



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

July - December 2024





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Foreword



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The Hungarian Presidency of the Council of the EU arrives at a challenging time for Europe and the world. American companies continue to be concerned about the volatility of the external environment and the attractiveness of the EU. Safeguarding the case for investing in Europe should be a priority for policymakers. Over the next six months, the Hungarian Presidency has an opportunity to strengthen the EU's business outlook by boosting the Single Market and standing firm against protectionism.

European policymakers should also rely on the transatlantic relationship to tackle global challenges. The EU and the US are drivers of global growth: they make up the largest and wealthiest market in the world. Aggregate US investment in Europe totalled €3.7 trillion in 2022, directly supports more than 4.9 million jobs in Europe and annually generates billions of euros in income, trade and research and development. The continued commitment of both sides to transatlantic cooperation, through initiatives such as the Trade and Technology Council, remains critical.

Importantly, AmCham EU applauds governments on both sides of the Atlantic for their unity and commitment to the people of Ukraine. The public and private sectors must now cooperate to support the country's economic prosperity and recovery. Ensuring respect for the rule of law will be important to enable meaningful engagement from all stakeholders.

On behalf of AmCham EU and our member companies, I am pleased to present our recommendations to the Hungarian Presidency. Many of the issues raised in this report are vital to shaping a strong and competitive EU, and we hope that these recommendations can provide concrete input and direction to the Presidency's work programme over the coming six months.

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

Attractiveness of Europe

Agenda for Action 2024-2029

The attractiveness of Europe is under threat. A heavy regulatory agenda, protectionist trends and sluggish growth have created a difficult environment for business in a context of global uncertainty. But the future does not have to be bleak. With decisive action, the EU can reset the agenda and boost its competitiveness in the global economy. American companies stand ready to help build a brighter future in Europe.

Our *Agenda for Action* outlines the three priority areas that should drive the European political agenda to strengthen the attractiveness of the region and tackle global issues.



A competitive, sustainable and digital Single Market

- Regulatory burden
- Innovation
- Sustainability
- Digital



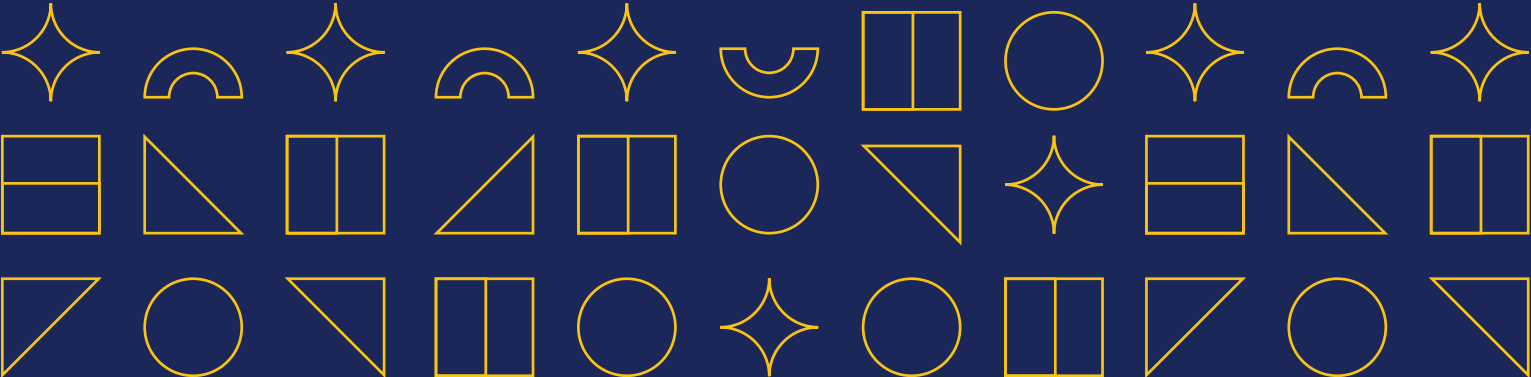
A strong and resilient Europe on the international scene

- Trade
- Transatlantic relationship
- Security
- Global standards



An equitable and democratic Europe

- Skills
- Inclusion
- Democracy
- Future of the EU





Green transition

What our planet looks like tomorrow depends on how we balance economic recovery and environmental protection today. With harmonisation across environmental and climate policies, clearly defined targets and a path for achieving them, our member companies can continue to support in the definition and implementation of sustainability practices. The following are eight key action areas essential to the green transition:

- **Chemicals:** Developing a consistent and coherent chemicals policy can help the European Union (EU) achieve sustainability and enhance its competitiveness.
- **Circular economy:** Maintaining the value of products, materials and resources for as long as possible, while supporting recycling infrastructure and technologies, can create a more sustainable economy.
- **Critical raw materials:** Industry needs reliable access to critical raw materials to power the twin transitions and manufacture products from batteries to photovoltaics.
- **Energy:** Reducing energy demand, establishing short- to long-term measures and transitioning to low-carbon technology are key steps to decarbonise the economy and ensure the workability of energy markets.
- **Finance:** Integrated European capital markets can drive sustainable innovation by attracting and activating new pools of investment.
- **Food systems:** The EU must implement short- and long-term measures agreed upon through private-public collaboration to ensure sustainable food security and affordability.
- **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.
- **Water:** Integrating water into industrial strategies and encouraging ecosystem restoration can address global water challenges.



Digital transformation

The digitisation of industries and public services is vital in building a more resilient and sustainable economy. Investments in the digital sector can enhance the broader business community's ability to contribute to future growth. These investments should ensure that all Europeans benefit from an increase in digital services and innovations. Eight areas crucial to this digital transformation are:

- **Artificial intelligence (AI):** By creating an ecosystem of trust and excellency, the EU can become a vibrant hub for researching, developing and innovating trustworthy AI technologies.
- **Connectivity:** The rollout of 5G, coupled with fibre and enhanced Wi-Fi capacity, can give consumers access to more information faster than ever before and make businesses more efficient.
- **Cybersecurity:** Any EU cybersecurity certification scheme should focus on technical measures and be aligned with existing international standards.
- **Digital capacities:** Europe should accelerate investment, innovation and entrepreneurship to foster the uptake of new technologies such as cloud, digital health solutions, AI, additive manufacturing and blockchain.
- **Digital skills:** Significant investments in education, life-long learning, upskilling and reskilling are essential to ensure the workforce is ready for the jobs of tomorrow.
- **Intellectual property rights (IPR):** Efficient, well-designed and balanced IPR enforcement can promote investment, research, innovation, competition, growth and global business activities.
- **International data flows:** Europe must limit data protectionism and ensure international data flows are maintained, strengthened and protected.
- **Semiconductors:** Europe can boost its semiconductor production capacity by investing in research and development, increasing its supply chain resilience, expanding its talent pipeline and establishing a crisis response mechanism.

Agriculture



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Common Agricultural Policy (CAP)



RECOMMENDATIONS

Given the constant global demographic growth, policymakers need to ensure a proportionate rise in food production. The CAP is critical to creating a fairer and greener European agricultural ecosystem that can meet the world's demands. To ensure that this policy meets its purpose, it must address certain challenges.

