Chapter 2: Overview on European Digital Legislations

Presented by Prof. Lorenzo Vangelista

Note that it looks that the links
to EU legislation in the book do not work
Search the web for the titles

Overview of EU Legislations in the Digital Sector

- https://www.bruegel.org/system/files/2024-06/Bruegel_factsheet_2024_0.pdf
- The date is June 2024 → The AI act was not yet approved

Connectivity – ongoing and new - I

- New radio spectrum policy programme (RSPP 2.0)
  - The European Commission announced a legislative initiative on a new Radio Spectrum Policy Programme (RSPP 2.0) in its Commission work programme 2023. The RSPP 2.0 legislative initiative was expected in Q3/2023.
  - **Article 4(4) of the European Electronic Communication Code** gives the European Commission the option to prepare a multiannual Radio Spectrum Policy Programme (RSPP), which would then be adopted as a decision for the European Parliament and the Council.
  - The RSPP aims to set long-term strategic aspects of radio spectrum management for a specific period of time as well as to ensure a harmonization of the use of radio spectrum.
  - The first RSPP, covering the period 2012–2015, obliged EU Member States to award the 800 MHz band by the end of 2012 (with possible derogations) and also defined several targets for the 900 MHz, 1800 MHz, 2 GHz, 2.6 GHz and 3.4–3.8 GHz bands.
  - No new RSPP was prepared after 2015. At present, the Radio Spectrum Policy Group - assembling national spectrum experts - adopted its final opinion on the next RSPP on 16 June 2021 recommending that spectrum strategies should focus on:
    - promotion of spectrum sharing;
    - better harmonization of spectrum bands; and
    - continuous development of technologies relying on the use of spectrum.

from M. Mueck and C. Gaie (eds.), European Digital Regulations, Springer 2025

Connectivity – ongoing and new - II

- Digital Networks Act
  - The digital connectivity package aims to start a discussion on concrete proposals with stakeholders related to a set of possible actions to foster the innovation, security and resilience of digital infrastructures


EUROPEAN COMMISSION

Strasbourg, 11.2.2025
COM(2025) 45 final

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

Commission work programme 2025

Moving forward together: A Bolder, Simpler, Faster Union

Policy objective	Initiatives
Competitiveness and Decarbonisation	**EU Start-up and Scale-up Strategy** (non-legislative, Q2 2025)
Competitiveness	**Communication on a Savings and Investments Union** (non-legislative, Q1 2025)
	Review of the Securitisation Framework (legislative, incl. impact assessment, Article 114 TFEU, Q2 2025)
Innovation	**Digital Networks Act** (legislative, incl. impact assessment, Article 114 TFEU, Q4 2025)
Innovation	**AI Continent Action Plan** (non-legislative, Q1 2025)
Innovation	**Quantum Strategy of EU** (non-legislative, Q2 2025)
Competitiveness	**EU Space Act** (legislative, incl. impact assessment, Article 114 TFEU, Q2 2025)

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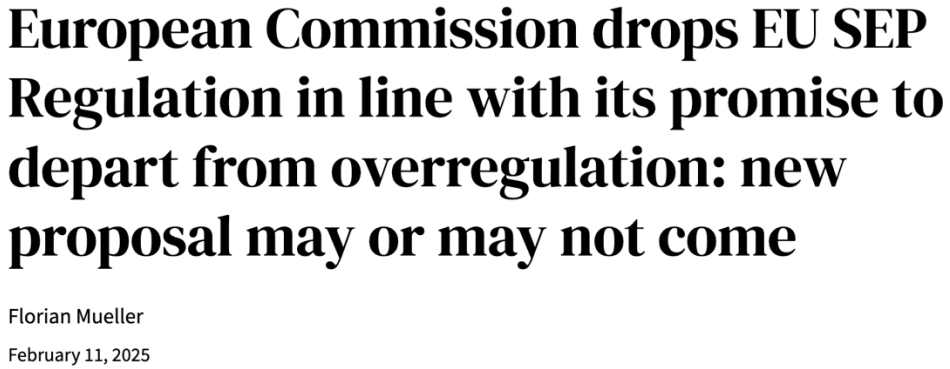
IPR

- Standard essential patents, 2023/0133(COD)
  - The overall objectives of this proposed initiative are to (i) ensure that end users, including small businesses and EU consumers benefit from products based on the latest standardised technologies (ii) make the EU attractive for standards innovation and (iii) The overall objectives of this proposed initiative are to: encourage both Standards Essential Patents (SEP) holders and implementers to innovate in the EU, make and sell products in the EU and be competitive in non-EU markets



European Commission drops EU SEP Regulation in line with its promise to depart from overregulation: new proposal may or may not come

Florian Mueller

February 11, 2025

from M. Mueck and C. Gaie (eds.), European Digital Regulations, Springer 2025

Cybersecurity

- Regulation for a Cybersecurity Act,(EU) 2019/881 2023/0108(COD)
  - Establishes a framework for the EU-wide certification of ICT products, services, and processes to ensure a common level of cybersecurity
  - On 18 April 2023, the Commission proposed a targeted amendment to the EU Cybersecurity Act. This targeted amendment was adopted on 15 January 2025 and aims to enable the future adoption of European certification schemes for 'managed security services' covering areas such as incident response, penetration testing, security audits and consultancy. Certification is key to ensure high level of quality and reliability of these highly critical and sensitive cybersecurity services which assist companies and organisations to prevent, detect, respond to or recover from incidents.
  - On 11 April 2025, the Commission launched a public consultation for input to evaluate and revise the Cybersecurity Act.
  - https://digital-strategy.ec.europa.eu/en/policies/cybersecurity-act

Cybersecurity - II

- NIS 2 Directive, (EU) 2022/2555
  - Strengthens cybersecurity requirements for essential and important entities across various sectors (e.g., energy, transport, waste management and others)

- I soggetti NIS sono chiamati ad effettuare l'aggiornamento annuale delle informazioni entro il 31 maggio 2025. Inoltre, a partire da gennaio 2026 saranno soggetti all'obbligo di notifica degli incidenti significativi e, entro ottobre dello stesso anno, dovranno avere adottato le misure di sicurezza

Cybersecurity III

- Cyber Resilience Act
  - Regulation (EU) 2024/2847 of the European Parliament and of the Council of 23 October 2024 on horizontal cybersecurity requirements for products with digital elements
  - https://digital-strategy.ec.europa.eu/en/policies/cyber-resilience-act

Trust and safety

- **AI Act** (Regulation), (EU) 2024/1689
  - Proposes a set of rules to govern the development, deployment, and use of Artificial Intelligence (AI) systems. Specific requirements are introduced for certain General Purpose AI (GPAI) systems and High Risk AI systems
- Product liability directive
  - Directive (EU) 2024/2853 of the European Parliament and of the Council of 23 October 2024 on liability for defective product
  - https://single-market-economy.ec.europa.eu/single-market/goods/free-movement-sectors/liability-defective-products_en
  - PLD's rules specifically clarify that all types of software are covered by the new directive, including applications, operating systems and AI-systems.
  - Manufacturers can be held liable for any defect that existed at the moment their software or AI-system was released. This includes defects that became apparent after their release, as a result of updates, upgrades or a machine-learning feature.

Trust and safety - IV

- AI Liability Directive, 2022/0303(COD)
  - Aims to complement the AI Act by establishing specific rules on who is liable (e.g., manufacturer, user, operator) for damages caused by AI systems
- https://commission.europa.eu/business-economy-euro/doing-business-eu/contract-rules/digital-contracts/liability-rules-artificial-intelligence_en
- In contrast with the product liability directive?