



**Transport, Telecommunications and Energy Council
(Telecommunications)
Brussels, 6 December 2022**

Chair: Ivan Bartoš, Deputy Prime Minister for digitalisation and minister of regional development

The **meeting** will **start** at 9.00.

Ministers will be invited to adopt the Council's common position (so-called "general approach") on two legislative proposals, namely:

- the **Artificial Intelligence Act**
- the Regulation on **the framework for a European Digital Identity**.

Once adopted, these common positions will allow the Council to enter into negotiations with the European Parliament ("trilogues") with a view to reaching an agreement on the legislative acts.

The Council will assess progress on another two legislative proposals, namely:

- the **Data Act**
- the **Cyber Resilience Act**

In an informal lunch, ministers will discuss the topic of **international digital engagement**.

In the presence of the Ukrainian deputy minister for digital transformation, ministers will hold a policy debate on the **digital skills for the digital decade**, with a particular focus on additional upskilling actions that could be envisaged for the working population, as well as best practices or good experiences identified in Member States to boost the number of **ICT specialists** and the number of **sector specialists** possessing advanced digital skills.

Under **any other business** and in the presence of the Ukrainian deputy minister for digital transformation, the Commission will brief ministers about the support that is being provided to **Ukraine** in the area of telecommunications. The presidency will also brief ministers on the state of play of negotiations with the European Parliament on the revision of the ePrivacy regulation on **privacy rules** for the electronic communications sector, and will inform about the recent agreement reached on the **European declaration** on digital rights and principles for the digital decade.

¹ This note has been drawn up under the responsibility of the press office.

Also under **any other business**, the Commission will brief ministers on the state of play on **international initiatives** in the digital field, with a focus on the Trade and Technology Councils and digital partnerships. The presidency will provide information on the outcome of the virtual high-level expert meeting on the governance and enforcement of Union rules in the digital sphere (17 October 2022) and the Conference on 'EU Secure and Innovative Digital Future', held in Prague on 3-4 November 2022. As the last item, the incoming Swedish presidency will present its **work programme** for the first half of 2023.

Press conference: at the end of the meeting, +/-18.00.

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Artificial Intelligence Act

The Council is expected to adopt a general approach on the **Artificial Intelligence Act**.

The draft regulation presented by the Commission in April 2021 is a key element in the EU's policy to foster the development and uptake across the single market of **safe and lawful** artificial intelligence (AI) that respects fundamental rights. The proposal, which follows a **risk-based approach**, lays down a uniform, **horizontal legal framework for AI** that aims to ensure legal certainty in view of facilitating investment and innovation in AI, to enhance **governance and effective enforcement** of existing law on fundamental rights and safety, and to facilitate the development of a single market for **lawful, safe and trustworthy AI applications**, while preventing market fragmentation.

The Council's general approach contains a **definition** of an AI system, a list of **prohibited AI practices** and a **classification** of AI systems as high-risk. The text also sets the **requirements** for high-risk AI systems and responsibilities of various actors in the AI value chain. It also takes into account situations where AI systems can be used for many different purposes (**general purpose AI**) and clarifies the **scope** of the proposed AI Act and provisions relating to **law enforcement** authorities. The text contains a number of **clarifications and simplifications** regarding the conformity assessment procedures, governance framework, market surveillance, enforcement and penalties. It also includes changes that increase **transparency** with regard to the use of high-risk AI systems and measures in support of **innovation**.

[A European approach to artificial intelligence \(Commission information\)](#)

[A digital future for Europe \(background information\)](#)

Framework for a European Digital Identity

The Council is expected to adopt a **general approach** on the proposed regulation on a framework for a **European Digital Identity (eID)**.

In June 2021, the Commission proposed a **framework for a European Digital Identity** that would be available to all EU citizens, residents and businesses, via a **European digital identity wallet (EDIW)**. The proposed new framework will amend the 2014 regulation on electronic identification and trust services for electronic transactions in the internal market (**eIDAS regulation**), which laid the foundations for safely accessing public services and carrying out transactions online and across borders in the EU. In addition, the Commission also adopted, at the same time, a recommendation to develop a **toolbox defining the technical specifications of the European digital identity wallet**.

The text of the general approach further develops the **concept of the EDIW** and its interplay with national electronic identification means. **Assurance levels** ('LoA') should characterise the degree of confidence in electronic identification means, thus providing assurance that the person claiming a particular identity is in fact the person to which that identity is assigned. In this respect, the Wallet must be issued within an electronic identification system meeting the LoA "high". The text also clarifies the concept of **providers of electronic attestations of attributes**. Moreover, the Council's general approach contains a number of amendments with regard to trust services, including the **new trust services** introduced in the Commission proposal (electronic archiving and electronic ledgers), as well as the **liability regime** for trust service providers and their supervision.

[European Digital Identity \(Commission information\)](#)

[A digital future for Europe \(background information\)](#)

Data Act

The Council will take stock of progress on the proposal for a regulation on **harmonised rules on fair access to and use of data (Data Act)**.

