

# First Eastern Partnership Ministerial Meeting on Digital Economy

11<sup>th</sup> June 2015, Luxembourg

## DRAFT DECLARATION

Version 6, 4/6/2015

The Ministers in charge of Digital Economy and the representatives of the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, Georgia, the Republic of Moldova and Ukraine, the representatives of the European Union and the Ministers and representatives of its Member States have met in Luxembourg on 11 June 2015 to affirm their shared commitment to the Digital Economy and underline its importance for social and economic development, and for creation of growth and jobs in the Eastern Partnership (EaP). Representatives of the European Investment Bank (EIB), the European Bank for Reconstruction and Development (EBRD), the network of EaP regulators for electronic communications (EaPeReg), the Body of European Regulators for Electronic Communications (BEREC), as well as representatives of EaP's ICT (Information and Communication Technologies) industry and civil society were also present.

Recalling that, in the declaration of the recent EaP Summit in Riga, Digital Economy is recognised as an area with yet untapped potential for both the EU and partner countries. Summit participants welcomed past and ongoing efforts in this area, such as the preparations for launching the EaPConnect project, to link the research and academic communities in the partner countries to the pan-European research and education network GÉANT; the setting up and establishment of EaPeReg, the EaP network of regulators for electronic communications; the development of the emerging initiative for “Harmonising Digital Markets” between partner countries and with the EU (HDM initiative) and the completion of the HDM Study in the EaP. They called for a coordinated response to the challenges of EaP's Digital Economy, steered by an EaP Ministerial meeting on this topic and an EaP HDM Panel.

Recalling that, last month the European Commission has formulated an ambitious Digital Single Market (DSM) strategy aiming to provide ultimately better access to goods and services, fair conditions for all market participants and a solid basis for the evolution of digital economies and societies. The DSM strategy exploits the untapped potential of digitalisation and tackles key barriers, including regulatory fragmentation, discriminatory practices and outdated legislation.

The participants have adopted the following Declaration:

### 1 ELECTRONIC SERVICES

#### 1.1 eGovernment

The participants affirm the importance of eGovernment infrastructure and services for the Digital Economy in the EaP. If public administrations in the EaP embrace ICTs in the same way as the private sector, this will boost further development of the Digital Economy. Digital public services provide the simplest and most cost-efficient way to guarantee transparent and effective



public administration, while interoperable digital solutions prevent the emergence of new obstacles to the development of the Digital Economy. The participants welcome the progress made in all partner countries, where eGovernment policies are implemented in close cooperation with industry and main stakeholders. These policies address key aspects of eGovernment development such as eEducation and eHealth services for citizens, as well as eProcurement, eCustoms, and eTax services for businesses. Such services are increasingly being integrated and provided via dedicated online portals, following European best practices in public service delivery, including the principles mentioned in the Malmö declaration<sup>1</sup>. The EU and the partners agree to launch actions aimed at triggering a wider deployment of eGovernment services in the partner countries and further simplification of transactions between citizens and businesses on the one hand, and public authorities on the other.

## **Open data**

The participants recognise that the global trend towards more open data and better data portability represents an opportunity for improving government transparency and efficiency and for promoting business creation. The participants agree to consider the general principles of the Charter on Open Data<sup>2</sup> (adopted by the G8 on June 18, 2013) as guidance when moving towards wider access and reuse of public sector information (PSI). In this context, they also agree to consider other recent developments such as the revision of the EU Directive on the re-use of PSI<sup>3</sup> and the adoption of EC guidelines<sup>4</sup> on recommended standard licences, datasets and charging for the re-use of PSI.

## **eHealth**

The participants recognise the importance of eHealth for transforming healthcare systems in the context of the Digital Economy. They take note of the recent eHealth policy developments in the EU, including the eHealth Action Plan 2012-2020<sup>5</sup> and the Green Paper on mobile health<sup>6</sup>, as examples of innovative eHealth policies that could inspire future collaboration in the EaP. The participants agree to pursue exploratory collaborative actions with the aim of developing recommendations for a possible long-term eHealth strategy in the EaP. The participants note that areas which require particular attention include: telemedicine, prevention, home care, remote illness monitoring, electronic patient files (electronic medical records) and m-Health (medical and public health practice support by mobile devices such as smart phones, patient monitoring devices, tablets and other wireless devices). The participants agree to exploit the full potential of solutions in these areas, by involving all key stakeholders in establishing appropriate rules, in particular regarding accessibility and use of personal data.

