



## D9+ Ministerial Meeting in Copenhagen, 27<sup>th</sup> of September 2024

### Ministerial Declaration

The Digital Single Market has undergone a rapid development over the last years – especially on the regulatory front with landmark regulation such as the AI Act, the Data Act, the Cyber Resilience Act, the revised eIDAS Regulation, the revised AVMS Directive, and the Digital Services Act. While implementation of the new initiatives is an important task, the digital domain is one of constant change where we need to remain vigilant to new technological developments and their potential impacts. Therefore, we, the D9+, remain committed to exchange experiences and identify best practices to help inspire the further development of responsible, fair and secure digitalization in a stronger and more coherent Digital Single Market as a driver for change, economic growth and wellbeing of Europe’s industry, enterprise, consumers and citizens.

We, the D9+, remain firm supporters of the systematic, risk-based and evidence-based approach to regulation. New regulation should only address issues demonstrated by solid evidence and tackle unjustified barriers in the market – either to exploit the full potential of digitalization or to address new risks. When proposing or amending legislation, it is essential to always consider measures that can reduce burdens on businesses and support innovation (allowing new business models to arise) while also and always upholding digital rights, including the rights and best interests of children, in a proportionate and balanced manner.

With this approach in mind, the D9+ continue the discussions on how to create a more competitive and resilient digital EU while ensuring a more sustainable digital transformation to the benefit of all. We call on the next Commission to prioritise the implementation of the newly adopted legislation, and review the acquis of digital regulation focusing on its effectiveness, efficiency, coherence and the impact of cumulative digital regulation on innovation and competitiveness with a view to identify synergies, undue burdens and gaps in the Digital Single Market’s regulatory framework. To this end, we, the D9+, have identified two specific areas, which we find it particularly important to look into during the next Commission mandate:

- a. A strengthened framework on cookies and online tracking.
- b. Realizing the EUDI Wallets potential to make the Single Market a reality.



### **A strengthened framework on cookies and online tracking**

We, the D9+ agree on the importance of a safe, responsible and trustworthy online environment – especially for children. This should be a focal point of the digital agenda during the next Commission period - with a focus on implementing newly adopted legislation and delivering on the call for further discussions on the rising challenges and the possible need for additional joint efforts.

One important area is cookies and other tracking technologies. In the digital sphere, users often provide vast amounts of data without fully understanding how their data is used and the implications thereof. With an outdated regulatory framework, the area is characterized by numerous issues such as ‘consent fatigue’, systematic information overload and asymmetry, dark patterns, unlawful tracking of children and youth, legal uncertainty and a lack of clear guidance– ultimately hindering users from fully exercising their rights. Furthermore, new players have entered the market, introducing new businesses models and technologies, coupled with an even more extensive use of online tracking technologies.

Recalling the *Council Conclusions on the Future of EU Digital Policy*, we, the D9+, therefore reiterate the importance of considering the need for harmonized and effective measures, legislative as well as non-legislative ones, to address issues related to excessive online tracking, especially of children in order to protect them from exposure to certain types of content, safeguard their data, protect their privacy and empower them to make informed choices.

With a view to provide impetus to the Commission’s ongoing examination of the gaps in the ePrivacy Directive, the D9+ find it important to give special attention to the issue of tracking technologies and for the Commission to examine:

- Identifying the most pertinent issues, which prevent users from fully exercising their rights and those, which lead to substantive burdens for businesses.
- Consider whether the present challenges call for a new and modernized regime for tracking in order to sufficiently protect user’s online privacy. The Commission could for example explore the consequences of an approach, where for instance tracking with little to no impact on privacy such as for analytical purposes might be exempt from consent, while some types of tracking of a problematic nature might be restricted.
- The potential and possibilities of stronger coordination in the enforcement of the rules, considering elements such as sanctions, technical enforcement tools, knowledge sharing and the level of enforcement in systemic cross-border cases.

### **The potential of the EUDI Wallets to make the Single Market a reality**

We, the D9+, are dedicated to support a digital single market that benefits all citizens and businesses. The EUDI Wallets holds a tremendous potential to make life easier for citizen and businesses in the single market whilst respecting the voluntary nature of its use. By facilitating privacy-friendly, secure and trustful identification, data sharing, verification, compliance and control mechanisms, the EUDI Wallets holds great potential to reduce administrative burdens by streamlining online and offline cross-border identification and providing universally recognisable digital attestations.

While several use cases for the foreseen EUDI Wallets have been identified and are already being tested, we still have work ahead of us to identify new use-cases with the most value-added for businesses and citizens. The D9+ is ready to share best practices, improve our services through the EUDI Wallet and collaboratively refine use cases by leveraging our collective expertise to address new challenges and opportunities.

To make full use of the EUDI Wallets, we, the D9+, calls upon the Commission to develop an ambitious and effective use-case strategy in close cooperation and collaboration with Member States. We appreciate the initiative the Commission has taken in issuing a call for Large Scale Pilots for using the EUDI-Wallets for businesses, payments, age verification and travel.



Extending this to a cohesive use-case strategy that facilitates regulatory coherence could support Member States in preparing for the integration of new use cases as well as establish mechanisms for continuous monitoring and evaluation to promptly identify and address issues – ensuring a streamlined and cross-border interoperable approach to the rollout of the EUDI-Wallets.

This process should involve key stakeholders including Member States, private sector partners, and civil society.

When identifying new use cases for the EUDI Wallets, we should consider several factors and criteria such as feasibility, potential impacts (including on human rights, including children's), alignment with political goals, and stakeholder support as well as the potential to improve the quality and accessibility of public and private services for both citizens and businesses, domestically and across borders. Following a strategic, and needs-based approach, we can ensure that the EUDI Wallets becomes a versatile tool that enhances the digital lives of EU citizens and businesses.

In general, the EUDI Wallets has the potential to make life easier and reduce administrative burdens for European businesses – representing prime examples of burdens to be reduced in line with the political guidelines of Commission President Ursula von Der Leyen. For instance by significantly easing administrative burdens in representing a company across the EU (creation of digital power of attorney solutions based on EUDI Wallets), storing and sharing digital credentials, authentication for accessing Europe's data spaces etc.

We, the D9+ aim to:

- Prioritize the effective and efficient implementation of the EUDI Wallets for citizens, and businesses across the EU.
- Collaborate with the Commission to identify strategic use cases for the EUDI Wallets to strengthen the digital single market and meet the user's needs.



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