

2022 | Know the Acts

The year is almost up. Here's what's on our mind.
Straight from LU's data policy team in Brussels.

1) Artificial Intelligence

In April 2021 the European Commission proposed a regulatory framework for AI in the EU. It intended to facilitate an AI single market that prioritizes safety, compliance, legal certainty & fundamental rights. In the final months of 2022, lobbying has intensified around certain topics in the Act.

Specifically, private sector representatives & the Luxembourg Chamber of Commerce have raised concerns about the framework around “general purpose AI systems” (AI with a wide range of uses & general functions). They note that it poses significant implementation challenges for the private sector.

The Software Alliance (representing software developers) & DeepMind (Google-affiliated AI institute) further questioned the practicality of the obligations outlined in the Act.

Exploration continues: Luxembourg's Slovakian counterparts launched a new initiative for a joint paper. Discussions on the mandate for a Council of Europe convention on artificial intelligence are progressing.

2) Data

The proposed Data Act (Feb. 2022) presents rules around the access & application of data generated in the EU. It encompasses all economic sectors & seeks to support a fair digital environment, a competitive data market, increased data accessibility & data-driven innovation.

The private sector & some Member States are still establishing their positions. Since the publication of the proposal by the Commission, meetings have been held with large corporate stakeholders, such as Samsung & Mastercard. Many of their concerns overlap, particularly with regard to the disclosure of trade secrets, a lack of clarity on definitions & the sharing of data with public authorities. Some proposed to delete references to trade secrets altogether.

The Act seeks to facilitate data sharing between businesses, but representatives of digital companies deem certain definitions too vague. While they support the sharing of data during public emergencies, some think that this provision also leaves broad leeway for governments to request data “in the event of exceptional need.”

3) Media Freedom

In September 2022, the European Commission released the European Media Freedom Act (EMFA) Proposal to support an independent, diverse media landscape. The Act includes protections against political interference & rules around conflicts of interest. It also touches upon issues of funding, ownership transparency & state advertising.

Additionally, the Act proposes to set up a European Board for Media Services. Based on a subsequent impact study, the Commission decided to introduce further interventions to preserve legal certainty & the cross-border nature of European media, especially given the digitalization of services.

Of course, not everyone supports the current version of the Act. The European Magazine Media Association & the European Newspaper Publishers' Association worry that it undermines freedom of the press. They see no reason to put print & digital press under the supervision of a board when the EU treaties leave press & media policy up to the Member States.