



Recommendations to the Slovenian Presidency of the Council of the European Union

July - December 2021



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Foreword



Susan Danger

CEO

AmCham EU

The Slovenian Presidency of the Council of the European Union (EU) will have a key part to play in shaping the EU's future trajectory. With the vaccine roll-out well underway, the EU's attention is now turning to life after the pandemic. Following Member States' submissions of their spending plans for the historic NextGenerationEU recovery instrument to the European Commission, the Slovenian Presidency will play a critical role in overseeing the substantive rebuild of Europe's economy around the twin transitions of environmental protection and the digitalisation of the economy.

Furthermore, as the new US administration takes shape, early evidence points towards renewed impetus in the transatlantic relationship. The EU and the US are drivers of global growth: the transatlantic economic partnership is the largest and wealthiest market in the world. Aggregate US investment in Europe totalled more than €3 trillion in 2020, and directly supports more than 4.8 million jobs in Europe. However, with new challenges emerging, we need strong and dynamic transatlantic cooperation to defend our collective interests and values now more than ever. The June EU-US Summit – the first since 2014 – further highlighted that the transatlantic economic powers are ready to rekindle their leadership on the global stage.

In this context, I am pleased to present our recommendations to the Slovenian Presidency on behalf of the American Chamber of Commerce to the EU (AmCham EU) and its member companies. We hope they can provide concrete input and direction to the Presidency's work programme over the coming six months. We believe that many of the issues raised in this report are vital to shaping a strong and competitive Europe.

AmCham EU stands ready to support Slovenia in this crucial role and wishes the Presidency every success.

Committed to Europe: Agenda for Action 2019-2024

The last few years have tested European unity and the post-war world order. From the Brexit vote to the rise of populism, the EU had to demonstrate its ability to take the lead and deliver for European citizens. As the effects of digitalisation and globalisation continue to transform our economies, societies around the world are pressured to become more resilient. Tackling global challenges such as rising inequalities, climate change and migration require collective leadership and bold policy action.

As American companies committed to Europe, the competitiveness of the region in the global economy is of utmost importance to us. With sustained focus, Europe can remain one of the most attractive regions in the world to do business, but also one of the best places to live, study, work and raise a family.

Our *Agenda for Action* outlines the four priority areas we believe should drive the political agenda:



Empowering people

- Education
- Skills
- Inclusion



Leading global cooperation

- Transatlantic partnership
- Trade and investment
- Sustainability



Boosting the Single Market

- Smart regulation
- Better harmonisation and implementation
- Capital, digital, energy and transport



Investing in the future

- Human capital
- Research and innovation
- Infrastructure and best-in-class public procurement

Investing in Europe's recovery: forging the future



2021 policy priorities

In the wake of the COVID-19 pandemic, the European Commission and Member States have agreed a historic and ambitious €672.5 billion recovery and resilience facility, linked to a strengthened long-term EU budget. The EU budget can act as a powerful multiplier. It can help pool cross-border resources, trigger private investment and fill financing gaps for innovative projects. In order to compete globally, the EU should increase funding in key areas such as human capital, research and innovation, environmental sustainability, the deployment of digital and health technologies, modern infrastructure and best-in-class public procurement.

As the EU recovers from the pandemic, regulatory initiatives should continue focusing on areas aiming at addressing COVID-19 challenges and managing the exit from the pandemic rather than adding additional regulatory burden which would offset economic recovery. Any new EU proposals should continue to rely on rigorous science and fact-based impact assessments. The policies at regulatory and fiscal level should be based on scientific evidence, allowing to reduce exposure to risk factors.

The 'twin transitions' towards a greener, more sustainable economic model, as well as the digital transformation of our economy and society will define Europe's continued competitiveness on the global stage. The transitions should be coupled with smart investment into strengthening the resilience of healthcare systems, preparedness for any future pandemics or healthcare threats, and the health of Europe's ageing population.



Green transition

What our planet looks like tomorrow will depend on how we balance economic recovery and environmental protection today. AmCham EU companies are playing an active role in the transition towards a greener economy in Europe. With clearly defined targets, and a path for achieving them, our member companies will continue to be constructive partners in the definition and implementation of climate policies. The following six key action areas within the green deal will be essential to the green transition:

- **Circular economy:** Maintenance of the value of products, materials and waste resources for as long as possible, while supporting recycling infrastructure, protecting human health and preserving Europe's competitiveness can create a truly circular economy.
- **Energy:** Further development of an integrated European energy market and uptake of technology-neutral and cost-efficient innovations will accelerate the transition to a low-carbon economy.
- **Environment:** Cutting-edge innovation to find alternatives to harmful substances can protect human health and safeguard the natural environment.
- **Finance:** Integrated European capital markets to attract and activate new pools of investment can drive sustainable innovation.
- **Food systems:** A holistic, fair and coordinated agri-food supply chain will make food systems more sustainable.
- **Mobility and transport:** A balanced approach to low-emission mobility and heightened use of digital technologies can contribute to a more competitive and clean transport sector.



Digital transformation

The digitisation of industries and public services will be vital as we build a more resilient and sustainable economy. Investments in the digital sector will enhance the broader business community's ability to contribute to future growth. Investments should ensure that all Europeans benefit from an increase in digital services and innovations. There are six key areas to ensuring the digital transformation:

- **Connectivity:** The roll-out of 5G, coupled with fibre and enhanced Wi-Fi capacity will give consumers access to more information faster than ever before and will make business more efficient.
- **Data:** Investment in European data spaces and federated cloud infrastructures could have the transformative effect of making Europe one of the most attractive markets for the storage, processing and profitable use of data.
- **Digital capacities:** Europe should accelerate investment, innovation and entrepreneurship to foster the uptake and scale-up of new technologies which have tremendous economic and social potential.
- **Digital skills:** Significant investments in education, life-long learning and reskilling are essential to ensure the workforce is ready for the jobs of tomorrow.
- **E-customs:** The EU should accelerate the transition to a fully electronic customs environment and take advantage of new technologies, such as blockchain, to create a world-leading customs framework that genuinely facilitates trade.
- **Intellectual property rights:** Efficient, well-designed and balanced intellectual property (IP) rights enforcement will be key to promote investment, innovation, growth and the global business activities of companies.

Agriculture and Fisheries



ISSUE

Common Agricultural Policy (CAP)



RECOMMENDATIONS

EU agricultural policy must respect the urgency to protect our planet and to ensure a future for European farmers. The CAP should enable farmers to achieve more sustainable, efficient and safe farming practices.

Recommendations:

- Fair and non-discriminatory treatment of local versus imported raw materials to supply the European market.
- Support in R&D initiatives in agriculture including digital and precision farming to support farmers and to help improve food safety and public health.
- Additional budget to meet strengthened environmental ambitions of CAP reforms.
- Effective means to tackle antimicrobial resistance in the context of CAP.

Farm to Fork Strategy (F2F)



The Farm to Fork strategy should be a tool to ensure protection of the environment, promote sustainable production and consumption, to create healthier food and more sustainable food environments, facilitate sustainable trade and encourage increased research and innovation.

Recommendations:

- Align the F2F to other policy initiatives, in particular the EU Green Deal.
- Use the F2F to drive sustainable change in the supply chain, reflecting customer choices, online sales of food and the need for a framework that encourages innovation and choice.
- Base the F2F-related initiatives in science.
- Support the development of greener veterinary medicines through the F2F, by incentivising reduced environmental impact.
- Consider AMR-neutral vaccines as 'green pharmaceuticals'.
- Encourage the digitalisation of agriculture through the F2F and support farmers in making the transition.