Recommendations:

- Ensure fair and non-discriminatory treatment of local versus imported raw materials by removing non-tariff barriers to trade and recognising different agronomic needs around the world.
- Support research and development (R&D) initiatives in agriculture, including digital and precision farming.
- Incentivise farmers to adopt more sustainable agricultural practices by investing in them.
- Ensure a well-functioning international agri-food supply chain that supports economic recovery.
- Incentivise the digitalisation of agriculture through the CAP and the Strategic National Plans to support farmers in the transition.

Deforestation-free products Regulation



The agricultural commodities included in the deforestation-free products Regulation proposal face unique challenges linked to their specific attributes, local environments and applications.

Recommendations:

- Use traceability approaches specific to the nature of the commodity and coordinate with other countries to establish traceability systems for indirect suppliers (eg consistent and updated registration of farmers and their ownership of land).
- Create audits to prevent suspensions and logistical bottlenecks that arise from checks or suspension per shipment.
- Develop guidelines for minimum standards and quality control of third-party verification schemes.



= issue area related to the green transition



= issue area related to the digital transformation

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Deforestation-free products Regulation (cont.)



Food security and affordability



Soil Monitoring and Resilience Directive



RECOMMENDATIONS

- Maintain the current scope of the proposal as expanding it (eg to palm oil-derived products such as soaps and cosmetics) would impact border processes and affect the volume of goods moved across the border.
- Exclude spare parts for replacement and service visits from the Regulation, the same way that vehicles are excluded.

The Russian war against Ukraine has exacerbated food insecurity for the most vulnerable segments of society. Crippling inflation has also rendered food unaffordable for many households across Europe. Policymakers must address the ongoing global food security crisis and ensure European food sovereignty.

Recommendations:

- Implement short-term measures aimed at increasing agricultural production in the EU.
- Classify the entire food and beverage production chain as an essential strategic good and rethink EU measures around energy savings.
- Enhance climate and environmental protection without compromising food security.
- Refrain from national trade-limiting measures on agricultural raw material imports from third countries.
- Stimulate free trade for agricultural products to avoid export restrictions on agricultural raw materials.
- Communicate risk management decisions in a clear, timely and transparent manner to encourage consumer acceptance of technological developments.
- Prioritise rigorous scientific and risk-based decision-making in all discussions.

Soil health serves as the foundation for successful crop production and as a powerful carbon sink. It is critical that all stakeholders work to improve soil health globally. The Commission's proposal for a Directive on soil health sets up a legislative framework that represents a first step towards the goal of delivering healthy soils by 2050 throughout the EU.

Recommendations:

- Ensure a comprehensive Soil Health definition that encompasses gradual scoring.

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Soil Monitoring and Resilience Directive (cont.)



Sustainable food systems



RECOMMENDATIONS

- Provide financial support for implementing cost-effective, transparent and accessible methodologies and digital technologies through the next CAP reform.
- Provide farmers with a flexible toolbox of sustainable and science-proven practices by proposing them rather than defining them.

If successfully implemented, the Farm to Fork Strategy (F2F) could protect the environment, promote sustainable production and consumption, produce healthier food, facilitate sustainable trade and encourage increased research and innovation, all while preserving Single Market principles.

Recommendations:

- Carry out a comprehensive cumulative impact assessment on all Green Deal initiatives affecting farming.
- Ensure further biomethane and electricity deployment in the agriculture sector.
- Use the F2F to drive sustainable change in the supply chain and base its initiatives on scientific evidence.
- Support the development of sustainable input in veterinary medicines through the CAP to reduce its environmental impact.
- Adopt the 'prevention first' principle by considering vaccines as sustainable pharmaceuticals and as one of the tools to combat antimicrobial resistance (AMR).
- Encourage citizens to accept science-based and evidence-based policy from organisations like the European Food Safety Authority, the European Medicine Agency, etc.
- Encourage Member States to use sustainable energy in their national climate and energy plans through appropriate fiscal measures.
- Account for environmental and production conditions in third countries when creating regulatory barriers. These barriers should be science- and risk-based, and linked explicitly to sustainability objectives.
- Make mirror clauses science-based and compliant with World Trade Organization (WTO) rules.
- Include essential information about nutrition as part of education curricula and campaigns across Europe.

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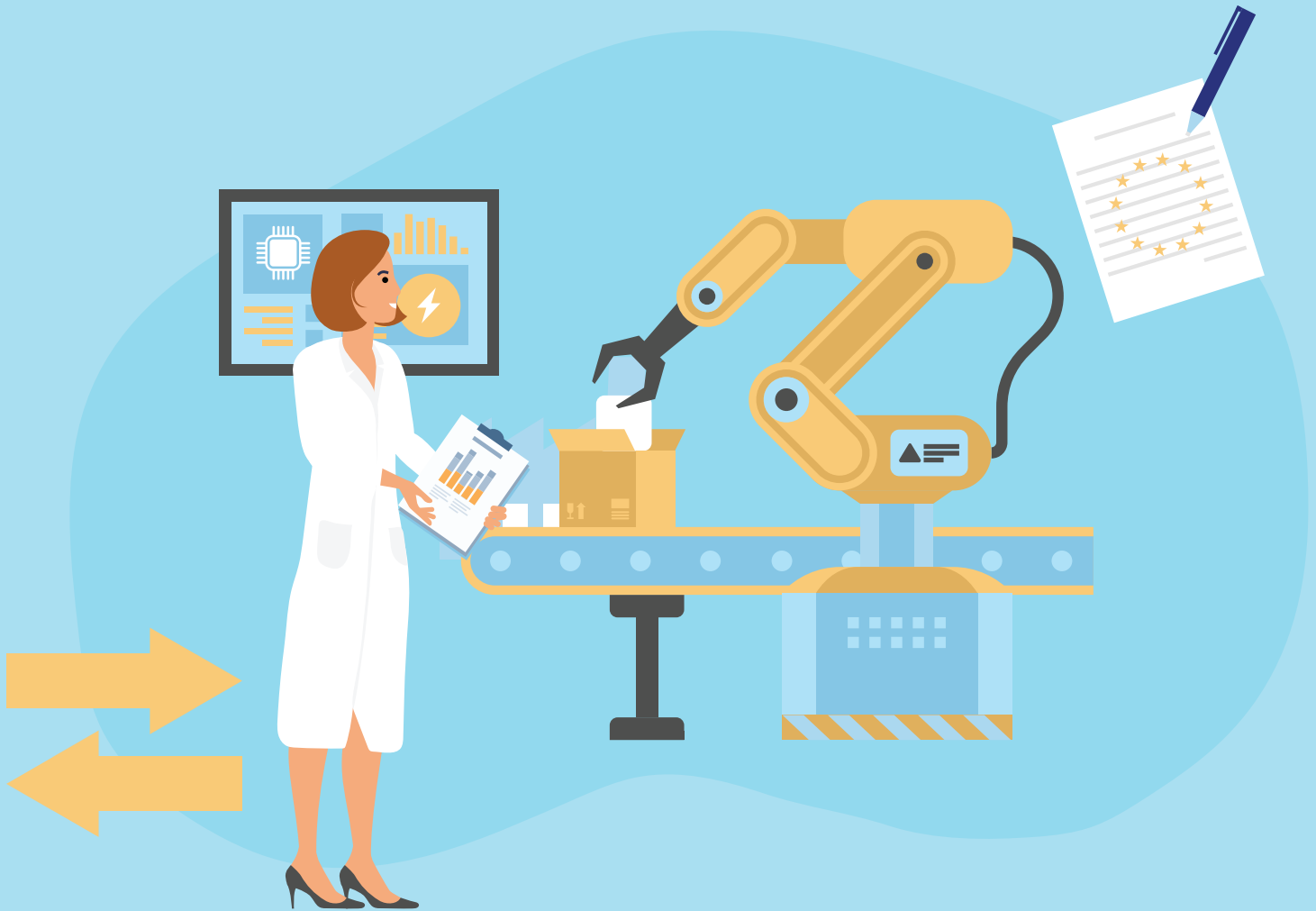
Sustainable food systems (cont.)



