D9+ Ministerial Meeting in Copenhagen, 27th 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 and the Cyber Resilience 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. 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.

We, the D9+, remain firm supporters of the risk-based and evidence-based approach to regulation. New regulation should only address issues demonstrated by solid evidence and tackle obvious barriers in the market – either to exploit the full potential of digitalization or to address new risks. When creating or amending legislation, it is essential to always consider measures that can reduce burdens on businesses as well as promote innovation – allowing new business models to arise.

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 transition to the benefit of all. We call on the next Commission to address concrete gaps in the Digital Single Market’s regulatory framework with a focus on connecting a responsible digital transition with innovative-friendly initiatives. Furthermore, we, the D9+, have identified two specific areas, which we find it particularly important to address during the next Commission mandate. We see a need for a strengthened framework on cookies and online tracking as well as for realizing the EUDI Wallet’s potential to make the Single Market a reality.

# A strengthened framework on cookies and online tracking, especially for children and youth

Recalling the *Louvain-la-Neuve declaration*, it is a shared ambition to promote a safe, responsible and trustworthy online environment – especially for children and youth. We, the D9+, find that this should be on top of the digital agenda with a focus on 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 andasymmetry, dark patterns, poor protection of children and youth and a general lack of legal clarity and 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 measures, legislative as well as non-legislative ones, to address issues related to excessive online tracking, especially of children and youth.

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 technologiesand for the Commission to examine the following:

* The most pertinent issues of users not being able to fully exercise their rights and businesses experiencing burdens, looking at where to put the efforts in order to bring about the most value.
* Consider the feasibility of the ‘consent-based approach” versus establishing a more differentiated approach, where tracking for harmless purposes are exempt from consent, while tracking of a problematic nature such as tracking children and youth are 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 limitations of national enforcement and potential of EU level enforcement in cross-border cases.

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

We, the D9+, are dedicated to create a digital single market that benefits all citizens and businesses. The EUDI Wallet holds a tremendous potential to make life easier for citizen and businesses in the single market. By facilitating identification, verification, compliance and control, the EUDI Wallet holds great potential to reduce administrative burdens by making cumbersome procedures easier to overcome.

While several use cases for the EUDI Wallet have been identified and are already being tested, we still have work ahead of us to identify the 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 Wallet, we, the D9+, calls upon the Commission to develop an ambitious and strategic use-case strategy in close cooperation with Member States. A use-case strategy 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 approach to the rollout of the EUDI-Wallet.

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

When identifying new use cases for the EUDI Wallet, we should consider several factors and criteria such as feasibility, potential impact, alignment with political goals, and stakeholder support, including the possibility of improving the quality and accessibility of public services for both citizens and businesses. Following a strategic, needs-based approach, we can ensure that the EUDI Wallet becomes a versatile tool that enhances the digital lives of EU citizens and businesses.

A particularly urgent area where action is needed and the EUDI Wallet can be the solution is effectively preventing children and youths exposure to age-inappropriate content, while protecting privacy.

We, the D9+ aim to:

* Prioritize the effective and efficient implementation of the EUDI Wallet for citizens and businesses across the EU.
* Support joint efforts to develop an age verification solution based on the EUDI Wallet to address the urgent need for robust and privacy enhancing age verification.
* Collaborate with the Commission to identify strategic use cases and sectors for the EUDI Wallet to strengthen the digital single market and meet user needs.