Implementation of the legal framework for veterinary medicinal products (VMP)



The VMP regulation should not hamper international trade by imposing EU technical measures on third countries that are not compatible with World Trade Organization (WTO) rules.

 = issue area related to the green transition  = issue area related to the digital transformation

ISSUE

Implementation of the legal framework for veterinary medicinal products (VMP) (cont.)



Risk assessment, management and communication in the agri-food sector

Sustainable nutrition



RECOMMENDATIONS

Recommendations:

- Base the implementation of the VMP Regulation on a sound benefit-risk assessment, not hazard-based approaches.
- Ensure that the use of a list of critically important antimicrobials (CIAs) does not hamper transatlantic trade.
- Invest in research and bring to market innovative treatments, new technologies and care options.

A balance between risk assessment, perception, management and communication is of paramount importance for the integrity of the food chain and to promote innovation and sustainable growth in the agri-food sector.

Recommendations:

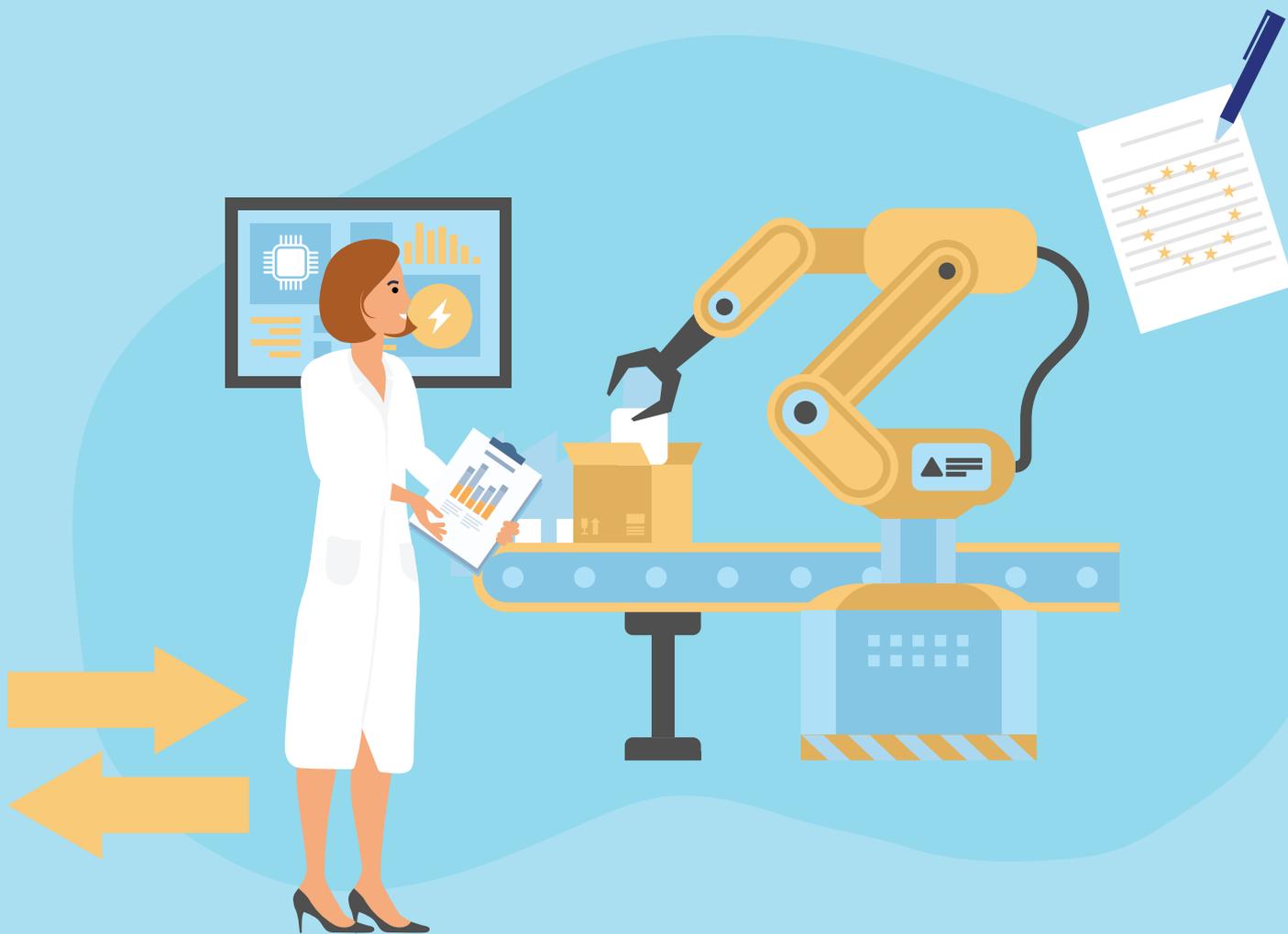
- Communicate risk management decisions in a clear, timely and transparent way to encourage consumer acceptance of technological developments.
- Always prioritise rigorous scientific and risk-based decision-making in all discussions.

The triple burden of malnutrition – overnutrition, undernutrition and insufficient consumption of essential nutrients – is a problem in Western countries. Many consumers lack the essential knowledge to make informed choices for a varied and balanced diet.

Recommendations:

- Make essential information about nutrition part of education curricula and campaigns across Europe.
- Make efforts to provide EU citizens with easily accessible, affordable, nutritionally adequate, and safe food choices. A coordinated effort of and cooperation with all actors throughout the food chain is necessary to achieve a healthier and more sustainable food environment.
- Promote innovation in the food space, support the use of sustainable food technologies and guarantee easier access to a variety of food products across the EU.

Competitiveness



ISSUE

Digital Markets Act



RECOMMENDATIONS

As the Directorate-General for Competition moves to update EU competition law to reflect the prominence of digital platforms, AmCham EU calls for stability and predictability.

Recommendations:

- Promote criteria and thresholds for the designation of gatekeepers which are unambiguous.
- Establish clear guidance on the applicability of obligations to all gatekeepers and those obligations which only apply to certain core services.
- Ensure that the scope of the DMA is clearly defined in terms of its interaction with EU competition law and also with existing and future Member State legislation and other EU laws.

EU competition law for the digital age



EU competition law forms the bedrock of investment in the Single Market, ensuring an open and free market system for all.

Recommendations:

- Avoid unreasonable inversions of the burden of proof which could weaken the market and call into question the reliability of existing case law.
- Guard against 'mission creep' which could see competition instruments misused to achieve goals that are beyond the scope of EU competences.

Electronic Data Interchange (EDI) standards

AmCham EU is in favour of a proposal to align VAT and customs legislations to provide certainty for relevant authorities and eliminate confusion for operators over liability. An IOSS model that works by including an end-to-end green lane status would simplify the registration process for all operators.

Recommendations:

- Centralise procedures through a single European Customs Agency where economic operators can file their customs declarations in order to streamline free movement of goods.
- Effectively implement the VAT e-commerce package in a harmonised manner.

ISSUE

Industrial competitiveness



RECOMMENDATIONS

Industry is a critical driver of economic growth, innovation and prosperity. The EU has recently made ‘open strategic autonomy’ the cornerstone of its approach to trade policy. The EU industrial strategy must have both a strong internal and external dimension that makes the EU’s domestic market more attractive to foreign investment and ensures equal opportunity for market players – this is key for companies to remain competitive globally and achieve their digital and decarbonisation goals.