RECOMMENDATIONS

- Coordinate across the food chains to provide EU citizens with easily accessible, affordable, nutritionally adequate and safe food choices.
- Promote innovation in the food space, support sustainable food technologies and guarantee easier access to a variety of food products.
- Establish strategic commercial partnerships based on reciprocity and regulatory convergence on climate and sustainability requirements.
- Replace mirror clause by reciprocity.

Competitiveness



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RECOMMENDATIONS

Competition law modernisation

EU competition law forms the bedrock of investment in the Single Market. If properly modernise, it can ensure an open and free market system for all.

Recommendations:

- Expand cooperation between enforcers to increase transparency, harmonise implementation and minimise overlaps.
- Utilise guidelines, workshops and informal guidance (eg 'comfort letters') to decrease compliance risk from and between EU and Member States' competition instruments.

Coordinated transaction screening

Transactions in Europe are subject to more scrutiny than ever, with merger control, foreign subsidies screening, and foreign investment screening operating in parallel.

Recommendations:

- Streamline the submission of notifications for the same transaction.
- Align review timelines while reviewing and honing existing frameworks and implementing new tools.

EU Customs Reform



Although the EU operates in a Customs Union and constitutes a Single Market, the free movement of goods continues to face considerable obstacles. The proposed reform for the EU Customs Code (UCC) should contribute to a more seamless and secure trade environment.

Recommendations:

- Extend customs simplifications under the Trust & Check Trader scheme, including centralised clearance, to all types of traded products. Eligibility for authorisation should encompass all economic operators who meet the criteria.
- Establish a streamlined European Data Hub that addresses concerns about security, cybersecurity and protection of trade secrets.
- Ensure that the liability of indirect representation has a comprehensive risk assessment, robust safeguards and clear guidelines, while the proposed marketplace importer requirements apply proportional obligations.

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EU Customs Reform

(cont.)



RECOMMENDATIONS

- Make the EU Customs Authority responsible for enforcement, risk management and uniform interpretation of customs legislation. It should also interact with economic operators to improve the application of legislation.
- Harmonise customs infringements, non-criminal sanctions and restrictions and prohibitions, all while limiting sanctions to cases of obvious negligence or intentional infringement.
- Finetune the implementation timelines, reduce temporary storage periods and apply an approach that considers both compliance and facilitation.
- Finalise the current UCC workplan by 31 December 2025.

Foreign Direct Investment (FDI) Screening Regulation

The Regulation proposal can make a significant contribution to the EU's attractiveness as an investment destination through FDI screening harmonisation. However, the current draft does not adequately codify many of the ambitions articulated in the Explanatory Memorandum and would result in increased scrutiny of low-risk transactions, inadvertently raising barriers to positive investment.

Recommendations:

- Set criteria for jurisdictional tests and raise thresholds.
- Set detailed common requirements for review procedures and publish implementation guidance.
- Describe transparency rules and standards.
- Require Member States to provide more guidance to investors, as well as adequate resourcing for Cooperation Mechanism and non-Cooperation Mechanism cases alike.
- Provide in Annex II clear definitions of technologies with to align with export control regulations.
- Remove paragraph 3 from Annex II and maintain a reference to the Regulation on dual-use export controls in paragraph 1.
- Clarify which conditional authorisations fall under article 5(1)(iii) and add a statute of limitations or sunset provision.
- Provide a window for investors to notify multi-jurisdictional transactions and place timing obligations for review on Member States.

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RECOMMENDATIONS

Foreign Subsidies Regulation (FSR)

Despite the European Commission's positive efforts to lessen the FSR's burden through the Implementing Regulation, uncertainty regarding its implementation keeps compliance costs high.

Recommendations:

- Encourage the Commission to further clarify key concepts and use the revision provisions within the FSR to narrow its scope further.
- Publish comprehensive implementation guidelines based on case law, industry feedback and administration as soon as possible.
- Organise Commission-led workshops with industry and other stakeholders.
- Consider legislative paths to further align FSR exemptions with state aid exemptions.
- Closely monitor the impact of the FSR's review and implementation timelines on European procurement markets.

Intellectual Property (IP) Action Plan

A robust European IP system based on fair intellectual property rights (IPR) can drive research, manufacturing, employment and innovation. It attracts capital for pioneering and creative enterprises and creates valuable long-term jobs.

Recommendations:

- Maintain a globally competitive and balanced framework of IP and regulatory incentives to stimulate R&D (eg in innovative medicines to benefit patient access) and competition.
- Respect EU and international standards for the protection of trade secrets to bolster EU competitiveness and as an R&D manufacturing hub.
- Strengthen the enforcement of copyrights and trademarks, specifically through funding.

IPR enforcement in third countries

Piracy and counterfeiting are growing, global issues that harm investments and consumers. It can be tackled by appropriately enforcing IPR in third countries.

Recommendations:

- Secure a better IP environment in third countries and engage with them on technical programmes.

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IPR enforcement in third countries (cont.)

- Cooperate with like-minded global partners to tackle IP infringements in third countries that can jeopardise EU competitiveness.
- Enhance information sharing on IP infringements and key players for anticounterfeiting and piracy operations, as well as share best practices for IP protection and enforcement.

IPR enforcement offline and online



Given that piracy, reverse engineering and counterfeiting have continued to grow in size and scope, the EU should modernise the existing framework to ensure IPR are enforced offline and online.

Recommendations:

- Implement a balanced IP enforcement system.
- Improve the visibility of the EU Counterfeit and Piracy Watch List so that IP brand owners and consumers can better understand the list's benefits.
- Increase cross-border cooperation and give a larger role to online intermediaries.
- Strengthen the existing co-regulatory tools (eg key performance indicators in the Memorandum of Understanding on the sale of counterfeit goods on the internet) and promote more enforcement actions by Member States.
- Implement the Digital Services Act in a coherent manner across Member States and build on it in the upcoming toolkit against counterfeiting.

Outbound investment screening

The Commission is currently consulting on the need for an outbound investment screening. There is a certain added value in monitoring certain outbound investments, but policymakers must carefully assess the potential negative impact on trade and investment flows.

Recommendations:

- Expand the competences and the monitoring already done by existing agencies instead of creating new tools.
- Ensure that outbound investment monitoring adapts periodically to rapidly-evolving risks (geopolitical and otherwise) while remaining predictable for investors.

