

Opinion of the European Economic and Social Committee on ‘The citizen at the heart of an inclusive digital internal market: an action plan for success’ (own-initiative opinion)

(2013/C 161/02)

Rapporteur: **Ms DARMANIN**

On 19 January 2012, the European Economic and Social Committee, acting under Rule 29(2) of its Rules of Procedure, decided to draw up an opinion on

The citizen at the heart of an inclusive digital internal market: an action plan for success

(own-initiative opinion).

The Section for the Single Market, Production and Consumption, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 7 March 2013.

At its 488th plenary session, held on 20 and 21 March 2013 (meeting of 20 March), the European Economic and Social Committee adopted the following opinion by 69 votes and one abstention.

1. Conclusions and recommendations

1.1 The digital internal market has great potential to promote growth, jobs and prosperity in general. However, a number of citizens are currently still excluded from the benefits of this opportunity. The reasons for such exclusion are sociological, cultural and also legislative. The EESC has identified a number of challenges and barriers that are currently preventing the citizen from truly being at the heart of the digital single market, these being:

- a) Infrastructure problems;
- b) An unclear legal framework;
- c) Citizens’ rights not being well defined;
- d) Complaint resolution schemes, both individual and collective, still not being fully implemented;
- e) Discrepancies in the consumer environment in different Member States;
- f) Cybersecurity;
- g) E-procurement and e-signatures still not being fully implemented;
- h) Lack of implementation of e-Government services; and
- i) Enforcement in the internal market.

1.2 The EESC therefore suggests that a number of actions be taken to fully achieve the goal of putting the citizen at the heart of the digital single market:

- a) Free and universal access;
- b) Open internet and net neutrality;
- c) Prevention of abuses;

- d) ICT standardisation;
- e) Inter-operability and inter-connectivity;
- f) Cloud computing;
- g) Price control, i.e. minimum tariffs;
- h) Education and training;
- i) Protection against cyber-fraud and cybercrime (e.g. piracy and counterfeiting);
- j) Safety (incl. data protection and privacy, protection of children, the elderly and the disabled);
- k) A charter of Digital Rights ⁽¹⁾;
- l) Application of the consumer rights directive to digital content;
- m) Revision of the legislation on e-commerce, e-payments, mobile telephony, etc.;
- n) Revision of broadcasting policy;
- o) Information campaigns;
- p) Participation and involvement of civil society at all levels of political decision-making;
- q) Publication of an EU guide to digital services.

⁽¹⁾ The European Commission has recently published a compilation of the rights that currently exist in different EU law texts: <https://ec.europa.eu/digital-agenda/en/code-eu-online-rights>.

2. The citizen at the heart of the digital internal market: the citizen as an economic, social and political actor in line with the four basic freedoms of the internal market

2.1 Empowering the citizen as an economic actor: The digital revolution has got rid of a number of jobs. However, as McKinsey ⁽²⁾ states, it has created 2.6 jobs for every job lost. Society has to adjust to this and currently has the potential to do so. Certain jobs will disappear and younger generations will have a different perspective: they will need to engage with the digital revolution as a job provider. Such initiatives as the MIT *Scratch* programme create added value that reflects one's own value. NASA's "Skunk Works" lab, which produced the right environment for creativity after the Shuttle programme came to an end, is another example.

2.2 Empowering the citizen as a political actor: People have to be free to transfer their ideas, which the internet greatly facilitates even though, despite being hooked to the internet, younger generations travel more. The internet produces a taste for engaging with people. Digital technology has created a new freedom of movement.

2.2.1 There are specific examples, both within Europe and beyond, of citizens mobilising to express their views and to change policies in a democratic way. It is clear that citizens' voices should be better heard in the political arena. The democratic process also needs to adapt to digitisation.

2.3 The citizen as a social actor: e-Skills are not only about learning to use the net; they are about exploiting the net to benefit a social community and for one's personal advancement. For this reason, communities need to make greater use of the potential of the net. However, it is imperative that individuals' personal choices to use or not to use the net be fully respected.