Recommendations:

- Support the European Commission’s proposal for a renewed EU industrial strategy.
- Pursue free and rules-based trade and the effective implementation of the Better Regulation agenda.
- Adopt globally harmonised standards and regulations by enhancing international cooperation.
- Define more concretely the criteria that would apply to the terms of ‘open’, ‘strategic’ and ‘autonomy’, and consequently how they will translate into practical policy choices in both the internal and external context.
- Strengthen the development of future technologies in Europe only to the extent that they do not harm EU-based American subsidiaries.

Foreign Subsidies

The regulatory proposal on non-EU subsidies, acquisitions of EU assets by companies in receipt of non-EU government funding and public procurement bids from third country entities must seek to be balanced and proportionate.

Recommendations:

- Future legislative proposals on non-EU subsidies, acquisitions of EU assets by companies in receipt of non-EU government funding and public procurement bids from third-country entities must be balanced and proportionate.
- Foreign subsidies must be defined succinctly and in alignment with state aid rules, outlining which subsidies are considered most distortive and most likely to have a negative impact on the Single Market.
- European Commission should retain sole competence to review cases of general distortions and acquisitions.

ISSUE

Single Market



RECOMMENDATIONS

The Single Market is the basis of the economic success of Europe and a key determinant of US investment in Europe. Despite increased pressure, the will of EU policymakers to complete the Single Market is clear – as demonstrated by the European Commission’s Single Market Strategy.

Recommendations:

- Complete the Single Market to increase productivity, investment, trade and job creation and ensure Europe’s position as a global leader.
- Deliver greater action at Member State level to ensure the integrity of the internal market in the long term in order to promote investment and innovation.
- Foster the right environment to conduct business and ensure a solid infrastructure to foster skills, talent, innovation and labour flexibility.
- Develop the Digital Single Market where online services, goods and data can move freely to allow industry and people to reap the full benefits.

Streamlining customs procedures across the EU

Although the EU operates in a Customs Union and constitutes a Single Market, the free movement of goods continues to face considerable obstacles. Currently, importing into the EU results in different customs obligations in each Member State, using local languages and complying with varied rules.

Recommendations:

- Further harmonise national rules related to the movement of goods in the EU and customs and enhance cooperation among customs authorities.
- Expedite the mandatory introduction of the Single Window in order to ensure a truly frictionless EU Single Market.
- Increase funding for border authorities in line with the Customs Action Plan.
- Make permanent the trade facilitating measures at the border that were initiated during the COVID-19 crisis, while avoiding new restrictions that obstruct trade and invite retaliation from trading partners.
- Prioritise the facilitation of e-commerce, which has risen considerably in recent years but continues to face regulatory scrutiny, to ensure ongoing competitiveness.

ISSUE

Enforcement of intellectual property rights (IPR) offline and online

Intellectual Property (IP) Action Plan



Review of the pharmaceutical incentives framework

RECOMMENDATIONS

Europe has one of the strongest frameworks for the protection of IPR, which is key to incentivising investment in innovation and creativity. As IP infringements of all kinds such as piracy, patent infringement and counterfeiting have continued to grow in size and scope, AmCham EU looks forward to further proposals to modernise and strengthen the existing framework.

Recommendations:

- Strengthen enforcement of IPR to protect European consumers and IP-owning businesses.

IP is a key pillar that will support not only the economic recovery, but also pave the way towards EU leadership on the global stage. A robust European IP system based on strong IPR and appropriate enforcement drives research, manufacturing, employment and innovation, and attracts capital to innovative and creative enterprises. In addition, IP-intensive industries create high-value, long-term jobs.

Recommendations:

- Complete the Unitary Patents System.
- Strengthen the enforcement of IPR, specifically through funding and prioritisation of law enforcement agencies.
- Adapt the EU framework to an increasingly digital ecosystem while refocusing on approaches to tackle the volumes in physical trade.
- Modernise the EU design legislation.

AmCham EU urges caution on any reopening of key incentives for the biopharmaceutical sector, including those related to legislation on orphan and paediatric medicines. Unintended consequences may result from a dilution of IPR, impeding long-term innovation.

Recommendations:

- Maintain global competitiveness of the EU's life science sector by ensuring current incentives and protections.
- Maintain robust IPR.
- Advance discussions on new incentives to address areas where there is market failure such as antimicrobial resistance (AMR).

ISSUE

Tourism and hospitality recovery

RECOMMENDATIONS

Europe's tourism and hospitality sectors have been severely impacted by the COVID-19 crisis. Supportive policy, fiscal and financial measures – including from the EU's €750 billion COVID-19 recovery fund – will be essential to help the sectors build back better with more resilient, sustainable and digital business models.

Recommendations:

- Ensure national recovery plans detail specific measures to support tourism and hospitality, and the funding which will be available.
- Establish a dedicated EU taskforce to support the resilience, reopening and recovery of Europe's hospitality sector.
- Develop a long-term European vision for both sectors focusing on issues such as upskilling and reskilling; crisis management capacities; and green and digital transformations.

Economic and Financial Affairs



ISSUE

Banking Union

RECOMMENDATIONS

AmCham EU is a long-standing supporter of European rules aimed at strengthening financial stability via improvements to prudential requirements, as well as to recovery and resolution mechanisms.

Recommendations:

- Complete the Banking Union.
- Ensure a globally consistent implementation of international banking standards (eg, Basel framework).
- Avoid fragmentation and localised ring-fencing requirements.

Capital Markets Union (CMU)



The second CMU action plan outlines a comprehensive strategy to further unlock the potential of capital markets across Europe. This renewed effort is crucial to address the continued fragmented state of Europe's capital markets which represent an obstacle to cross-border investments and the efficient allocation of capital.

Recommendations:

- Encourage the establishment of formal consultative mechanisms between regulators and supervisors to support inter-jurisdictional deference.
- Continue to underline increased international coherence and alignment as well as consistency throughout the EU, coupled with cross-border regulatory and supervisory cooperation as the foundation for openness.

Digital finance



Any new European regulation or supervisory approach should encourage and facilitate the adoption of digital business models by financial institutions and foster Europe's global competitiveness, while addressing, if appropriate, possible new risks to customers or the financial system arising from the speed or scale of adoption of new technologies.

Recommendations:

- Enable the financial services sector to test and develop new applications.
- Foster improvements within the financial sector of customer engagement, processes and service delivery, risk management, fraud detection, anti-money laundering, anti-terrorism financing and compliance with regulation.
- Apply the principle of 'same activity, same risk, same regulation'. New rules should be proportionate to the risks associated with the specific activities.

ISSUE

Digital levy



RECOMMENDATIONS

The OECD Inclusive Framework is currently seeking consensus from 139 countries to reform the global corporate tax framework. AmCham EU supports the work ongoing at the OECD-level as the appropriate framework. Proceeding with a separate digital levy at this point risks inflaming trade tensions and may make it harder to reach a global consensus.

Recommendations:

- Seek to encourage and support the objective of digitalisation with EU tax policy, and avoid distortions due to double or even multiple taxation.
- Maintain the focus on reaching a multilateral solution: EU-level measures must be anticipatory of and consistent with an international agreement.
- Place rules which accurately tax the remote creation of value at the core of international reform efforts.
- Ensure EU measures are profit-based and have received multilateral support by the Inclusive Framework.
- Ensure compatibility of the digital levy with EU law (eg, the four freedoms) as well as alignment with international obligations including the Ottawa Principles on taxation of e-commerce.

Digital Operational Resilience Act (DORA)



The speed of innovation and the use of innovative technologies in the financial services sector have not only seen an increase in the use of information and communications technology (ICT), but also lead to a greater demand for security resilience for firms. The Digital Operational Resilience Act represents a valuable step towards a harmonised and robust framework for digital resilience in financial operations.