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Outbound investment screening (cont.)

- Cover a narrow and clearly defined set of industries with sensitive technical information only – those where a leakage of information could cause significant impact to national security or public order.
- Align and collaborate with like-minded countries to ensure a mirroring effect, a higher degree of harmonisation and, consequently, greater predictability for investors.
- Prioritise cooperating with the US and aligning the scope of outbound investment screening regimes with that of the US' Executive Order on outbound investment screening.
- Align with existing legislation to avoid adding unnecessary burden and uncertainty for both authorities and investors.

Patents' compulsory licensing

IPR, such as patents, provide the framework to protect an invention and appropriately compensate the inventor for the patent's value. They can also be factored into investment decisions across industrial ecosystems. As it stands, the EU Compulsory Licensing proposal may disincentivise investors from developing new solutions for future crises.

Recommendations:

- Ensure that the proposal does not undermine the predictability of the current IP system.
- Remain within the current parameters of the WTO's Agreement on Trade Related-Aspects of Intellectual Property Rights, such as the scope (not including patent applications) and inclusion of trade secrets.
- Define compulsory licensing's geographic scope, duration and nature.
- Define what constitutes a 'crisis' that would justify the use of compulsory licensing.
- Utilise compulsory licensing only as an option of last resort where a voluntary agreement cannot be reached in a reasonable timeframe.
- Safeguard the robustness of the EU IP protection system by making sure there is adequate judicial oversight throughout the compulsory licensing granting process.

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Pharmaceutical package



RECOMMENDATIONS

The European Parliament adopted its Report on the European Commission's proposals to revise the EU's general legislation on medicines for human use. To safeguard Europe's competitiveness in the life sciences sector, the Council should encourage the package to work towards certain objectives.

Recommendations:

- Establish predictable and robust regulatory and IP framework with appropriate incentives that ensure timely access for patients to innovative products.
- Compare EU measures to competitors do not focus on direct comparisons between individual measures (eg comparing the 6 year Regulatory Data Protection [RDP] baseline in the Commission proposal to what is on offer to pharmaceutical companies in the US).
- Define unmet medical needs by taking a patient-centred approach that encourages research for life threatening or severely debilitating diseases, as well as chronically debilitating diseases and those that significantly impact quality of life or contribute to patient care.
- Base the modulated extensions of the RDP on factors within the control of the company.
- Revitalise the antimicrobial pipeline globally by streamlining national, regional and international initiatives such as the Pioneering Antimicrobial Subscriptions to End Uprising Resistance Act and the EU Pharmaceutical Package.
- Enhance the regulatory framework and maximise the use of expedited pathways to meet the needs of patients.
- Ensure open, diversified supply chains to allow the free flow of critical materials and goods and to avoid delays in patient access to medicinal products. Obligations on companies with regards to supply chain reporting should be proportionate to the risks and feasible to implement.
- Deliver a regulatory framework that encourages ground-breaking therapies, such as advanced therapy medicinal products (ATMPs), while accounting for their unique nature. This includes clarifying under which circumstances the hospital exemption scheme could be deployed.
- Avoid including social and environmental standards in pharmaceutical Good Manufacturing Practice (GMP) inspections, as they do not recognise the links to internationally harmonised inspection practices and outcomes. This difference risks invalidating the EU's existing Mutual Recognition Agreements on GMP with 7 key trading partners, including the US, Canada and Japan.

Economic and Financial Affairs



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RECOMMENDATIONS

Banking Union

The European Banking Union is aimed at strengthening financial stability via improvements to prudential requirements, as well as to recovery and resolution mechanisms.

Recommendations:

- Complete the Banking Union.
- Ensure consistent international banking standards around the world (eg the Basel framework).
- Avoid fragmentation and localised ring-fencing requirements.

Business in Europe: Framework for Income Taxation (BEFIT) Proposal

The BEFIT package is an important opportunity to simplify the tax system in the EU and coordinate it with broader shifts in the international system.

Recommendations:

- Consider BEFIT as optional at the company level.
- Maintain the arm's length principle as a global approach for intercompany transactions to ensure that taxes are paid where value is created.
- Amend the existing directive to be closer to the existing Pillar Two legislation, particularly required adjustments and Generally Accepted Accounting Principles references.
- Include loss consolidation and full automatic cross-border loss relief.

Capital Markets Union (CMU)

The CMU is crucial to addressing fragmentation in Europe's capital markets, which prevents cross-border investments and efficient allocation of capital. A strong and complete CMU is key to invest in a green and digital economy.

Recommendations:

- Prioritise international coherence, alignment and consistency throughout the EU, as well as cross-border regulatory and supervisory cooperation.
- Examine in greater detail the introduction of costs and performance benchmarks and the concept of the 'Best Interest Test', which may have negative unintended consequences.

ISSUE

Digital finance



RECOMMENDATIONS

The speed and scale technology adoption and digitalisation of financial institutions pose new risks for customers and the financial system overall.

Recommendations:

- Support innovative business models and enable the financial services sector to test and develop new applications.
- Apply the principle of ‘same activity, same risk, same regulation’. New rules should be proportionate to the risks associated with the specific activities.
- Ensure the successful implementation of the Digital Operational Resilience Act, particularly the development of regulatory and implementing technical standards, and avoid overlaps with other regulations (eg Network and Information Systems Directive and Cyber Resilience Act).

Proposal for a Directive on the Faster and Safer Relief of Excess Withholding Taxes (FASTER)

The FASTER Directive will simplify withholding tax procedures for cross-border investments in the EU if properly implemented.

Recommendations:

- Ensure that FASTER is implemented as consistently as possible across the EU and integrate well with other corporate and capital market processes.

Simplification through decluttering of EU tax compliance law

Efforts to declutter EU tax rules would make a significant contribution to the attractiveness of Europe as an investment destination. These efforts should focus on building a simple, transparent and pro-growth tax system that increases certainty for taxpayers, prevents double taxation, and reduces compliance burdens.

Recommendations:

- Examine ways to reduce administrative burdens on businesses, particularly with the current implementation of Pillar 2 rules.
- Review and simplify existing measures aimed at increasing transparency (eg Directives on Administrative Cooperation), and address base erosion and profit shifting (eg Anti-Tax Avoidance Directive 1&2, EU list of non-cooperative jurisdictions).
- Avoid overlaps that create duplicated compliance and reporting requirements.

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Sustainable finance



RECOMMENDATIONS

To achieve the EU's 2030 climate targets agreed in Paris, Europeans must fill an investment gap estimated at billions of euros per year. For this, it will be critical to leverage the private sector's capabilities.

Recommendations:

- Develop the selection of technical criteria included in EU Taxonomy Guidelines and Annexes through preparatory studies and follow up-to-date technical evaluations using transparent, multi-stakeholder feedback mechanisms.
- Avoid inflexible and complex sustainable finance regulatory frameworks, which limit investors' choices.
- Implement the Corporate Sustainability Reporting Directive in a workable manner and clarify the requirements for third-country companies.
- Align the European Sustainability Reporting Standards with international standards, where possible.

Taxation of remote workers



Businesses and workers alike would benefit from resolving the myriad tax uncertainties which prevent businesses from allowing workers to work remotely for personal reasons.