The main objectives of this proposal adopted by the Commission at the end of February 2022 are to ensure fairness in the allocation of value among actors and to promote access to and use of data. It is a **horizontal piece of legislation** which aims to **facilitate access to and use of data** by consumers and businesses (with the necessary safeguards), allow public sector bodies to use data held by enterprises in case of exceptional data need and facilitate switching between providers of data processing services.

The Council Working Party on Telecommunications examined this proposal. The Czech presidency has drafted two compromise proposals aiming, in particular, to better define the **scope** of the Regulation, fine-tune certain **definitions** while adding new ones, clarify the **interplay** of the Data Act with relevant existing horizontal and sectoral legislation, better scope B2G **data sharing** based on exceptional need, and facilitate the **effective switching** between data processing services. Special attention was dedicated to clarifying the mechanism of 'reasonable compensation' for the data holder to make data available. The Czech Presidency is currently preparing the third compromise text and the work on this proposal will continue under the Swedish presidency.

Cyber Resilience Act

The Council will take stock of progress on the proposal for a regulation on **horizontal cybersecurity requirements for products with digital elements (Cyber Resilience Act)**.

The main objective of this proposal adopted by the Commission in mid-September 2022 is to **harmonise** essential cybersecurity requirements for products with digital elements in all member states and **avoid overlapping cybersecurity requirements** stemming from different pieces of legislation. The proposal aims to fill the gaps in the existing cybersecurity legislation by ensuring that products with digital elements for example Internet of Things – IoT – products, such as connected home cameras, refrigerators, TVs, toys, and non-embedded software become **secure throughout the whole supply chain** and throughout their **whole lifecycle**. It also clarifies links with existing legislation and contributes to making the existing legislation more coherent. Finally, the proposal also allows users to take **cybersecurity** into account when selecting and using products with digital elements.

The Council's **Horizontal Working Party on Cyber Issues (HWPCI)** has examined this proposal. On the basis of written contributions from member states and the work within the HWPCI, the presidency intends to draw up an initial compromise text on the **scope** and **free movement** clause. On the basis of the progress made under the Czech presidency, the incoming Swedish presidency plans to continue the work on this important file.

[A digital future for Europe \(background information\)](#)

Digital skills for the digital decade

At the initiative of the presidency, the Council will hold a policy debate on the **digital skills for the digital decade**.

Not all Europeans are fully confident when performing activities online and with digital devices. At the same time, there is widespread consensus that if we want to ensure that the whole society benefits from digital transformation, it is critical that we do **not leave anyone behind without the right digital skills**. At EU level, a number of important measures and initiatives have been taken to address this problem, but more needs to be done. For this reason, in the recently adopted 2030 Policy Programme “**Path to the Digital Decade**”, the EU has set some ambitious targets as regards digital skills. With this policy debate and given the need to step up EU's efforts to ensure necessary skills are available to enable a smooth digital transformation, ministers will be invited to discuss the following questions:

- Given the crucial importance of basic skills within the working population, what **additional upskilling actions** could be envisaged? What upskilling measures can be especially useful for SMEs?
- How can we join forces to build on best practices/good experiences identified in Member States and boost the number of **ICT specialists** and the number of **sector specialists** possessing advanced digital skills? What actions could be envisaged to help key industrial ecosystems and in particular, SMEs to attract digital talent?

[Europe's Digital Decade: digital targets for 2030 \(Commission website\)](#)

[A digital future for Europe \(background information\)](#)

International digital engagement

In an informal lunch, ministers will discuss the topic of **international digital engagement**.

In order to harness the benefits of **international cooperation** and ensure a strong European role at the global level in times of changing geopolitical environment, the Commission has intensified activities at international level with the aim of strengthening strategic cooperation with third countries in the field of **new and emerging technologies** and in the digital sector. The Commission approached the Council with several initiatives in previous months, focusing notably on the cooperation with the US, the Indo-Pacific region, Africa, Latin America and the Caribbean.

Given the need to strengthen EU's international engagement in the digital sector, ministers will be invited to discuss the following questions:

- Which **regions or categories of third countries** should the EU focus on in order to increase its open strategic autonomy? Which **criteria** should be used in determining the regions and countries to be addressed?
- What should be the **priorities** of the EU's international engagement in digital? How should the EU **foster the digital value chains** and what technologies and standards should be in the aim of future partnerships to secure the digital supply chains?

Any other business

- (a) EU support to Ukraine in the area of telecommunications
Information from the Commission
 - (b) Current legislative proposals
 - ePrivacy regulation
Information from the presidency
 - (c) European declaration on digital rights and principles for the digital decade
Information from the presidency
 - (d) Virtual high-level expert meeting on the governance and enforcement of Union rules in the digital sphere (17 October 2022)
Information from the presidency
 - (e) 'EU Secure and Innovative Digital Future' Conference (Prague, 3-4 November 2022)
Information from the presidency
 - (f) Work programme of the incoming presidency
Information from the Swedish delegation
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