Recommendations:

- Build on existing international practices and remain open to incorporating international best practices into the implementation of DORA.
- Ensure that DORA or any other regional framework do not lead to any conflicts of law or overlapping requirements for financial services and technology companies operating globally.

International tax cooperation



A unilateral EU approach to the direct taxation of multinational companies could create double taxation problems and reaffirm concerns about protectionism.

ISSUE

International tax cooperation (cont.)



Market openness

Sustainable finance



RECOMMENDATIONS

Recommendations:

- Use multilateral fora, such as the OECD, to conduct conversations about how to tax new business models, in order to ensure widespread agreement.
- Strike the right balance between taxing value where it is created and fostering growth when considering the taxation of the digital economy.

The recent uncertainty of Brexit may mean an inevitable fragmentation of financial markets, bringing risks to financial stability and increased costs for investors and issuers. Open markets are inextricably linked to Europe's ambition of becoming more globally competitive.

Recommendations:

- Prioritise increased transparency and predictability around the equivalence process in order to provide greater certainty over granting of equivalence.
- Take an approach of mutual deference to partners' regulatory and supervisory regimes in tandem with adequate cooperation and exchange of information agreements that can foster trust.

To achieve the EU's 2030 targets agreed in Paris, including a 55% cut in greenhouse gas emissions on 1990 levels, Europeans have to fill an investment gap estimated at €180 billion per year. In order to close this gap, it will be critical to leverage the capabilities of the private sector to support the transition to a sustainable economy. The best way to engage the private sector in this field is to empower investors.

Recommendations:

- Ensure investors have options that are in line with their environmental, social and governance (ESG) objectives and risk appetite, as well as the tools they need to pursue these goals.
- Avoid constructing inflexible and complex regulatory frameworks around sustainable finance which limit investors' choice and remove their investment tools.
- Make progress on building a CMU.
- Minimise the bias towards short-termism in fiscal, prudential and supervisory policies.

Education, Youth, Culture and Sport



ISSUE

Digital Education Action Plan



RECOMMENDATIONS

As demonstrated by the COVID-19 emergency, digital technologies can be crucial in providing opportunities for education and learning.

Recommendations:

- Devote resources to digital infrastructure to ensure that everyone can reap the benefits of digital learning.
- Ensure EU-wide systems of micro credentials to favour the free circulation of talent.
- Train teachers to make use of digital technologies to enable remote learning where necessary.

Reskilling and upskilling



Europe faces a major skills shortage in the workforce as the digital transformation takes hold. Training opportunities are best seized through effective public-private partnerships.

Recommendations:

- Encourage company investment schemes in reskilling and upskilling.
- Raise awareness about the existing training schemes offered by business.
- Make use of the Multiannual Financial Framework (MFF) to provide ambitious funding for educational institutions and private operators to collaborate and help the active workforce adapt their skillsets to new demands.
- Incentivise lifelong learning in training and apprenticeship programmes using EU investment funds, such as the European Fund for Strategic Investment (EFSI).
- Increase horizontal coordination to focus national curricula on adopting more digital tools as well as broader Science, Technology, Engineering and Mathematics (STEM) and non-cognitive skills, such as adaptability and creativity.

Employment, Social Policy, Health and Consumer Affairs



ISSUE

RECOMMENDATIONS

Gender balance

Progress on equality between men and women should be fostered by using evidence to underline the need for gender-friendly policies and demonstrating that female leadership in the public and private sector leads to concrete economic benefits.

Recommendations:

- Incentivise female representation in leadership positions across the public and private sectors, creating a race to the top around diversity and inclusion worldwide.
- Encourage young women to pursue careers in critical sectors, such as STEM, ICT and cybersecurity.
- Mirror the horizontal nature of gender equality in institutional governance, considering its impact on all industry sectors and society as a whole.

Workforce size expansion

Gender, age, origin, social background, sexual orientation or health condition should never become barriers to success and well-being. The participation of all individuals in the workforce will lead to considerable social and economic gains.

Recommendations:

- Work to overcome biases throughout the hiring process and support both school-to-work and work-to-work transitions. This must entail creating opportunities for success.

Digitisation of health



European approaches to data must foster a life sciences ecosystem that can capitalise on innovative health technologies. The European Health Data Space provides an opportunity to leverage European digitalisation of healthcare.

Recommendations:

- Support actions to build a digital service infrastructure that ensures adequate data privacy standards.
- Promote adoption of digital health solutions, which have the potential to empower patients (eg, remote monitoring, ePrescriptions).
- Mobilise health data collection to address evidence gaps and provide greater access to innovative treatments

ISSUE

Digitisation of health (cont.)



EU's beating cancer action plan

Fighting antimicrobial resistance (AMR)

RECOMMENDATIONS

- Encourage cross-border data sharing (ie, standardised health records) to ensure adequate standards for data privacy and custodianship.
- Develop a broadly focused healthcare AI strategy for Europe to capitalise on advancements in personalised treatments, acceleration of product approvals and more.

Cancer is among the leading causes of premature death in the EU. The social and economic cost of non-communicable diseases is significant.

Recommendations:

- Encourage preventive actions in the fight against cancer and all non-communicable diseases with a focus on early detection, diagnosis and increasing access to vaccinations and treatment programmes.
- Stimulate product innovations to find new ways to tackle cancer, particularly the use of personalised cell therapies – such as advanced therapy medicinal products (ATMPs) – one-time treatments which cure disease change lives and create efficiencies for healthcare systems.

AMR poses a cross-border public health issue. The EU must lead the fight against AMR. AmCham EU stresses the urgent need to secure sustainable R&D investment into new antibiotics, vaccines and rapid diagnostics.

Recommendations:

- Promote antibiotic stewardship to preserve the effectiveness of existing treatments, and secure the next generation of antibiotics.
- Leverage broader and more effective use of vaccines by Member States in order to reduce reliance on antibiotics.
- Develop new economic models and a robust package of incentives to expand R&D.

ISSUE

Health Emergency and Preparedness Response Authority (HERA)

RECOMMENDATIONS

HERA is necessary to ensure future coordinated response of the EU to cross-border health threats.

Recommendations:

- Support HERA with a sufficient financial basis so it can undertake targeted tasks that add value and does not duplicate or depend on other research programmes or health related initiatives.
- Set priorities in collaboration with relevant authorities (eg, European Centre for Disease Control (ECDC)) and industry stakeholders to identify the next generation of medical countermeasures and pitfalls in current preparedness strategies, including those issues related to supply and demand (eg, of personal protective equipment).

Health technology assessment (HTA)

Duplication of clinical assessments across EU Member States slows patient access to medicines. AmCham EU supports retaining Member State autonomy to make decisions regarding pricing and reimbursements (P&R) as well as to limit the scope of the regulation to joint clinical assessments for pharmaceutical products.

Recommendations:

- Ensure highest possible quality of clinical assessments which command the full confidence of all interested stakeholders.
- Use HTA to clarify and streamline data requirements for manufacturers.
- Ensure enough flexibility to all concerned parties in the HTA system, while also maintaining a cohesive approach.
- Encourage early dialogue between HTA bodies, payers, manufacturers and other stakeholders.

ISSUE

Integrated approach to life sciences

RECOMMENDATIONS

A holistic approach bringing together patient organisations, healthcare professionals, industry and policymakers will provide patients with the maximum benefit¹.

Recommendations:

- Increase synergies in the European life sciences R&D ecosystem at the level of funding (EU4Health, Horizon Europe, Innovative Medicines Initiative, Recovery and Resilience Facility) and across agencies (EMA, ECDC, Health and Digital Executive Agency, etc.).
- Tailor approaches to value assessment across different technologies.
- Adapt to new healthcare business models.

