



Public consultation on a set of European Digital Principles - Additional remarks by Open Future

Open Future welcomes the ability to provide feedback on the proposed set of Digital Principles. In addition to our answers to the questionnaire we would like to highlight the following points that we consider to be important principles for shaping Europe's digital future.

Our remarks are guided by the overall observation that the digital space is in effect our society – a society that is experiencing a digital transformation. It is therefore imperative that any strategy aimed at shaping the digital space in Europe - such as the Digital Compass - takes a wider perspective that goes beyond improving the functioning of the Digital Single Market and safeguarding the fundamental rights of individuals in the digital environment. In order to shape a European digital space that represents our democratic values, that is aligned with the realities of the green transition and that provides space for all to use digital technologies to satisfy their needs, this digital space must be understood to be more than a marketplace - an increasingly important part of our society as a whole

This means that any strategy in this area must be based on societal outcomes such as the green transformation of the economy, the reduction of economic inequality and support for democratic norms and values. Support for specific technologies and legislative interventions must be made conditional on their contribution to these overall objectives. Such a reorientation of digital technology to serve societal outcomes must be at the core of the European Union's digital strategy and serve as an overall strategic objective of intervening in the digital space.

In the light of this we would like to elaborate on the two additional principles that we have proposed to include in the set of digital principles. The right to open public alternatives and the right to universal access to knowledge and culture.

Additional principle: A European Digital Public Space

Access to, and the use of, digital platforms is no longer an innovation - it is an essential resource for both public and commercial organisations. The European digital public arena is largely dominated by a small number of for-profit media platforms. Public service & community media, educational and academic institutions, cultural organisations and producers as well as civic initiatives have increasingly become dependent on their services in the absence of viable public alternatives. The



result has been an enormous transfer of wealth from the public sector to these private actors' platforms, which in turn has allowed them to wield enormous power over the media landscape and public discourse, with little or no accountability. This imbalance and lack of a viable alternative is detrimental to the internet, to our democratic values, and to the health of our European societies.

Over the past few years the European Union has shown an increasing willingness to regulate the digital space with the express aim of upholding democratic values and individual rights, accompanied by a clear recognition of the central role that digital plays across society and in Europe's future. These efforts to regulate and improve the digital space are very much welcome but they are not sufficient. It is not enough to aspire to an alternative to Big Tech, Europe must actively build it. A European Digital Public Space, built on democratic values and public digital infrastructures, can be the cornerstone of that alternative.

Public digital infrastructures will promote more sovereign societies and individuals through the democratisation of access, transparency and accountability, while shared standards and interoperability will allow knowledge and culture to flow, helping people to connect. Europe's technological and civic communities already lead the way in developing the building blocks that will make this a reality. However, this must be accompanied by a political commitment to invest in public digital infrastructures in order to create a European Digital Public Space.

This commitment should be guided by the principle that anyone must have the right to open, public alternatives. European enterprises, citizens, public and civic institutions must have access to an open, decentralised, trusted European digital public space, built on democratic values and public digital infrastructure that ensures a rights-based, people-centred alternative to commercial platforms. This principle would constitute a foundation for the European Union's commitment to developing and stewarding this digital public space.

Additional principle: Universal access to knowledge and culture

In order to leverage the potential of digital communication tools to reduce inequality and increase democratic participation, the set of digital principles must include a strong focus on access rights to information and culture.

The existing barriers to access to information and culture must be further removed in order to fully realize the potential of the digital transformation to serve as a means to reduce inequality, to increase participation and to shape a more democratic and inclusive society. Public investment must be focussed on building digital commons wherever possible, to ensure that key digital resources exist as public goods.

While citizens across the European Union enjoy the same level of protection when it comes to personal data and privacy, this is not the case when it comes to access to information and culture. Crucially the user rights conferred by exceptions and limitations to copyright and other intellectual property rights remain fragmented and public institutions such as educational and cultural heritage institutions still struggle to fully make use of the opportunities that digital technologies bring when it comes to fulfil their missions.

The consultation document rightfully highlights Europe's existing commitment to "freedom of expression, including access to diverse, trustworthy and transparent information". Given the fragmentation of access rights among the member states there is a need for an additional digital principle: **The right to universal access to information and culture**. Anyone must have digital access to digital information and culture that is held or produced by public institutions or that has been created with public funding.

More clarity on implementation of digital principles in EU policies

Common digital principles are presented in the Digital Compass policy documents as means of shaping Europe's digital society. Yet the available descriptions only vaguely describe ways in which this will happen. There is little clarity on how the principles adopted through the joint interinstitutional solemn declaration will be brought to life. The roadmap for the Digital Compass Policy Programme describes a governance framework that will in particular be used to monitor progress on digital principles, but the details are unclear.

The digital principles require a more robust framework that will translate them into specific policies and activities. Without such a framework, there is a risk that the principles will provide little beyond being general statements of intent.

As a first step, the set of quantitative indicators tied to the "four cardinal points" of the Digital Compass should be expanded and connected with the digital principles. Where possible, indicators should be devised to measure progress or alignment with specific principles. At the same time, many of the principles will not be easily quantified.

For this reason, for each principle there needs to be an action plan with specific goals which – when attained – will bring a given principle to life. In particular, elements of the current digital policy reform package should be clearly tied to these general principles.

Furthermore, these action plans could be structured in terms of mission-oriented challenges. The mission oriented-framework¹, currently used in a series of pilot research and development programs within the Horizon Europe framework, is well suited for structuring multi stakeholder collaboration on attainment of digital principles.

Finally, the selection of core principles for European digital policies, and then the monitoring of progress, needs to be conducted in a participatory manner, with the involvement of civil society and input from European citizens. For the same reason, the governance process around digital principles should be fully transparent and involve all types of stakeholders including civil society organisations.

Algorithmic systems should not be ubiquitous by design

The consultation document includes, in the section on “Ethical principles for human-centric algorithms”, a principle on algorithmic systems: “Everyone should benefit from algorithmic systems that foster their individual and societal well-being.” While digital principles should shape the deployment of algorithmic systems in Europe, the proposed principle can lead to harmful effects and therefore needs to be reframed or removed from the set of European principles.

A principle on ethical use of algorithms should not be framed as an obligation to provide ubiquitous algorithmic systems - mainly because there is no evidence that these technologies can indeed foster individual and societal well-being. To the contrary there is evidence that the ability of AI systems to deliver is severely overstated: [multiple overview studies have shown that algorithmic systems did not provide successful solutions to combatting the pandemic](#)² - in contrary to common narratives that framed these solutions as indispensable.

As long as the ability of algorithmic systems to foster societal well-being is not supported by empirical evidence, a policy principle should not create an obligation to deploy these systems. We note that algorithmic systems differ from other technologies—like the internet—for which the principle of universal access is often applied. Instead, the relevant principle should create an obligation for algorithmic systems to avoid societal harms and foster well-being. At the same time, no obligation to use, or be the subject of, algorithmic systems can be present in European digital principles, if these are to conform with fundamental rights.

¹ See also Mariana Mazzucato, Mission-Oriented Research & Innovation in the European Union, European Commission, Directorate-General for Research and Innovation, 2018

² See <https://www.technologyreview.com/2021/07/30/1030329/machine-learning-ai-failed-covid-hospital-diagnosis-pandemic/>