Recommendations:

- Support efforts at the Organisation for Economic Co-operation and Development (OECD) level to update the Model Tax Conventions, Commentaries, and Transfer Pricing Guidelines to ensure that remote work done for purely personal reasons does not bring corporate income tax, transfer pricing, or value-added tax (VAT) consequences.
- Continue efforts to study what issues would still remain in the EU level following an adequate OECD solution.

Taxation of the digital economy



The OECD Inclusive Framework reached consensus from over 130 countries to reform the global corporate tax framework and stabilise the international tax system. Proceeding with a separate EU-wide digital levy risks inflaming trade tensions and destabilising the OECD agreement.

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RECOMMENDATIONS

Taxation of the digital economy (cont.)



Recommendations:

- Finalise the technical details for Pillars 1 and 2 to ensure they are easy to administer and provide certainty to tax authorities and taxpayers alike.
- Avoid double taxation and promote cross-border trade, investment and economic growth.
- Adopt a simplified compliance mechanism to lower the administrative burden of the implementing agreement.
- Allow sufficient time to ensure a complete and consistent implementation of global rules.
- Withdraw digital services taxes in countries that have already enacted them. Jurisdictions should not seek to circumvent the global agreement by adopting new digital taxes in the future.
- Design future policy developments to promote cross-border trade, investment and economic growth.
- Follow the Ottawa principles regarding the taxation of e-commerce.

Unshell Directive

The Unshell proposal aims to prevent companies from misusing their structure for tax purposes.

Recommendations:

- Avoid hampering atypical valid business models that generate value in the Single Market.
- Apply a tailored and proportionate approach to target fraudulent actors without placing unnecessary administrative burdens on EU companies.
- Apply the Directive only to companies outside of the scope of the Pillar 2 Implementing Directive with gateway provisions applied upon its implementation.

VAT in the Digital Age (ViDA)



VAT in the Digital Age (ViDA) would make a significant contribution to businesses of all size in Europe by modernising and streamlining VAT requirements for vendors and marketplaces alike.

Recommendations:

- Prioritise the rapid agreement of ViDA along with an ambitious, but realistic

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VAT in the Digital Age (ViDA) (cont.)



RECOMMENDATIONS

implementation window to ensure that small and medium-sized enterprises (SMEs) and larger businesses can reap the benefits of ViDA, and to ensure that Member States do not implement new VAT systems that would become incongruent with ViDA.

Education, Youth, Culture and Sport



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Education

RECOMMENDATIONS

Employers need a workforce with inter-disciplinary profiles and transferable skills. Developing these skills must be a key priority for education systems.

Recommendations:

- Support exchange programmes for primary school students between European countries.
- Address vocational and technical education training by promoting apprenticeships and ensuring workplace training skills through cooperation between schools and employers.
- Encourage public-private partnerships in curricula development to ensure inclusion of in-demand skills and specific business requirements.
- Increase investment in high-quality teacher training, facilities and infrastructure.

Reskilling and upskilling



Europe faces a major skills shortage in the workforce as the digital and green transformations take hold. Public-private partnerships are needed to encourage training opportunities.

Recommendations:

- Encourage employees to engage in lifelong learning through business-sponsored reskilling and upskilling.
- Facilitate collaboration within industry and between Member States to help public authorities and small companies provide reskilling and lifelong learning initiatives.
- Provide standardised certifications of innovative programmes to enhance their recognition.
- Use the Multiannual Financial Framework to provide ambitious funding for educational institutions and private operators to collaborate and help the active workforce adapt its skillsets to new demands.
- 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.

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Youth



RECOMMENDATIONS

The younger generations will be the leaders of tomorrow, which is why their wellbeing and growth should be at the heart of the EU's funding efforts.

Recommendations:

- Support programmes to foster human skills and exchanges, such as the Erasmus+, Youth Employment Initiative and Erasmus for Young Entrepreneurs.
- Develop new public-private partnerships with Member States aiming at transferring business and digital skills to younger citizens.

Employment, Social Policy, Health and Consumer Affairs



ISSUE

Cardiovascular diseases (CVDs)



RECOMMENDATIONS

Cardiovascular diseases remain Europe's leading cause of death, accounting for 37% of deaths. More than 60 million people in the EU are living with CVDs and 13 million new cases are diagnosed every year. CVDs are linked to huge inequalities in gender (more women die from CVD than men), geography and generation.

Recommendations:

- Tackle CVDs through policy and funding initiatives that ensure a more equitable access to prevention, detection and treatment of CVDs.

EU Medical Devices Regulation (MDR) Assessment

Draft Council conclusions on the Future of the European Health Union have pointed out some of the challenges with the MDR implementation. These include availability of certain products and a decreasing competitiveness and innovation of the European medical device industry. To address these challenges, several changes must be applied to the existing regulatory framework.

Recommendations:

- Prioritise EU MDR implementation to ensure patient access to medical devices and safeguard European competitiveness.
- Empower the European Commission to address challenges arising from the MDR, including non-legislative and legislative measures.

European Health Data Space (EHDS)



The safe and effective use of health data is key to improving and innovating European health systems. An effective regulatory environment will allow for the development of digital health solutions and encourage the harmonisation and integration of healthcare data based on interoperable information and communication technology (ICT) solutions. The EHDS has the potential to strengthen the life sciences ecosystem through increased access to health data for patients, healthcare professionals and innovators.

Recommendations:

- Ensure that the Regulation is consistent with the legal obligations and protections set forth in all existing and future legislation (eg Data Act), including essential obligations and protections related to IP and trade secrets.

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European Health Data Space (EHDS) (cont.)



Health Technology Assessment Regulation implementation

Life science supply chains

RECOMMENDATIONS

- Apply the EHDS in a harmonised way, particularly for opt-out measures.
- Avoid duplicative and potentially contradictory market access requirements for Electronic Health Record systems, which may already be covered by the Medical Devices Regulation.
- Require certification in HER system only when they are specifically designed to store and share records related to a person's medical history.
- Prioritise patient access to the latest innovations and developments in any legislation linked to the EHDS.

The EU joint clinical assessments starting in January 2025 will have significant consequences for developers of oncology products and ATMPs as they will be the first to undergo joint assessment.

Recommendations:

- Deliver high-quality Joint Clinical Assessment reports and ensure that there is enough time to conduct the required analyses and clinical evidence dossiers.
- Ensure the methodologies for the joint clinical assessments are adapted for new health technologies, such as ATMPs.
- Promote collaboration and dialogue between the coordination group and Member States to avoid duplication at the national level and possible delays in access to medicine for patients.

The COVID-19 pandemic has demonstrated the urgent need for more resilient supply chains to achieve free movement of pharmaceuticals, medical devices and their inputs, key personnel and health-related data.

Recommendations:

- Ensure the continued functioning of global supply chains, which are heavily interconnected, to safeguard the resilience of healthcare systems in Europe.
- Promote EU collaboration with international partners – notably, the US – and stakeholders to improve global supply chain flexibility and resilience.
- Strengthen open trade in life sciences and avoid restrictive or protectionist measures, as they could impact production.

