Proposed European Declaration on Digital Rights and Principles

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On 26 January 2022, the European Commission published an important proposal for a European Declaration on Digital Rights and Principles, designed to ensure that the rights and freedoms enshrined in the EU legal framework, and the European values expressed by the principles, are respected in the online environment. Importantly, the Declaration will take the form of a joint solemn declaration, to be signed by the European Parliament, the Council, and the Commission. The Commission has now invited the Parliament and Council to discuss the draft Declaration, and "endorse it at the highest level" by summer 2022. Crucially, implementation of the Declaration will be a "shared political commitment and responsibility" at both EU and Member State level, within their respective competences.

The Declaration is divided into a number of notable chapters, including: Chapter II on solidarity and inclusion; Chapter III on freedom of choice; Chapter IV on participation in the digital public space; Chapter V on safety, security and empowerment; and Chapter VI on sustainability. All the chapters contain commitments that reflect the fundamental principle that the values of the EU and the rights of individuals as recognised by EU law are "respected online as well as offline". Crucially, the Declaration contains a number of important principles and commitments that relate to platforms, media services, and dissemination of information online.

First, Chapter IV on participation in the digital public space lays out some important principles, including that "everyone should have access to a trustworthy, diverse and multilingual online environment", and "access to diverse content contributes to a pluralistic public debate and should allow everyone to participate in democracy". In particular, very large online platforms (VLOPs) should "support free democratic debate online, given the role of their services in shaping public opinion and discourse". In this regard, VLOPs should "mitigate the risks stemming from the functioning and use of their services, including for disinformation campaigns and protect freedom of expression". Further, in relation to media services, it is declared that everyone "should have the means to know who owns or controls the media services they are using". Crucially, the Declaration commits to "continuing safeguarding fundamental rights online, notably the freedom of expression and information", taking measures to "tackle

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all forms of illegal content in proportion to the harm they can cause, and in full respect of the right to freedom of expression and information, and without establishing any general monitoring obligations", and "creating an online environment where people are protected against disinformation and other forms of harmful content".

In addition, in Chapter V on safety, security and empowerment, the Declaration includes a commitment to "countering and holding accountable those that seek to undermine security online and the integrity of the Europeans' online environment or that promote violence and hatred through digital means". While in relation to children, there is a commitment to protecting children against "harmful and illegal content, exploitation, manipulation and abuse online, and preventing the digital space from being used to commit or facilitate crimes".

Finally, the Commission also published a complementary Communication on the draft Declaration, and stated that it will put in place measures to monitor and review the Declaration, including an annual report on "The State of the Digital Decade", which would assess the state of measures following up on the principles enshrined in the Declaration.

European Commission, European Declaration on Digital Rights and Principles for the Digital Decade, COM(2022) 28 final, 26 January 2022

https://digital-strategy.ec.europa.eu/en/library/declaration-european-digital-rights-and-principles

European Commission, Communication on Establishing a European Declaration on Digital rights and principles for the Digital Decade, COM(2022) 27 final, 26 January 2022

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