## **eCustoms**

The participants affirm the importance of electronic customs for facilitating trade and enhancing border security in the EaP. They welcome the progress made on harmonisation of customs practices in all partner countries. They agree to implement further actions in this area, including the replacement of paper-based customs procedures by electronic ones; introduction of mutual recognition of authorised economic operators in the EU and the partner countries; setting up a

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<sup>1</sup> <https://ec.europa.eu/digital-agenda/sites/digital-agenda/files/ministerial-declaration-on-egovernment-malmo.pdf>

<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/207772/Open\\_Data\\_Charter.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/207772/Open_Data_Charter.pdf)

<sup>3</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:175:0001:0008:EN:PDF>

<sup>4</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014XC0724\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014XC0724(01)&from=EN)

<sup>5</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52012DC0736&from=EN>

<sup>6</sup> <http://ec.europa.eu/digital-agenda/en/news/green-paper-mobile-health-mhealth>

common risk assessment framework in the EaP; assuring the interoperability of customs information systems for better exchange of information and setting up global anti-counterfeiting and anti-piracy systems.

## **1.2 eCommerce for SMEs**

The participants affirm the importance of eCommerce systems and services for enabling cross-border market access for SMEs and contributing to the development of prosperous and competitive markets in the EaP. They welcome the progress made in all partner countries in this area. The EU and the partners agree to undertake further actions, focusing on the harmonisation of eCommerce legislation and addressing the fragmentation of market practices, to assure the required infrastructure investment and implement cross-border paperless procedures. They also agree to launch actions for the harmonisation of legislation for Internet security & privacy of eCommerce services, online business environment, digital contracting, intermediary liability, protection of consumer rights, and for promoting competition and access to foreign markets through cross-border eCommerce, ePayments and eLogistics solutions.

## **1.3 eLogistics and Digital Transport Corridors**

The participants recognise the importance of a modern, high-performance transport and logistics infrastructure - alongside ICT infrastructures - for effective cross-border eCommerce and eTrade in the EaP. They note that the CEF Transport programme and TEN-T multimodal Core Network, including nine core transport corridors, ensure the development of the necessary European transport infrastructure. They stress the need for cross-border links of transport infrastructures and transport corridor connections between the EU and partner countries, as well as multimodal eLogistics platforms. Such platforms will provide a portfolio of integrated added-value services to the main players of the supply chain - customs and tax authorities, trading companies, railway and cargo operators - contributing to the development of the pan-European Digital Transport Corridors between the EU and the partner countries.

## **2. KEY ENABLERS**

### **2.1 Electronic identification and trust services**

The participants affirm the importance of trust in the Digital Economy. They welcome the progress made in all partner countries, where legal and regulatory frameworks are developed, enabling the use of electronic identification means, electronic signature and other trust services, in line with relevant EU standards. In particular, partner countries start offering new possibilities of electronic identification via mobile devices to further improve access to and uptake of online public services. Partner country legislation already contains provisions governing online privacy and personal data protection. However, at the moment, electronic identification and trust services are not interoperable beyond national borders. The participants agree to share best practices (e.g. the eIDAS Regulation<sup>7</sup> and the Digital Service Infrastructures<sup>8</sup> under the Connecting Europe Facility) and promote the transfer of know-how in eGovernment interoperability in general and cross-border electronic signatures in particular, in order to improve trade conditions and mobility in the EaP. The EU and the partners agree to launch further actions aimed at improving relevant legislation and its enforcement in partner countries, for enhancing the protection of online privacy and personal data, building trust in ICTs and eServices.

