

Dear esteemed Vice President Vestager,
Dear colleagues, comrades and friends,

Brussels, 22. March 2023

Thank you, for being here and giving these kind introductory words. The mere fact that the Executive Vice President of the European Commission is speaking at the anniversary of EDRI shows how far we have progressed over the past 20 years.

The Digital Services Act and the Digital Markets Act represent signature legislation for the European Union. While both don't go as far as we would have liked, they both represent an important step in the right direction. A key question is now how the enforcement of those laws will work in practice.

As many of you in the room will know, the most soul crushing thing that can happen to any policy person is: if you spent years of your life working on a bill, it finally gets approved with a good text, but then enforcement simply negates its effect in practice. We hope this will not be the case with the DSA and DMA and we hope it will soon no longer be the case with the GDPR.

With the DMA the Commission has rightfully undertaken steps to curtail the power of gatekeepers in the online economy. We are concerned that the Commissions' work on "fair share" network fees risks strengthening the power of another type of Gatekeeper in the online world: Big Telcos.

Net neutrality protects the rights of end-users to use the internet in whichever way they choose. This is not just a good idea, but enshrined in EU law since 2015. To put it simply: When telecom companies make the functioning of the internet cable dependent on the amount of money that is paid on either end, net neutrality is gone and the business model of the telephony era is back.

The ongoing consultation of the Commission is rightfully criticised as biased and it should be alarming when 7 countries have to send an open letter to the Commission to remind it of its own due diligence standards like a public Consultation and an Impact Assessment before any new legislation is launched. We need the Commission to not just act impartial, but also to avoid the appearance of being captured by one particular industry.

The upcoming EU legislation that is probably most talked about might be the AI Act. This speech was not written by ChatGPT and many things about this issue are not a laughing matter. We hope the AI Act will be future proof and we hope it establishes clear principles to limit the risk of this radical technological change we are all witnessing. And yes, this needs to include the most harmful uses of Machine Learning Technologies, particularly police and military applications.

The most difficult issue to talk about is certainly the proposal for a Regulation to prevent and combat child sexual abuse online. It's on the one hand admirable of the Commission to propose legislation in this important field, but it is also deeply troubling to see the approach that the Commission has taken. Not just digital rights and consumer protection groups have issued stark warnings, most experts agree that the proposal is neither technically feasible nor would it survive an inevitable challenge in front of the Court of Justice of the EU. Why spend millions of Euros and years of negotiation on an approach that will not be a stable solution for such an important problem? Why were the child rights groups that now criticise the proposal not listened to earlier? Why risk undermining with this proposal the essence of our fundamental rights, to quote the EDPB?

Cory Doctorow recently said to me, looking at the digital right field and calling for "something" to be done is very easy. Understanding the problem with all of its implications and in all of its depth is incredibly hard. Coming up with solutions that work and improve the situation for all in a balanced way, is simply no task achievable by one entity.

A vibrant civil society is a precondition for getting it right. EDRi – its office and its network – are ready to play their part. Civil society is like the immune system of a liberal democracy. Like an early warning system, we usually react first when something goes wrong. We have to go where it hurts, speak truth to power. Be constructive, but be honest. Be balanced, but be clear. That's not an easy job, but it's our honour and duty to do it together with you, every step of the way.

Thank you.