, including traceability, explainability and communication.
- **Diversity, non-discrimination and fairness**, including the avoidance of unfair bias,

accessibility and universal design, and stakeholder participation.

- **Societal and environmental wellbeing**, including sustainability and environmental friendliness, social impact, society and democracy.
- **Accountability**, including auditability, minimisation and reporting of negative impact, trade-offs and redress.

The guidelines also contain a specific assessment list – comprising of a series of questions – which aims at helping to verify the application of each of the key requirements.

### Stakeholder Involvement in Development of EU Policy on Artificial Intelligence

All interested stakeholders can join a [forum discussion](#) that was set up on the Commission’s Futurium webpages to foster the exchange of best practices on the implementation of Trustworthy AI and register their interest to participate in a piloting process that will be kicked-off in summer 2019 as a means of gathering practical feedback on how the assessment list can be improved. Following the pilot phase and building on the feedback received, the AI HLEG will review the assessment lists in early 2020. Based on this review, the Commission will evaluate the outcome and propose any next steps.

Stakeholders can also join the European AI Alliance, which is a multi-stakeholder forum steered by the AI HLEG for engaging in a broad and open discussion of all aspects related to AI policy in Europe.

## EU Copyright Directive

After two and a half years of negotiations the European Council adopted the new Copyright Directive, aimed at further harmonising the EU copyright framework taking into account the increasing digital and cross-border uses of protected content, on 15 April 2019. The adoption means that the Directive must now be implemented into national law by member states over the next two years.

The new Directive includes a number of measures to make the copyright rules fit for the digital age, including clear rules guaranteeing fair remuneration for creators, strong rights for users and responsibility for intermediaries between the creators and users. There are provisions to facilitate digital and cross-border teaching, to allow the preservation of materials by cultural heritage institutions and the creation of a cross-EU text and data mining exception for researchers. There is a provision for technology companies to negotiate licensing agreements with rights-

holders, including record companies, collecting societies and media companies, to publish their content and clarity around the obligations on the platforms to ensure that material on their platforms is made available lawfully. Also included in the Directive is the creation of a new neighbouring right for press publishers to make it easier for them to enforce their rights and ensure a high quality journalism sector in the EU. Ireland will consider what amendments to its copyright legislation are necessary, including consulting with stakeholders, and make those changes within that time period.

This Bulletin is issued by the EU Digital Single Market and Digital Economy Unit of the Department of Business, Enterprise & Innovation. The Unit supports the Minister of State for Trade, Employment, Business, EU Digital Single Market and Data Protection on DSM issues with the cooperation of the members of the Digital Single Market Inter-Departmental Committee.