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<sup>7</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R0910&from=EN>

<sup>8</sup> <http://ec.europa.eu/digital-agenda/en/news/connecting-europe-facility-cef-digital-service-infrastructures>

## **2.2 Network and information security, cybersecurity and cybercrime**

The participants stress the importance of cybersecurity as a means to preserve the openness of Internet and online freedom. They note that proliferation of electronic services depends on the secure functioning of the critical information infrastructure. They underline the importance of shared responsibility among stakeholders – public authorities, private sector and individuals – to ensure security through a coordinated response at national, regional and international levels. They agree that cybercrime is a threat to citizens' fundamental rights and to the Digital Economy, the fear of cybercrime being a fundamental barrier to society's full engagement in online activities. They underline the need for increased security and effective law enforcement in order to safeguard privacy, which requires a clear and consistent approach to applicable law and jurisdiction, sufficient (human and financial) resources and very efficient cross-border cooperation. They note that the Council of Europe Convention on Cybercrime<sup>9</sup> (Budapest Convention) remains a model for national legislation on cybercrime, as well as the framework of reference for international police and judicial cooperation.

The participants welcome the progress made in all partner countries in containing the impact of security threats and incidents on publicly available electronic communications networks, by introducing relevant legislation and creating government services similar to the EU's Computer Emergency Response Teams (CERTs). They agree to make critical information infrastructure protection an integral part of national, social and economic policy. They also agree to exchange experiences and best practices in this area, engaging the EU's CERTs and the European Network and Information Security Agency (ENISA), for enhancing partner country capabilities.

## **2.3 ICT-based infrastructures for eTrade**

The participants recognize the importance of electronic trade (eTrade) for improving the competitiveness of the Digital Economy. They welcome the progress made in all partner countries, where national eTrade systems are developed and ICTs are used to enable businesses to conduct import/export electronic transactions nationally and cross-border. They agree to launch further actions in the partner countries, focusing on the development of ICT-based infrastructures for eTrade, trade business process reengineering and creating the proper legal framework for facilitating eTrade between partner countries and with the EU.

## **2.4 ICT-based infrastructures for research and education**

The participants recognise the importance of ICT-based infrastructures for research and education in order to support knowledge sharing, innovation, job creation and retention of talents in the Digital Economy, and underline the importance of exchange and interoperability of research data across disciplines and national boundaries. Additionally, these ICT-based infrastructures are addressing regional and global societal challenges such as climate change, disaster recovery and prevention, pandemics and management of natural resources. The participants welcome the launch of the EaPConnect project, a regional high-speed communication capacity linking the partner countries to the pan-European research and education network GÉANT and harmonising Wi-Fi access in the EaP. In this respect, the participants encourage openness of access to content, including research publications and data. They look forward to the rapid deployment of the EaPConnect infrastructure in the partner countries, improved collaborations of the research and education communities in the partner countries and with the EU, stimulation of national support for ICT-based infrastructures and mid-term integration path into GÉANT for the partner countries.

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<sup>9</sup> <http://conventions.coe.int/Treaty/en/Treaties/Html/185.htm>

## **2.5 Digital skills**

The participants underline the importance of digital skills in today's increasingly digital societies and economies. They note the common problem of a mismatch between the current skills available in the economy and those that are being increasingly demanded by the businesses. They stress that the Digital Economy requires innovation and growth in trade and services, but this is not yet matched by an adequate supply of human resources with the necessary digital skills. The identified gaps relate to coding, big data analytics, cloud computing, cyber security, application development, social media and multi-disciplinary skills (technical skills combined with entrepreneurial, business intelligence, project management, social, communication, teamwork, and other 'soft' skills). The participants recognise the need to address these gaps for building up the necessary digital skills in the Digital Economy. The EU and the partners agree to launch actions, including programmes for training and work-based learning (internships/apprenticeships), aiming to reduce the digital skills shortage in the partner countries, while benefiting from the experiences of EU's 'Grand Coalition for Digital Jobs'<sup>10</sup>. By forming their own national and local digital skills coalitions, countries will add to the already numerous stakeholders, large and smaller companies, education providers and NGOs.