2.4 As highlighted in the EP resolutions on "Completing the Digital Single Market" ⁽³⁾ and "A Single Market for Europeans" ⁽⁴⁾, a number of deficiencies exist in relation to ensuring that the citizen is truly at the heart of the internal market. Those deficiencies, which are not only legislative but also sociological, involve the continuing existence of a number of barriers to full access for consumers to the internal market.

3. General considerations and actions to be taken to enhance citizens' digital usage, considerations for an action plan

Access, knowledge and trust are amongst the most fundamental issues for the public when using the internet and when beginning to make use of the digital market.

⁽²⁾ McKinsey May 2011: Internet Matters, the net's sweeping impact on jobs, growth and prosperity.

⁽³⁾ Rapp. Pablo Arias Echeverría, 2012/2030 (INI), 11.12.2012.

⁽⁴⁾ Rapp. António Fernando Correia de Campos, 2010/2278 (INI), 6.4.2011.

3.1 Access

It is imperative to guarantee equal access capability to every EU citizen. In this respect, infrastructure, hardware, software and orgware ⁽⁵⁾ must be considered.

Access by means of infrastructure

3.1.1 Every EU citizen should be able to have *the same access capability* to the network ⁽⁶⁾. Furthermore, it is essential that a set maximum price for *the cost per Mbps*, for both fixed and mobile access, be determined and established throughout the Member States.

3.1.1.1 According to BEREC (Body of European Regulators for Electronic Communications), the majority of national regulatory authorities have received complaints from consumers concerning the *discrepancy between advertised and actual access speeds* for internet connections. A real digital internal market can be brought into existence only if all EU network operators are under strict public control in order to guarantee the nominal bandwidth in accordance with the Digital Agenda for Europe (DAE) broadband-related pillar.

3.1.1.2 The current heterogeneity of mobile internet access is one of the greatest barriers to a real digital internal market, especially because the rapid spread of smartphones and tablet devices is increasing the economic importance of mobile, internet-based activities to the public (e-commerce, e-health, etc.). In this context, DAE Action 101 clearly indicates that the difference between roaming and national tariffs should approach zero by 2015.

3.1.1.3 Furthermore, infrastructure should ensure full coverage of the whole of Europe, since people must not be discriminated against due to their rural location. The EESC recognises that industry may not consider providing such infrastructure to be economically viable. However, this hurdle should be overcome. Potential solutions may include PPP for rural areas. Content providers may also partner into the infrastructure investment, as they often subsequently benefit from coverage.

Urban wi-fi hot spots

3.1.2 Basic free wi-fi access should be a fundamental right for every European citizen. The EESC believes ⁽⁷⁾ that setting up free public internet access at urban hot spots and providing access to open data 2.0 and open sources would allow people to communicate and carry out job searches.

⁽⁵⁾ "Orgware refers to the capacity building of the different institutional actors involved in the adaptation process of a new technology" (Wikipedia).

⁽⁶⁾ The Digital Agenda already sets out the three main broadband capacity targets: 100 % of EU citizens should be reached by a 2 Mbps connection by 2013 and, by the end of 2020, 100 % of EU citizens should be reached by a 30 Mbps connection and 50 % of European households should have subscriptions above 100 Mbps.

⁽⁷⁾ See footnote 2.

3.1.3 While geographical coverage should not be a strict requirement, it is essential that every single municipality ensure the existence of at least one wi-fi hot spot. A rational approach would be to guarantee a minimum number of free hot spots proportional to the population; each national regulatory authority could specify local rules in line with EU directives.

3.1.4 Although internet access and a universal broadband network are recognised to be of the utmost importance, the Commission has pointed out⁽⁸⁾ that there is no consensus about the future role of **universal service obligations** ("USOs") in furthering Europe's broadband objectives.

3.1.5 To date, Finland, Spain and Malta have adopted legislation to include broadband in national USOs. On 5 July 2011, the European Parliament adopted a resolution⁽⁹⁾ underlining the importance of USOs as a safety net for social inclusion.