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Rare Diseases

RECOMMENDATIONS

The European Orphan Drug Regulation has incentivised investments into hundreds of new orphan medications. Before the Regulation, there were only a few medicines in Europe treating rare disease, but since then more than two hundred orphan medicines have been approved to treat rare diseases. Even with this success, 95% of rare diseases still do not have a treatment and unmet needs remain for those that do.

Recommendations:

- Support strong and predictable incentives for orphan medicines in the revision of the EU Pharmaceutical Legislation. This includes: keeping the current ten-year baseline period of orphan market exclusivity, having a meaningful reward for new indication and ensuring a broad and patient-centred definition of High Unmet Medical Need that encourages research for life-threatening or severely debilitating diseases as well as those that significantly impact quality of life or contribute to patient care. This, however, should not lead to increased uncertainty for orphan medicine developers.
- Continue to call on the Commission to adopt an EU Action Plan for Rare Diseases by making this a priority during the Presidency of the Council of the EU.
- Support the European Parliament's proposal in its position in the EU Pharmaceutical Legislation for the Commission to propose a 'European Framework for Rare Diseases', developed in consultation with all relevant stakeholder groups.
- Ensure a well-developed and highly functioning cross-border healthcare framework at the EU level.

Sustainable healthcare systems

European healthcare systems must be prepared to handle future shocks and the pressures of demographic change while implementing innovations that reduce burdens on healthcare systems and ensure better outcomes for patients.

Recommendations:

- Incentivise private-public collaboration to swiftly develop safe and effective medical countermeasures such as rapid pathogen sharing, strong R&D systems and streamlined regulatory processes.
- Strengthen health systems to deliver medical countermeasures sustainably and equitably, including by establishing sustainable financing models.

ISSUE

Sustainable healthcare systems (cont.)

- Increase the resiliency of models of care, and ensure that all patients receive the treatments they need by focussing on local circumstances, early diagnosis and hospitalisation prevention.
- Approach healthcare as an investment rather than a cost so that they become more efficient and deliver better outcomes for patients, while helping European economies and societies adapt to demographic shifts.
- Invest in healthcare innovation through financial instruments that provide an integrated, forward-looking framework.
- Complete the implementation of the EU's Recovery and Resilience Facility and national recovery plans by increasing hospitals' capacity and efficiency, improving primary care and digitalising health systems.

Gender balance



Equality between men and women is essential to ensure Europe's future of work and economic recovery. To achieve true equality, the public and private sector must implement policies to combat gender discrimination.

Recommendations:

- Incentivise female representation in leadership positions across the public and private sectors.
- Encourage young women to pursue careers in critical sectors such as STEM, ICT, and cybersecurity.
- Establish gender equality in institutional governance, considering its impact on all industry sectors and across society.
- Overcome biases throughout the hiring process and support both school-to-work and work-to-work transitions. This must entail creating opportunities for success.

Late Payments Directive (Revision): Proposal for a Regulation

The proposed changes to the Late Payment Directive are driven by an overarching need to protect SMEs in Europe. Large companies working with SMEs have a strong interest in supporting additional safeguards to enable stable and long-term relationships.

Recommendations:

- Distinguish between SMEs and large companies, based on their roles as creditors or debtors, as well as their relative bargaining powers.

ISSUE

Late Payments Directive (Revision): Proposal for a Regulation (cont.)

RECOMMENDATIONS

- Allow more flexible payment terms in three contexts: SME-to-SME payments, large business-to-SME payments and large business-to-large business payments.
- Do not impose any requirement for businesses to notify national authorities when negotiating payment terms.
- Ensure that any new regulation only applies to transactions under contracts concluded after its entry into force. This would safeguard the interests of businesses with pre-existing agreements.
- Scrutinise the lack of a formal consideration by the European Commission of the impact of the proposed Regulation on supply chain financing practices.

Modernisation of EU consumer law



To avoid insufficient compliance and high fines, traders and consumers must have greater awareness of consumer rights.

Recommendations:

- Modernise rules on consumer protection to strike the right balance between consumers and traders.
- Apply and enforce rules online and offline (eg product safety).
- Harmonise and synchronise consumer rules throughout the EU.
- Ensure cooperation between consumer protection and enforcement authorities.

Right to Repair



The European Commission's proposal to promote the repair of goods can help achieve sustainable consumption by increasing the repair and reuse of viable defective goods while securing high-skilled jobs. However, a number of issues still need to be addressed ahead of the formal approval and eventual transposition of the file.

Recommendations:

- Maintain flexibility in applying reparability requirements as new products are integrated via the ecodesign regulation.
- Establish clear guidelines that protect intellectual property and trade secrets within the framework of mandated information sharing concerning spare parts.

ISSUE

Right to Repair (cont.)



RECOMMENDATIONS

- Implement the optional provision of the European Repair Information Form as it can reduce administrative overheads, particularly benefiting small and medium-sized enterprises. It should be implemented without undermining repair quality and including provisions that recognise and adapt to advanced diagnostics and repair technologies.
- Ensure business-to-business (B2B) transactions are out of scope.
- Avoid proliferation of multiple online repair information platforms per country.

Environment



ISSUE

Carbon border adjustment mechanism (CBAM)



RECOMMENDATIONS

CBAM has the potential to become an effective tool to combat carbon leakage and drive global efforts towards net zero, but it could also disrupt highly integrated supply chains and lead to trade conflicts.

Recommendations:

- Assess the impact of measures against the potential impact on supply chains and manufacturing production, including for SMEs.
- Provide exemptions to avoid double taxation of imports for countries that have their own carbon pricing mechanisms.
- Minimise the impact on the flow of legitimate trade by moving its administrative processes away from the border.
- Ensure CBAM and the EU Emissions Trading System (ETS) work in tandem.
- Provide a clear timeline for the phaseout of free allowances in a WTO-compatible way, and ensure fair treatment for both EU exporters and third-country producers.
- Simplify emissions calculations, including the use of default values throughout the transitional period to aid compliance.

Chemicals Strategy for Sustainability



The Chemicals Strategy for Sustainability seeks to reform the existing EU chemicals policy framework to achieve sustainability and competitiveness.

Recommendations:

- Follow a general risk-based approach for the EU chemicals management system.
- Base new measures on scientific and clear definitions that account for socio-economic factors and the availability of alternatives.
- Justify the proposed perfluoroalkyl chemicals (PFAS) restrictions with EU based evidence. PFAS are highly complex and should not be regulated as one group but instead on the basis of physicochemical properties and exposure considerations.
- Exclude sectors which are fundamental for European sovereignty, for the implementation of the Net-Zero Industry Act and for EU-US cooperation on batteries, semiconductors, heat pumps, electric vehicles, hydrogen and renewable energy.

ISSUE

Chemicals Strategy for Sustainability (cont.)



Critical raw materials (CRMs)



RECOMMENDATIONS

- Provide a list of specific PFAS, such as CAS numbers, that are subject to the regulation.
- Regulate fluorinated gases under Regulation (EU) No 517/2014 and the mobile air-conditioning systems Directive, not under the PFAS restriction, to avoid overlaps and uncertainty.
- Grant sufficient resources for Member State authorities and the European Chemicals Agency to implement EU chemicals policy, particularly provisions on the classification, labelling and packaging.