## **3. RULES AND PRINCIPLES FOR TELECOMS AND INTERNET GOVERNANCE**

### **3.1 Telecoms rules**

The participants stress the importance of the telecommunications sector to the Digital Economy, to innovation, investment and trade. They recognise that harmonised telecom rules will help ensure the supply of innovative and competitive services to consumers and businesses. They underline the importance of the collaborative work done in this area by the EaP Regulators Network for Electronic Communications (EaPeReg), notably on market analysis, costing methodologies, mobile and fixed termination rates, universal service obligation, quality of service and consumer protection, international and national roaming, broadband, accounting separation and regulatory audit, frequency allocation and management, digital switchover and digital dividend. The EU and concerned partner countries welcome the signature of a Memorandum of Understanding<sup>11</sup> between EaPeReg, the Body of European Regulators for Electronic Communications (BEREC) and the BEREC office, and the corresponding actions to be carried out under this MoU. The participants agree to launch further actions aimed at, inter alia, harmonising the telecoms rules between partner countries and with the EU, developing clear broadband policies and targets and implementing the regulatory frameworks that will guarantee competition, investment and growth in the telecoms markets of the partner countries.

### **3.2 Internet governance principles**

The participants recognise the importance of implementing an open, multi-stakeholder model of Internet governance for the Digital Economy. They stress the importance of keeping the Internet as a single, un-fragmented network, subject to the same laws and norms that apply in other areas of day-to-day life; where individuals can benefit from their rights and from judicial remedies when those rights are infringed; and where core Internet governance decisions are truly globalized, in accordance with principles agreed during the NetMundial. The participants call for successful conclusion of the discussions on the globalization of ICANN (Internet Corporation for Assigned Names and Numbers) and IANA (Internet Assigned Numbers Authority) and the strengthening of transparency and accountability mechanisms.

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<sup>10</sup> <http://ec.europa.eu/digital-agenda/en/digital-jobs-0>

<sup>11</sup> [http://eapereg.eu/attachments/article/198/MoU\\_EaPeReg\\_BEREC%20\(Document%20\(05\)03\).pdf](http://eapereg.eu/attachments/article/198/MoU_EaPeReg_BEREC%20(Document%20(05)03).pdf)

The participants agree that all stakeholders should cooperate for ensuring capacity-building and empowerment; better coordination among technical and non-technical communities; promoting transparency, accountability and inclusiveness and establishment of appropriate rules, in particular regarding accessibility and use of personal data. The participants recognize the importance of a strengthened Internet Governance Forum (IGF) and support the extension of its mandate beyond the current five-year term. They also acknowledge the importance of regional IGFs, such as the latest regional European Dialogue on Internet Governance (EuroDIG) which was held in Bulgaria<sup>12</sup>, with a particular emphasis on eastern European partner countries.

#### **4. IMPLEMENTATION MECHANISMS**

##### **4.1 HDM Panel**

The participants call for the creation of an EaP Panel on Harmonising Digital Markets (HDM Panel). The HDM Panel should aim at discussing opportunities, including funding possibilities, synergies with ongoing projects and programmes, and challenges regarding HDM, formulating HDM strategy, coordinating all actions and projects related to the HDM initiative, assessing progress and ensuring consistency and coherence at national, bilateral and regional level. It should be an integral part of EaP Platform 2 on "Economic Integration and Convergence with EU Policies". The HDM Panel should bring together all relevant stakeholders from EU Member States and partner countries, including public administrations, professional and industrial associations, regulatory bodies, civil society and financial institutions.

In the context of the next programming cycle for the European Neighbourhood Instrument (ENI), the HDM Panel should explore the best approach to secure the recognition of the importance of the HDM initiative, including with regard to the creation of any future EaP Flagships.

##### **4.2 Financial Institutions**

The participants welcome the contribution made so far by the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD), for the development of EaP's Digital Economy. The participants agree that further work should be pursued related to the approximation and harmonisation of relevant regulation and legislation. Implementation of reforms in these areas can help improve the investment climate in the partner countries, boost efficiency, enhance productivity and extend the positive impacts of the Digital Economy across the economy and society as a whole.

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<sup>12</sup> <http://www.eurodig.org/eurodig-2015/>