Hardware

3.1.6 Being included as a digital European citizen means being able to connect to the internet, which in turns means owning proper *hardware* and *software* that makes it possible to go online.

3.1.6.1 Basic *hardware*⁽¹⁰⁾ should be available in all EU countries at a price that is accessible for all. For this reason, the EESC strongly encourages the development of a specific project under Horizon 2020 whereby basic hardware can be manufactured in Europe at a genuinely affordable price. Regrettably, the Horizon 2020 budget has recently been reduced in Council.

Software

3.1.6.2 *Software*⁽¹¹⁾ should be open-source, avoiding additional costs and allowing common, standard, non-proprietary tools for editing and sharing documents. Such software should also be made accessible for people suffering from disabilities. Open source should complement other mainstream software.

3.2 Protecting the open internet and net neutrality

3.2.1 The Committee has already pointed out⁽¹²⁾ that, from the EU citizen's point of view, it is essential that Internet Service Providers (ISP) guarantee that people are free to connect to the public internet without restrictions from governments or network operators on content, sites, platforms, the kinds of

equipment that may be attached and the modes of communication allowed. This is the very concept of the "**open internet**", one of the fundamental rights of the digital citizen.

3.2.2 Moreover, all EU ISPs should treat all sources of similar internet data equally without discriminating between different types of traffic for economic reasons.

3.2.3 BEREC preliminary findings on traffic management practices in Europe clearly show that blocking of VoIP⁽¹³⁾ traffic is common⁽¹⁴⁾.

3.2.4 EU regulators found that VoIP services like Skype are mainly blocked by mobile operators. Peer-to-peer traffic, which allows exchange of files between internet users, is also regularly slowed down or blocked by both fixed-line and mobile operators.

As more services migrate to the Web, operators seem to be increasingly tempted to discriminate against other services that compete with their own or do not yield much profit, effectively creating fast lanes and slow lanes for different services. **Net neutrality** would therefore be seriously challenged.

3.2.5 On the contrary, the net neutrality principle implies that no provider can prioritise traffic on the net for economic reasons. Instead, every user should be served with the providers' best effort.

The words "net neutrality" are totally absent from the European Commission's DAE Communication, but the Committee underlines that **the principle of net neutrality should be unambiguously defined** and enshrined in European law as an endorsement of citizens' rights as defined in the EU Charter of Fundamental Rights.

3.3 Orgware

3.3.1 Technology is not enough to exploit the potential of the digital single market. Orgware – the knowledge, skills and awareness of users – is equally important. Therefore, the EESC puts emphasis on knowledge – e-skills – while being critical about the benefits considering the dangers of using the net.

3.3.2 Knowledge

Orgware is a crucial aspect of maximising the use of the net by knowing how to use it not only for leisure, but also for personal and community development.

⁽⁸⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Universal service in e-communications: report on the outcome of the public consultation and the third periodic review of the scope in accordance with Article 15 of Directive 2002/22/EC (23.11.2011).

⁽⁹⁾ Resolution (P7_TA(2011)0306).

⁽¹⁰⁾ Hardware is understood to be a desktop PC, a laptop, a netbook, a smartphone, a tablet device or any electronic device capable of network connection.

⁽¹¹⁾ Software: mainly a web browser and a document editing package.

⁽¹²⁾ OJ C 24, 28.1.2012, p. 139.

⁽¹³⁾ Voice over IP.

⁽¹⁴⁾ The findings are the result of a survey carried out by BEREC over several months and represent information gathered from 250 fixed-line and 150 mobile operators across Europe.

3.4 Ensure training on e-skills

3.4.1 In order for EU citizens to be truly at the heart of the digital internal market, they absolutely need *enhanced digital competences and advanced media literacy* in order to effectively minimise the digital divide and maximise their digital inclusion.

3.4.1.1 Digital inclusion mainly implies giving equal opportunities to every EU citizen and, in particular ⁽¹⁵⁾, to:

- older people;
- people with disabilities;
- low income earners;
- educationally disadvantaged people; and
- minorities.