Modernisation of EU consumer law

Awareness of consumer rights needs to be higher among traders and consumers so as to avoid insufficient compliance and high fines. The ongoing transposition of the Omnibus Directive/REFIT in the Member States and forthcoming guidance from the European Commission should set the tone for the harmonisation of consumer rights for all goods and services.

Recommendations:

- Modernised rules on consumer protection should strike the right balance between consumers and traders.
- Rule should be applied and enforced online but also offline (product safety, etc.).
- Consumer rules should be harmonised and synchronous throughout the EU.
- Cooperation between consumer protection and enforcement authorities is of great importance.

¹ Charles River Associates, 2019, Life Sciences for Europe: An integrated strategy for healthcare innovation 2019-2024, American Chamber of Commerce to the EU <<http://www.amchameu.eu/publications/life-sciences-europe>>.

Environment



ISSUE

Carbon border adjustment mechanism (CBAM)



RECOMMENDATIONS

A carbon border adjustment mechanism has potential to inadvertently disrupt highly integrated supply chains and lead to trade conflicts. The primary objective of CBAM should address climate change and avoid the carbon leakage.

Recommendations:

- Ensure compatibility of any mechanism with WTO rules.
- Consider a market-based, emissions trading system (ETS) linked approach for the design of the mechanism as it is transparent and allows the market to determine the most efficient and effective price level to drive emissions reductions.
- Incentivise companies to reduce the emission intensity of their products, provide a level playing field for domestic industry, and encourage governments globally to increase their climate ambitions.
- Fully assess the impact of measures against the potential impact on supply chains and manufacturing production.
- Provide CBAM exemptions to countries who have similar climate measures to reduce greenhouse gases.

Chemicals for Sustainability Strategy



The recently published Chemicals Strategy for Sustainability has the ambition to strengthen the existing framework for EU chemicals policy and adapt it to help achieve sustainability and competitiveness ambitions.

Recommendations:

- Avoid overhaul of current principles of EU chemicals legislation in new strategy, which were found to be largely fit for purpose in recent evaluations.
- Base any new measures on science and rely on clear definitions to avoid confusion. Risk assessment should be based on a multiplicity of factors including socio-economic and availability of alternatives.
- Avoid extending the CLP regulation to new hazard classes, which would lead to major inconsistencies and confusion.

ISSUE

EU Batteries Regulation



RECOMMENDATIONS

The Regulation will seek to improve the environmental footprint (especially CO2 emissions) of the EU's battery value chain by tackling each stage of batteries' lifecycle, but careful consideration must be given to how these measures may affect the industry's development. The battery value chain is extremely diverse and rules must enable best-in-class batteries for all applications.

Recommendations:

- Clarify transfer of responsibility under extended producer responsibility as well as end-of-waste status for electric vehicle batteries.
- Ensure recycling remains within an open loop and set recycled content requirements which reflect market reality.
- Guarantee that information-sharing in battery passports does not raise concerns for IP.
- Keep non-rechargeable batteries on the market where their use is essential or where their environmental impact is lower than rechargeable equivalents, based on life-cycle assessments.
- Align sourcing requirements with existing rules to avoid creating an additional burden for industry.

EU Circular Economy Action Plan



The circular economy aims at products with lower environmental impacts and significant economic benefits through the development of cutting-edge technologies, processes and business models.

Recommendations:

- Ensure a supportive regulatory ecosystem for industry to assume the role of driving force behind the circular economy transition.
- Promote an EU-wide approach to circular economy legislation, limiting national initiatives that could inhibit Single Market rules.
- Review the current regulatory framework for waste to facilitate the transition to a circular economy and see waste as a resource.
- Encourage investments in recycling capacities, including through NextGenerationEU, and build the corresponding secondary raw material markets.
- Evaluate and weigh up the total fiscal impact of every new fiscal initiative. Take account of such schemes as the extended producer responsibility scheme, which is set to increase costs of packaging users, when considering implementing new fiscal initiatives.

ISSUE

Regulation establishing the framework for achieving climate neutrality (EU Climate Law)



Guidelines on state aid for environmental protection and energy (EEAG)



RECOMMENDATIONS

The EU requires a balance of sustainability, competitiveness, reliability and innovation if it is to achieve its ambitious objectives on climate change. Ambition is about more than targets alone. AmCham EU members are already researching, investing in and developing a wide range of low-carbon technologies in Europe.

Recommendations:

- Take a technology-neutral approach to support existing technologies and cutting-edge innovations working in synchrony to reduce emissions.
- Create a common regulatory framework that fosters an EU-wide market for greener products and services.
- Anticipate the potential displacement effects of the climate transition on the workforce.
- Pay greater attention to Member States' enforcement of relevant EU legislation.
- Ensure enforceability at the national level in order to determine the law's credibility and attractiveness for the private investment needed.

The EEAG has raised questions of legal certainty and regulatory stability for investors in renewable energy generation in the EU. The revised EEAG will aim to reflect and align recent regulatory and technological developments.

Recommendations:

- Ensure that the EEAG supports both new technologies needing help to reach scale and mature technologies that are best suited to ensuring a cost-effective energy transition.
- Avoid questioning the legality of capacity remuneration mechanisms (CRMs) approved under the current EEAG, or making the assessment conditions of CRMs so complex that Member States are dissuaded from introducing them.
- Cultivate an improved investment climate that can stabilise the security of supply, promote faster technology development and create a more competitive market.
- Develop a clear framework for assessing compatibilities and highlight that corporate power purchase agreements can be compatible with the EU internal market.

ISSUE

Restriction of Hazardous Substances (RoHS)



Sustainable products initiative



RECOMMENDATIONS

RoHS has been a highly effective market access law which is valued by industry for the clear regulatory signals it sends. The directive is due for review in 2021.

Recommendations:

- Reflect on the strengths of the regulation and look to build on success by pursuing existing opportunities.
- Provide clearer exemption timelines, which are more aligned with product design realities.

This initiative, which will revise the Ecodesign Directive and propose additional legislative measures as appropriate, aims to make products placed on the EU market more sustainable.

Recommendations:

- Maintain the principles of the ecodesign legislative framework that is achieving excellent results.
- Prioritise investment and infrastructure to deliver a sustainable and circular product policy.
- Align future legislation with existing regulations in a coherent manner that addresses products in different life phases.
- Ensure consistency with legislation on sustainable chemicals, RoHS to provide clarity for all supply chain operators.

Foreign Affairs and General Affairs



ISSUE

Brexit and EU-UK trade and investment relationship

RECOMMENDATIONS

The EU-UK Trade and Cooperation agreement marks a turning point for the EU and the UK, it is only the beginning of their new partnership.

Recommendations:

- Implement the agreement thoroughly alongside the Northern Irish protocol so as to provide business with certainty.
- Continue close communications between the EU and the UK to manage the interface between their respective regulatory environments and minimise disruption.
- Broaden the scope of the relationship over time, including to topics currently excluded from the deal.

Enforcement of IP rights in third countries

IP violations, including piracy, counterfeiting and other infringements, are global and growing issues which harm investments and consumers.

Recommendations:

- Secure a better IP environment in third countries, and engage with third-country governments and policymakers on technical programmes.
- Strengthen EU-US cooperation in order to prevent IP violations throughout the global supply chain.

EU bilateral trade relations



Constructive dialogue with major trading partners, including the US, is key to enhancing mutual understanding, economic growth and prosperity in the Single Market.