CRMs are essential to the green and digital transitions, but they are often in short supply.

Recommendations:

- Avoid unnecessary burdens to provide industry with the certainty it needs to secure a reliable supply of CRMs.
- Expand domestic CRM sourcing by streamlining processes in line with realistic estimates and by improving access to project financing.
- Cooperate with like-minded partners, including the US and multiple resource-rich third countries, to increase CRM imports and diversify sources of supply.
- Apply circular economy principles for CRM use and production to minimise the loss of primary CRMs and maximise the production and use of secondary CRMs.
- Address current barriers to CRM recycling by investing in better recycling infrastructure and R&D.
- Prioritise a predictable and coherent regulatory environment to attract investors, while establishing an open and predictable process to identify new strategic materials.
- Provide flexibility in the definitions of critical and strategic raw materials.
- Ensure consistency between chemical management and raw material policies to provide investment security for CRM extraction and processing projects.
- Respect industry's competitiveness and economic realities by setting realistic targets and protecting confidential company information.
- Protect sensitive corporate information when organising joint purchasing projects.

ISSUE

Ecodesign for Sustainable Products Regulation (ESPR)



RECOMMENDATIONS

The proposal for a new ESPR seeks to create a Single Market for sustainable products and improve access to sustainability information, but it will only be successful if it ensures full harmonisation across Member States and drives competitiveness for European industry.

Recommendations:

- Apply a product-specific strategy that accounts for the specificities of each product category.
- Cover intermediate products rather than the final products to avoid double regulation.
- Base Digital Product Passport standards on international ISO standards to ensure interoperability with existing systems.

Green Claims Directive



The Green Claims Directive seeks to ensure adequate substantiation of green claims by creating a minimum level of evidence and harmonising different legislative interpretations. This legislation can help increase consumers' trust while boosting competitiveness and guaranteeing investments in greener practices.

Recommendations:

- Clarify the definition and scope of 'environmental claims' as well as aspects of the requirements for the substantiation of explicit environmental claims, access to data and use of environmental labels and scientific evidence.
- Introduce robust and clear definitions of 'carbon removals' and 'carbon reduction' to substantiate any claims based on offsets. The Carbon Removal Certification Framework could provide the base for such clarity.
- Streamline the current requirements on environmental claims information to make the amount of disclosed information proportionate, easily understandable and relevant to the consumers.
- Recommend specific methodologies, environmental labels and standards that are well accepted to substantiate the environmental impacts of a certain product or service.
- Retain the mutual recognition of certificates of conformity and the rest of the requirements regarding the ex-ante verification of environmental claims and labelling schemes.

ISSUE

Green Deal Industrial Plan



RECOMMENDATIONS

As part of the Green Deal Industrial Plan, the EU has revised its climate, energy and transport legislation to maintain the competitiveness of its industry while decarbonising to meet its net-zero ambitions.

Recommendations:

- Ensure regulatory coherence and avoid contradiction across policies.
- Support existing technologies and cutting-edge innovation by taking a technology-neutral approach and working to reduce emissions.
- Streamline access to financing to unlock the lower carbon energies and technologies.
- Emphasise the role of skills development and transatlantic cooperation to allow industry to grow and reach the EU's net-zero goals.
- Create a common regulatory framework that fosters an EU-wide market for greener products and services for investment stability.
- Anticipate and address the potential displacement effects of the climate transition on the workforce.
- Ensure policy coherence across all elements of the Fit for 55 package and with other legislation related to emissions reduction, as well as ensure it is enforced at the national level.
- Support a clear and reliable regulatory framework through targeted incentives to ensure the necessary market conditions and leverage diverse private-sector initiatives.
- Synchronise the decision-making process, as all the legislative files are interlinked.
- Support measures aimed at accelerating permitting procedures.
- Ensure the swift publication of the Heat Pump Action Plan.

Packaging and Packaging Waste Regulation (PPWR)



The proposed PPWR presents a significant opportunity to harmonise packaging measures across the EU. To avoid fragmentation of the internal market, EU policymakers must focus on properly implementing the regulation.

Recommendations:

- Harmonise and digitalise as much information on packaging as possible to avoid multiple national labels, which leads to bigger packaging.

ISSUE

Packaging and Packaging Waste Regulation (PPWR) (cont.)



Pellets Regulation



RECOMMENDATIONS

- Support Member States in establishing and upgrading recycling facilities, as well as infrastructure, effective separate collection and waste sorting.
- Ensure enforceability at the national level to legitimise the Regulation and attract private investment.
- Account for sectors' multiplicity and diversity to avoid jeopardising the safety of the operators and users (ie recycling of medical technologies).
- Consider packaging as a resource for the circular economy, as with the other extended producer responsibility schemes.
- Rely on impact assessments and life cycle assessments to evaluate proposed solutions with a holistic and science-based approach.
- Consider the needs of and exemptions for SMEs without overburdening other market players.
- Link recycled content targets for the obliged industries to the conditions that enable access to the necessary materials.
- Account for specificities within sectors when drafting recycling and reusing objectives so that restrictions don't jeopardise the safety of operators and users (eg recycling of medical technologies).
- Avoid downcycling and prevent operators' demand for materials from damaging those who invest on collection and recycling infrastructure.
- Establish minimum requirements for deposit return systems, as it is with the rest of the extended producer responsibility schemes.
- Account for the limitations of rigid and flexible packaging and how reuse targets can undermine companies' efforts to reduce carbon emissions.

The Pellets Regulation proposal constitutes an important step towards pellet management across EU value chains based on existing best practices, such as Operation Clean Sweep.

Recommendations:

- Ensure consistency between the proposed Regulation and other EU and international initiatives (eg the plastic pellet management during maritime transport under the International Maritime Organization, the REACH restriction on microplastics adopted in October 2023, and the recently agreed revision of the Industrial Emissions Directive).

ISSUE

Revision of the Waste Framework Directive



RECOMMENDATIONS

The Revision of the Waste Framework Directive is a crucial step towards establishing circularity for textiles and developing fibre-to-fibre recycling technologies.

Recommendations:

- Establish an EU-wide database, rather than requiring companies to register in every Member State's database.
- Harmonise criteria for eco-modulation of fees based on upcoming textiles ecodesign while maintaining flexibility for Member States to set fee amounts.
- Harmonise activities to be covered by extended producer responsibility (EPR) fees and prioritise activities related to end of life as proposed by the EU Commission.
- Separate personal protective equipment products from the textiles EPR as these need different recycling and end of life solutions to their broad range of uses.

Water resilience



Water insecurity in Europe is a growing crisis, marked by severe droughts, floods and increasing scarcity affecting 40% of the population. The EU must take urgent action to combat water insecurity in Europe.

Recommendations:

- Integrate water into EU industrial strategies by prioritising water supply for green technologies to meet growing demand.
- Enhance infrastructure resilience and reduce leakages by, for instance, exploring fit-for-use approaches and adopting holistic frameworks.
- Incentivise water stewardship through tax credits and learning platforms.
- Support legislative frameworks for water reuse technologies and explore industrial use of wastewater and harmonised certification schemes.
- Optimise freshwater use through investment.
- Implement AI and Internet of Things (IoT) for an EU-wide water monitoring system and standardise digital monitoring and real-time tracking of water leakage.
- Encourage public-private partnerships for ecosystem restoration.
- Increase funding for water-resilient projects and explore innovative funding options and learn from renewable energy sectors.
- Engage in global initiatives addressing water stress and collaborate with CEO-led initiatives and global standards.