It is thus essential to propose EU-wide indicators of digital competences and media literacy ⁽¹⁶⁾ and to implement long term e-skills and digital literacy policies as soon as possible ⁽¹⁷⁾ in each of the Member States. It is therefore imperative that cohesion funds, namely the ESF, be targeted at use by local civil society actors in regions to develop e-literacy skills.

3.5 Digital Schools

3.5.1 The process of European digitalisation must involve schools – both teachers and students. It is necessary to provide the means for real digital schools, which could move towards more digitalised administration and teaching, contributing at the same time to environmental improvement.

3.5.2 While students are usually more accustomed to new technologies and need help and guidance to develop their skills, there is a high rate of ICT illiteracy among older generations. The creation of a digital school and a digital society highlights the need to train teachers in ICT skills in order to allow the elderly to better engage with younger generations.

3.5.3 Teaching methods must, in fact, be re-thought. Finding the right combination of traditional teaching methods and new technologies represents a constant challenge to teachers.

3.5.4 Further, to fill the gap between traditional education and new technologies, on-line teaching resources should be put in place, in order to make a consistent and reliable learning process accessible everywhere by everyone. Actions 61 ⁽¹⁸⁾ and 68 ⁽¹⁹⁾ of the DAE seem to be planning measures in this sense. However, it is important to remember that not all future end users have the same level of ICT skills. Interfaces and content

should therefore be capable of adaptation to different levels in order to be user-friendly for basic users and more challenging, and so more interesting, for more advanced users.

3.6 European Computer Driving Licence

3.6.1 The **European Computer Driving Licence** (ECDL) should be officially extended to all Member States and constantly updated to the state-of-the art software and hardware tools available.

3.6.1.1 The ECDL should be based on open software and should be granted only after an EU-standardised exam. It should be included in all public secondary school programmes, to provide a common basic level of IT expertise to all EU students.

3.6.2 It is necessary to implement the content in accordance with the means. In its effort to digitalise Europe, the EU should increase the availability of resources in digital format, such as e-books. In this sense, the EESC welcomes the Commission's will to further develop the **European Library** ⁽²⁰⁾, but at the same time fears that this potentially revolutionary service is unknown by many and should be better promoted, particularly in the educational sector.

3.7 Trust

3.7.1 Trust is a key issue in ensuring that the potential of the Internet is maximised within the internal market. To this end, people must be sure that adequate systems are in place to ensure **prevention** of personal or community harm; an adequate level of **protection**; the **prosecution** of cyber criminals, similar to physical crime, as well as **proper regulation** of the internet and its **enforcement**.

3.8 Prevention

3.8.1 Education in relation to the key potential and risks of the net is essential. Clear educational campaigns targeting different levels of expertise can effectively contribute to prevention.

3.8.2 **Regulation is also a key element in ensuring prevention.** While regulating the internet is a very difficult task, protection from any form of risk is of utmost importance for the European people. The EESC therefore strongly recommends that an enforceable basic framework of regulation be drawn up at a European level.

3.8.3 More responsibility, e.g. in line with the Charter of Fundamental Rights, could be assumed by internet providers through self-regulation, as successfully practised in such sectors as advertising. This option, which would remedy the current state of deregulation, implies regular assessment and monitoring by the legislator as well as sanctions.

⁽¹⁵⁾ OJ C 318, 29.10.2011, p. 9.

⁽¹⁶⁾ DAE Action 62.

⁽¹⁷⁾ DAE Action 66.

⁽¹⁸⁾ Develop an online consumer education tool on new media technologies.

⁽¹⁹⁾ Member States to mainstream e-Learning in national policies.

⁽²⁰⁾ DAE action 79: Propose a sustainable model for financing the European digital library.

3.9 Protection

3.9.1 In going digital, citizens must feel adequately protected. E-services should therefore clearly display the level of protection they offer. In this respect, content providers could demonstrate the protection level of their sites by adhering to specific guidelines ⁽²¹⁾.