Recommendations:

- Support the early conclusion of free trade agreements (FTAs).
- Promote a de-escalation in the current transatlantic trade disputes, to stave off any threat to jobs and growth on both sides of the Atlantic.
- Advocate for a strong enforcement of all European FTAs.
- Foster Member States' support for ambitious intellectual property and digital trade provisions.
- Promote the free flow of data across borders and prohibit unjustified data localisation requirements.

ISSUE

EU Trade Strategy

RECOMMENDATIONS

Recent developments have shown the essential functions and benefits of an open and free trading system. Unfortunately, they have also shown the downsides of go-it-alone trade policies.

Recommendations:

- Avoid inward-looking trade policies detrimental to the interests of businesses in Europe that are globally competitive.
- Maintain and emphasise the EU's open economic nature.
- Focus on cooperation with trading partners and corporations that have strong commitments to Europe, no matter where they are headquartered.
- Place digital trade at the heart of the new strategy to promote innovation and prosperity.

EU-US relations



Ever closer transatlantic cooperation would bring substantial economic benefits, set global standards and retain their technological leadership.

Recommendations:

- Deepen regulatory cooperation across the Atlantic.
- Remove barriers to trade and investment, including tariffs, and work towards long-term solutions that avoid new ones.
- Continue to seek reform and make use of transatlantic leadership to resolve long-running disputes at the WTO.
- Put small and medium-sized enterprises (SMEs) at the heart of EU-US initiatives, as they stand to gain most from greater transatlantic cooperation.
- Foster Member State endorsement of EU-US trade negotiations in order to normalise and expand the transatlantic trade and investment relationship.
- Promote R&D&I cooperation across the Atlantic by ensuring a wide scope and business input in the proposed Trade and Technology Council.
- Allow EU-based subsidiaries of US-owned companies to have access to Horizon Europe projects and funding.

Review of EU-Mexico FTA

Provisional application of the revised EU-Mexico FTA will be instrumental in increasing export opportunities for European businesses and a return to sustainable growth post-COVID-19, including the creation of jobs.

ISSUE

Review of EU-Mexico FTA

Role of the World Trade Organization (WTO)

Standard Contractual Clauses (SCCs) and EU-US Privacy Shield Agreement



RECOMMENDATIONS

Recommendations:

- Push for swift ratification and provisional application of the modernised agreement enabling EU businesses to build on already existing trade flow and generate new economic opportunities.

The achievement of unanimous support for the new Director-General of the WTO – the first woman and African to hold the position – signifies a step in the right direction and gives renewed impetus for WTO members to work together to secure the necessary reforms that will make the WTO fit for the twenty-first century.

Recommendations:

- Continue strengthening the principles of a rules-based multilateral trading system with the WTO at its core.
- Pioneer transatlantic leadership on WTO reforms and the broader multilateral agenda.
- Work constructively with like-minded partners in the pursuit of sensible reforms.
- Ensure that all major WTO players are involved in these modernisation efforts.
- Push for the successful conclusion of multilateral and plurilateral negotiations in the WTO, including the ongoing e-commerce negotiations, to provide tangible outcomes for business and enhancing the WTO's credibility.
- Encourage WTO outcomes that alleviate the COVID-19 crisis and enhance multilateral coordination.

The European Court of Justice decision on SCCs and Privacy Shield has left thousands of businesses who depended on such data transfer mechanisms in legal limbo. Businesses and economies rely on the free flow of data to provide valued services to European consumers. While SCCs have been the most accessible and stable means to transfer data outside of the EU for many businesses, over 5,000 small and large companies have relied on Privacy Shield to transfer personal data across the Atlantic.

ISSUE

Standard Contractual Clauses (SCCs) and EU-US Privacy Shield Agreement

(cont.)



Common Security and Defence Policy (CSDP) and the European Defence Action Plan (EDAP)

Access to EU-funded R&D and procurement programmes

RECOMMENDATIONS

Recommendations:

- Engage with and encourage regulators to set up clear and realistic guidance to enable valid use and reliance on SCCs for global data transfers.
- Ensure new SCCs are future-proof and robust enough to provide legal certainty for businesses, and quickly adopted.
- Ultimately support the adoption of a successor agreement for transatlantic data transfers.
- Prioritise citizen protection and integrity of privacy rules to ensure trust in the digital economy.

Strong and prosperous Transatlantic Defence Technological and Industrial Cooperation (TADIC) is instrumental for maintaining the transatlantic relationship, sustainable growth and achieving collective security.

Recommendations:

- Encourage programmes that include both EU and US stakeholders in order to enhance cost-effective innovation, standardisation, interoperability and technological leadership on both sides.
- Establish open defence markets based on reciprocity in order to guarantee similar regulatory conditions on both sides of the Atlantic and best of industry to government customers.

The exclusion of third-country entities with considerable European footprints from major EU and Member States R&D and procurement funding programmes and projects could lead to the exclusion of vital economic contributors from like-minded countries such as the US, Canada and the UK. This could cause market distortions and ultimately weaken the transatlantic and the UK-EU relationship.

ISSUE

Access to EU-funded R&D and procurement programmes
(cont.)

Export control of dual-use goods

RECOMMENDATIONS

Recommendations:

- Promote the participation of American subsidiaries established in the EU to EU and Member State funded R&D and procurement programmes based on their added value, locally developed IP and overall contribution to the EU's technological and industrial base (ie, employees, infrastructure, know-how).
- Secure final European Defence Fund (EDF) Regulation, European Space Programme (ESP) Regulation and Horizon Europe Regulation which take into account the global nature of the defence and space industries and preserve open markets and fair competition.

A heavy-handed review of the dual-use goods export regime could stifle innovation and how industry responds to new cyber threats. AmCham EU supports the Council's approach to maintain alignment with multilateral regimes and ensure that companies are not disproportionately burdened and put at an unfair disadvantage. This will support international cooperation in this area and overall preserve the competitiveness of the EU.

Recommendations:

- Following the provisional political agreement on the revised regulation, align export control regimes between Member States through a consistent implementation of the regulation, and with the US via regulatory exchanges and joint actions.

Justice and Home Affairs



ISSUE

New Consumer Agenda

RECOMMENDATIONS

The European Commission's work on the New Consumer Agenda has a strong focus on online enforcement which risks creating gaps in the offline world, increasing risks for consumers. Enforcement gaps in the EU can lead to consumer harm, unjustified decrease of trust of consumers, and commercial detriment of the EU industry.

Recommendations:

- Streamline the information available to consumers regarding the sustainability performance and safety of products.
- Ensure that consumers stay protected and aware of their consumer rights in the new Consumer Agenda.
- Ensure harmonisation and strong enforcement of the existing legal framework of European consumer rules.
- Highlight the importance of general product safety and sustainability in future legislation and a good coordination and information exchange between authorities and private actors (quality of notifications can be improved).
- Provide for accessible and transparent information on rights in any new consumer legislation.
- Focus on enforcement against the bad actors: without enforcement commitments, action by private actors is far less powerful – bad actors can be removed from the online world but they will keep coming back.

Representative actions for the protection of collective interests of consumers

With the adoption of the proposal on representative actions, we strongly encourage Member States to ensure coherent enforcement and harmonisation. Prevention of forum shopping should remain a key pillar of any collective redress mechanism and promote a narrower definition of a domestic action when evaluating national vs. cross border cases.

Recommendations:

- Stronger safeguards, including a ban on third-party litigation funding and contingency fees for both legal practitioners and funders; an opt-in/register; the introduction of a claim certification mechanism.
- Strong criteria for the types of entities that can represent consumers are also required in the EU, such as public bodies and consumer organisations, and a requirement for consumers' consent before actions are launched on their behalf.