3.9.2 Identity theft is one of the major concerns of users. It is therefore recommended that research be undertaken to guarantee personal data protection on the Internet.

3.9.3 Furthermore, it is essential for EU citizens that the development of digital broadband networks does not proceed at the expense of public health. In particular, every Member State should guarantee, within the same EU regulatory framework, the following basic requirements:

- safe exposure to electro-magnetic fields;
- prohibition of dangerous chemical components in ICT products;
- network development in harmony with the environment; and
- requirement of low energy consumption products in public tenders.

3.10 Prosecution

3.10.1 Cybercrime is as serious as physical crime and should be treated in a similar manner. It is essential that Member States increase their resources to be able to handle and prosecute cybercrime in an effective, efficient and timely manner.

3.11 Charter of Digital Rights

3.11.1 The EESC calls on the Commission to establish a "Charter of Digital Rights" of the citizen ⁽²²⁾; this will be a means of ensuring that the citizen is truly protected and would enhance trust within the digital internal market.

4. Specific considerations

4.1 e-Government services

4.1.1 It is clear that e-Government facilitates the use of government services, particularly by citizens and SMEs. Interoperability is a prerequisite for effective and efficient e-Government services. In this context, citizens must have full control of and access to their own data, without the possibility to modify it but with the ability to identify who has accessed

any part of it, rightfully or not. It is essential, however, that people have the freedom of choice to use services in either digital or traditional form.

4.1.2 Full e-Government services are desirable, however, for the sake of such benefits as cost and red tape reduction and efficiency. Member States should all opt for digital services as a contribution to facilitating citizens' mobility.

4.2 SMEs and the Enterprise Europe Network

4.2.1 In its opinion on *Small business, Big world* ⁽²³⁾, the Committee called for "measures to support e-commerce, which could become an important area in SME internationalisation". The implementation of the EU's digital strategy is an absolute priority for SMEs as well. In this context and in view of the job creation potential of SMEs, it is of strategic importance to set up "one-stop-shops" for VAT, to promote e-invoicing as well as cloud computing. The smart use of ICT, the development of e-skills in SMEs, an increase in the participation of SMEs in e-procurement and their full access to broadband are crucial, as are such instruments as the European e-Business Support Network (eBSN), the Competitiveness and Innovation Programme (CIP) and the Programme for the Competitiveness of Enterprises and SMEs (COSME).

4.2.2 The Committee welcomes the Commission's intention to review the governance of the Enterprise Europe Network (EEN) and to place European SMEs in a digital environment. Here too, trust in a digital single market plays a major role and a bottom-up approach involving the social partners could have didactic added-value.

4.2.3 The Enterprise Europe Network (EEN) has been created to support European SMEs in developing new markets, implementing new technologies and accessing EU funds.

4.2.4 The role of EEN should be enhanced to guarantee universal digital inclusion to all European SMEs and to help every EU citizen to access all available open data, which can progressively create an EU-wide digital network of connections.

4.2.5 The effectiveness of EEN actions should be constantly monitored by the Commission through periodic collection of feedback from EU SMEs and from all EU citizens who have benefited from its services.

4.3 Natural barriers to the digital single market

4.3.1 Language is one of the most prominent natural barriers to the single market – digital or not.

4.3.2 Although this is a right, remaining excluded from the digital single market and its true benefits is a barrier.

⁽²¹⁾ In the absence of regulation, content providers could develop codes of conduct, as is the case in many other sectors (more on this under <http://www.eesc.europa.eu/?i=portal.en.self-and-co-regulation-enter-the-database>).

⁽²²⁾ See footnote 1.

⁽²³⁾ OJ C 229, 31.7.2012, p. 49.

4.3.3 Whereas the digital single market has eliminated geographical barriers and isolation, the interface with the physical world, such as shipping of goods, still makes geographical location and isolation a natural barrier.

Brussels, 20 March 2013.

The President
of the European Economic and Social Committee
Staffan NILSSON