ISSUE

Cross-border access to electronic evidence (e-evidence)



General Data Protection Regulation (GDPR)



RECOMMENDATIONS

AmCham EU member companies act as custodians of their users' and customers' electronic data and invest heavily to protect security and confidentiality. The European Commission proposals and the adoption of a negotiation mandate for an EU-US agreement are a step in the right direction to increase legal certainty.

Recommendations:

- Safeguard data subjects' fundamental rights with transparent and balanced rules, while allowing for effective policing of cross-border access to data in criminal investigations.
- Work towards a balanced and harmonised framework, a pre-condition for concluding any international agreement.

The GDPR has introduced important benefits for American companies in Europe: increased legal certainty, harmonisation and flexibility. However, there remains a long journey ahead in the area of privacy and data protection.

Recommendations:

- Promote a uniform and balanced application of the GDPR across Europe.
- Ensure that any additional regulation on privacy is fully consistent with the GDPR (see issue: 'ePrivacy').
- Ensure transfers of personal data across the Atlantic and globally, which are essential for the competitiveness of many sectors (see issue: 'SCCs and Privacy Shield').
- Ensure that Data Protection Authorities (DPAs) interpret the GDPR in a harmonised way and that cooperation and enforcement are taking place in accordance with the mechanisms described in the GDPR.

ISSUE

Sustainable corporate governance

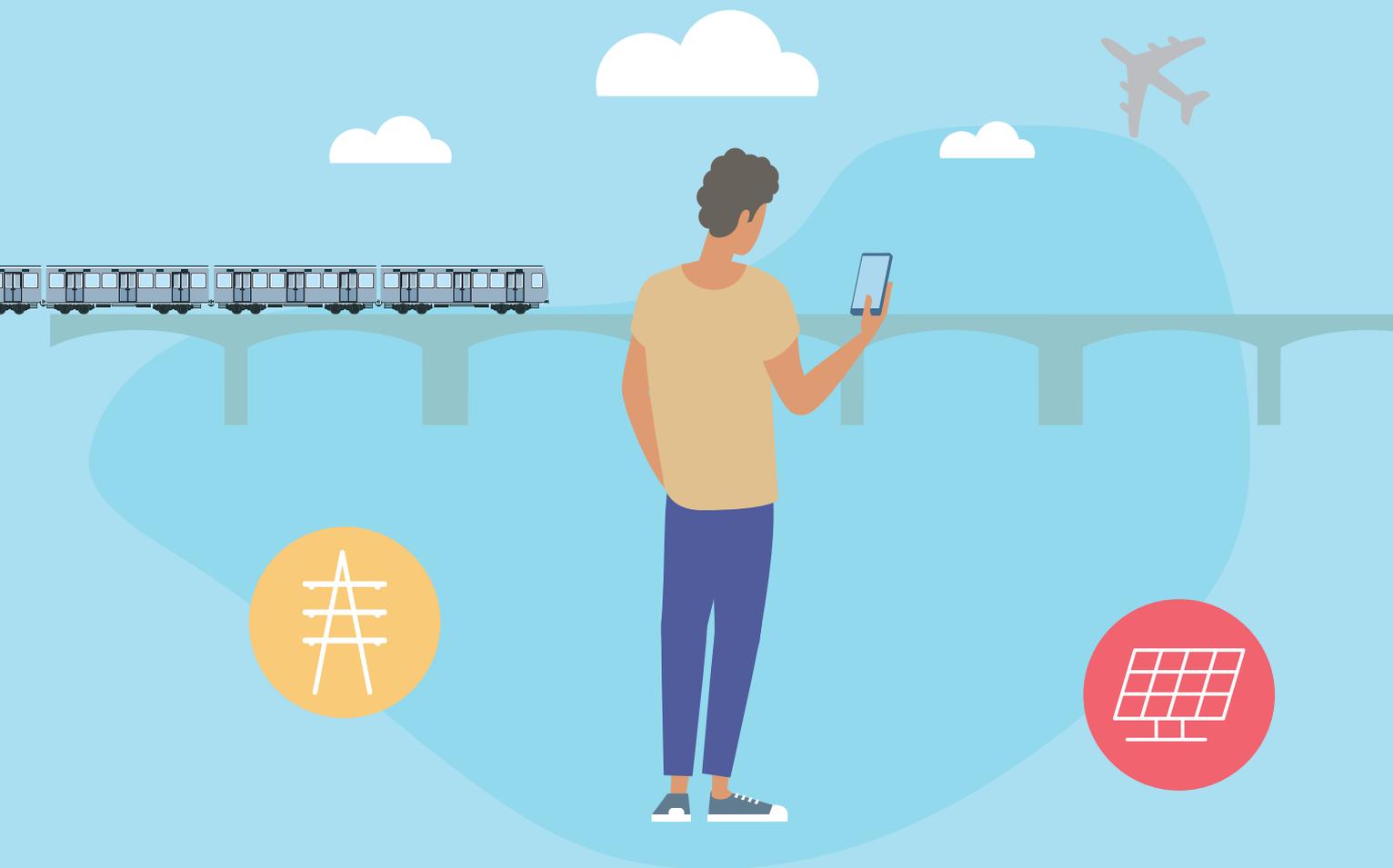
RECOMMENDATIONS

The European Commission aims to establish new rules regarding mandatory due diligence and directors' duty of care, building on existing human rights due diligence obligations.

Recommendations:

- Ensure a proportionate legal framework that is complementary to existing international principles.
- Minimise administrative burden with consistent rules, harmonisation and industry standards that effectively identify risks and adverse impact.
- Address directors' duty of care through recommendations and guidance for companies, rather than binding legislation.

Transport, Telecommunications and Energy



ISSUE

Infrastructure investment



RECOMMENDATIONS

Future infrastructure investment needs to focus on infrastructure investments that create growth and jobs in Europe and support the EU economic recovery. International cooperation and third-country participants in the MFF 2021-2027 add value in enabling the EU to act as a world leader in global talent and research.

Recommendations:

- Use European funding to promote technology neutrality, co-modality and avoiding market distortion.
- Support funding at EU level with ambitious commitments from Member States.
- Prioritise the completion of the Trans-European Transport Network (TEN-T).
- Use the completed TEN-T network to connect European regions, alleviate congestion, improve interoperability and facilitate the use of different transport modes, as well as helping to achieve the EU's climate objectives.
- Leverage the TEN-E network to encourage the development of cross border energy infrastructure, ensure the functioning of the internal energy market and security of supply, promote energy efficiency and meet the EU's energy and climate objectives.

Renovation wave



The renovation of buildings will play a critical role in helping reach the EU's climate goals. The building sector has the potential to accelerate increased energy efficiency across the EU.

Recommendations:

- Implement a public sector target of 3% for annual renovation of publicly owned buildings.
- Promote comprehensive and integrated renovation interventions for smart buildings and the use of smart ICT technologies, including building automation.
- Encourage increased financing for required energy renovations in the Member States and cultivate financial incentives to increase energy efficiency to drive economic recovery.
- Provide the needed levels of indoor environmental air quality in response to changing indoor and outdoor conditions, while also managing energy consumption and operating costs.
- Encourage a comprehensive approach towards the operation of heating and cooling systems to support decarbonisation efforts.

ISSUE

Renovation wave (cont.)



- Increase levels of ambition for electric-vehicle charging infrastructure for private buildings in the revision EPBD will be important for supporting the deployment of e-mobility.

Revision of the Alternative Fuels Infrastructure Directive (AFID)



AFID seeks to ensure proper deployment of alternative fuels infrastructure. This could ensure EU-wide infrastructures for liquid natural gas (LNG), compressed natural gas (CNG), hydrogen and electric charging points are available at the latest by 2025 and significantly increase in numbers by 2030. AFID will be instrumental in supporting low-carbon road transport in Europe and therefore reaching the decarbonisation target for this sector.

Recommendations:

- Ensure EU-wide infrastructure is available when and where needed and that administrative burdens are minimised.
- Ensure interoperability for a seamless user experience. This relies on proper market rules that ensure transparency for the user and avoid unnecessary costs.
- Coordinate energy, digital and transport policies in order to leverage the flexible energy demand potential of e-mobility and ultimately support the integration of more renewables into the grid.
- Support strong funding programmes for stations and hydrogen generation as part of national policy frameworks.

Sustainable and Smart Mobility Strategy



The transport sector is facing enormous challenges to further reduce emissions in all modes of transport. Deployment of cooperated, connected and automated mobility (CCAM) and Intelligent Transport Systems (ITS) in Europe has the potential to increase the efficiency of road use and improve both the safety and the environmental performance of vehicles.

Recommendations:

- Clearly define 'sustainable' mobility in terms of quantitative emissions reduction targets.
- Adapt to the requirements for various types of transport while taking into account the complexity of technical data use in the mobility sector and ensuring harmonisation across Europe.

ISSUE

Sustainable and Smart Mobility Strategy (cont.)



Sustainable aviation



5G



RECOMMENDATIONS

- Incentivise the aviation sector to continue to increase the uptake of sustainable fuels and reduce emissions.
- Encourage investment in CCAM systems to ensure interoperability, user safety, trust and liability.
- Adapt road infrastructure ahead of the deployment of autonomous vehicles.
- Foster flexible and technology-neutral rules for data processing.

Technological improvements and sustainable fuels are key to reaching the EU's climate ambitions in the aviation sector. However, until today uptake is only marginal due to a lack of price-competitiveness of sustainable options. Air Traffic Management (ATM) performance is also key to optimise flight route efficiency, increase airspace capacity, reduce delays, reduce costs and minimise the aviation environmental footprint.

Recommendations:

- Incentivise technological improvements as a key enabler of fuel efficiency to reduce carbon emissions in the mid- to long-term.
- Develop regulatory and financial incentives for the research, development and deployment of sustainable aviation fuels.
- Implement the Single European Sky (SES) via a full integration of EU ATM networks.

5G will be one of the most critical building blocks of our future digital economy and society.

Recommendations:

- Adopt and implement Member States' 5G roadmaps swiftly.
- Release both licensed and unlicensed spectrum in a timely and coordinated fashion.
- Implement the Electronic Communications Code in Member States quickly and consistently.
- Ensure the freedom to develop new business models, as 5G will be crucial for business digitisation.
- Consult and coordinate among stakeholders to ensure Europe and consumers reap the full potential of 5G.

ISSUE

5G (cont.)



Artificial intelligence (AI)



Cybersecurity of Internet of Things (IoT)



RECOMMENDATIONS

- Continue to ensure a shared European approach to trustworthy, resilient, diverse and competitive supply chain for ICT; in particular as the rollout of 5G accelerates.

AI requires a risk-based, use case specific approach focused on high-risk AI applications.

Recommendations:

- Build an ecosystem for AI in Europe to promote the development and uptake of responsible AI solutions.
- Establish a risk-based legislative approach and address problems not already covered by existing legislation.
- Propose a narrow definition of AI systems that avoids legal uncertainty, fragmentation and an uneven playing field.
- Encourage public-private partnerships open to all companies regardless of their headquarters.
- Invest in education, life-long learning and reskilling to prepare the workforce for the multi-disciplinary AI skills needed.
- Promote multidisciplinary and cross sectoral collaborations.

It is essential for strong public-private partnerships and to maintain a voluntary and market-driven approach to tackle IoT security, given the complexity of value chains, diversity of business models and fast-developing digital environment. Companies need to retain the ability to develop the security features for their unique risk situation.

Recommendations:

- Base any requirements to secure networks and information on the application's risk profile.
- Ensure consistency of IoT security solutions, with existing international practices and standards.
- Raise awareness of IoT security – amongst vendors, service providers, industry, employees and consumers.
- Build and improve cybersecurity skills.

ISSUE

European Cybersecurity Competence Centre and Network



RECOMMENDATIONS

The European Cybersecurity Competence Centre and Network initiative has the potential, if implemented appropriately, to reduce fragmentation and create synergies across the EU in research and investment.

Recommendations:

- Keep the European Cybersecurity Competence Centre and Network open to all companies.
- Base participation on relevance and excellence, rather than establishment.

European Data Strategy



The European Strategy for Data has enormous transformative potential. In order to leverage the data opportunity – in terms of supporting EU innovation and digital transformation targets – data must be high-quality, credible, timely and available in machine-readable formats, while cloud infrastructures must be trustworthy, secure and energy efficient. Collaboration is key, along with ensuring access to the widest range and choice of technologies and partners.

Recommendations:

- Provide significant investment to deliver on the strategy and make the EU the most attractive market for the storage, processing and profitable use of data.
- Assess new regulatory initiatives carefully against existing regulations (including personal data protection or liability for defective products) in order to avoid creating conflicting obligations for companies.
- Provide fair and clear rules on data access and use that comply with European values and competitiveness.
- Involve and encourage industry to bring the skills and data literacy needed to fulfil this vision.

Regulation on Privacy and Electronic Communications (ePrivacy)



AmCham EU believes the ePrivacy Regulation proposal should be fully aligned with GDPR to allow for the functioning and innovation of the vast range and new scope of different devices, services and features that rely on processing of communication data.

Recommendations:

- Provide clarity on existing legislation overlap, including e-evidence and law enforcement access to communications data.

ISSUE

Regulation on Privacy and Electronic Communications (ePrivacy) (cont.)



- Add greater flexibility to the EPR for the processing of both communication content and metadata in order to reflect the variety of services which would fall into scope (eg, machine-to-machine communications).
- Consider the impact of the suggested restrictions beyond simply cookies and browsers.

Review of the Directive on Security of Network and Information Systems (NIS Directive)



As the EU continues to embrace digital solutions, the need to ensure that Europe's networks and systems are resilient against evolving cyberattacks has never been higher. Cybersecurity is a responsibility of government and industry alike and the most effective way of advancing it is through public-private partnerships, harmonisation and global cooperation.

Recommendations:

- Fine-tune the current NIS Directive, rather than expand the scope and obligations to other industry sectors or services under Operators of Essential Services (OES) and Digital Service Providers (DSPs).
- Keep reporting obligations straightforward, to avoid added bureaucracy, legal ambiguity and delays.
- Incentivise voluntary information sharing, to lead to a better functioning cybersecurity ecosystem between industry and governments.
- Improve harmonisation of the current rules across Europe and international cooperation to achieve global cyber security standards.

Shaping Europe's digital future



AmCham EU supports the comprehensive strategy outlined in the European Commission's 'shaping Europe's digital future' communication, to unlock the potential of data and digital technologies.

Recommendations:

- Deliver the significant investment needed to deliver on this strategy – in skills, infrastructure, emerging technologies, and more.
- Build citizens' trust in innovative digital technologies.
- Prioritise data integrity and security to fulfil the realisation of the digital economy.

AmCham EU leadership

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AmCham EU speaks for

American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate US investment in Europe totalled more than €3 trillion in 2020, directly supports more than 4.8 million jobs in Europe, and generates billions of euros annually in income, trade and research and development.

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