Foreign Affairs and General Affairs



ISSUE

EU bilateral trade relations



European Defence Industrial Strategy (EDIS)

RECOMMENDATIONS

Constructive dialogue between the EU and its major trading partners, including the US, is key to support economic growth and prosperity.

Recommendations:

- Support the early conclusion of free trade agreements (FTAs) with Australia and Mercosur, the modernisation of deals with Chile and Mexico, and progress on negotiations with India, Indonesia, Thailand and the Philippines, as well as the reopening of talks with Malaysia.
- Build an EU trade policy based on openness and interdependence to avoid trade disputes.
- Advocate for strong enforcement of all European FTAs.
- Encourage early trade liberalisation with EU candidate countries to facilitate their incorporation into global value chains, while promoting effective regulatory convergence with EU acquis.
- Avoid the reopening of already concluded FTAs, as this would greatly affect the EU's credibility as trading partner.
- Avoid overloading FTAs with other policy objectives as it may be a disincentive for trade partners and can hurt the EU economically.
- Foster Member States' support for ambitious IP and digital trade provisions.
- Promote the free flow of data across borders and prevent unjustified data localisation requirements.

EDIS aims to enhance and support Member States' investment efforts in Europe by developing a more efficient and responsive EU Defence Technological and Industrial Base (EDTIB) and enhancing security of supply. To succeed in its defence and industry strategy, the EU must push forward key efforts.

Recommendations:

- Strengthen and promote mutually beneficial government-to-business and B2B partnerships with like-minded third-country entities to improve the EU's defence industry readiness.
- Ensure that third-country controls with the European Defence Industrial Programme (EDIP) are flexible to maintain attractiveness and usability for national requirements.

ISSUE

European Defence Industrial Strategy (EDIS) (cont.)

EU trade strategy



EU-UK trade and investment relationship

RECOMMENDATIONS

- Support national governments in procuring urgently needed capabilities in the short-term, while supporting the competitiveness of the EDTIB over the long-term.

Recent global developments have shown the essential functions and benefits of an open, free and rules-based trading system, while also highlighting the downsides of go-it-alone trade policies.

Recommendations:

- Avoid inward-looking trade policies and an EU-first approach that are detrimental to the interests of all businesses in Europe.
- Maintain and emphasise the EU's open and rules-based economic identity in both internal and external policies.
- Maintain the EU market open for imports to ensure that EU businesses are able to source their raw materials from different suppliers and at reasonable cost instead of becoming dependent on a few ones.
- Place digital trade at the heart of the new strategy to promote open digital markets, innovation and prosperity.
- Explore new channels of cooperation with reliable partners and more sectorial agreements and partnerships as well.
- Promote reforms to make the WTO more efficient at all levels.

Considering the EU and the UK's close political and economic ties, it is vital to maintain a positive relationship and a comprehensive economic partnership.

Recommendations:

- Implement the EU-UK Trade and Cooperation Agreement thoroughly alongside the new Windsor Framework to provide business with certainty.
- Rebuild close communication between the EU and the UK to manage their respective regulatory environments and minimise disruption and regulatory divergence.
- Broaden the scope of the relationship over time.

ISSUE

EU-US relations



RECOMMENDATIONS

Transatlantic cooperation based on shared values and the rule-based trading order brings substantial economic benefits, promotes global standards and enables technological leadership.

Recommendations:

- Strengthen EU-US cooperation in strategic areas and address existing barriers to trade.
- Deepen regulatory cooperation and alignment across the Atlantic, and protect the transatlantic values of open, rule-based trade, non-discrimination, due process and high standards.
- Engage constructively in the EU-US Trade and Technology Council (TTC) to ensure it remains ambitious and delivers tangible results.
- Build a TTC fit for the future: refine its objectives, make the platform permanent, simplify workstreams and increase transparency and stakeholder engagement, as well as its external dimension through international bodies.
- Seek ambitious reforms at the international level, and use transatlantic leadership to resolve long-running disputes at the WTO.
- Put SMEs at the heart of EU-US initiatives, as they stand to gain most from greater transatlantic cooperation.
- Encourage Member States' endorsement of EU-US trade discussions to expand the transatlantic trade and investment relationship.
- Advance the EU-US Dialogue on Security and Defence, which was announced in the joint statement released after the June 2021 EU-US Summit.

Export control of dual-use goods



A heavy-handed review of the dual-use goods export regime could stifle innovation and industry response to new cyberthreats. In the past, controls were adopted at the Wassenaar Arrangement level amongst more than 40 members. Since Russia is part of the arrangement, it is now harder to adopt new controls, and in consequence, states are now adopting unilateral controls, which are nowhere near as effective.

Recommendations:

- Align and simplify export control regimes between Member States and the US via regulatory exchanges and joint actions, notably in the context of the TTC.
- Develop EU guidelines on intangible technology transfers and use of cloud computing to ensure consistent interpretation and implementation across the EU and with like-minded countries, particularly the US.

ISSUE

Export control of dual-use goods (cont.)



Procurement programmes and access to EU-funded R&D

RECOMMENDATIONS

- Establish an effective, future-proof, technologically neutral and globally coordinated export control of dual-use 'critical technologies' to prevent unintended hindrances to innovation.
- Expand controls to address more issues such as human rights abuses and novel technologies.

The exclusion of third-country entities from major EU and Member States' publicly funded R&D procurement and sustainment programmes could prevent vital economic stimulus for the EU.

Recommendations:

- Promote the participation of EU-based subsidies for American companies in EU and Member State-funded R&D, procurement and sustained programmes based on their added value, locally developed IP and overall contribution to the EU's technological and industrial base (eg employees, infrastructure, expertise etc).
- Ensure the fair implementation of the European Defence Fund (EDF) Regulation, European defence industry reinforcement through common procurement act (EDIRPA), European Space Programme Regulation and Horizon Europe Regulation, which should all account for the global nature of the defence and space industries and preserve open markets and fair competition.
- Apply a more flexible approach to common defence procurement, which would increase the inherent interoperability and interchangeability associated with products and capabilities that exist outside the EU.
- Ensure availability and cost-effectiveness in military procurement for the most urgent capability or material gaps (eg 155mn artillery shells) by collaborating with like-minded allies.
- Establish minimum thresholds for EU content on products to ensure that European armed forces continue to benefit from best-in-class capabilities while providing economic opportunities for EU industry.
- Encourage industrial cooperation between the EU and the North Atlantic Treaty Organization (NATO) allies, as well as other like-minded partners.

ISSUE

Strategic Compass



RECOMMENDATIONS

The Strategic Compass lays out the EU's long-term strategic concept for security and defence. If properly implemented, it could ensure closer cooperation with like-minded allies and strengthen the EDTIB.

Recommendations:

- Encourage further support for the EDTIB while prioritising partnerships with like-minded countries and competitiveness, as well as producing the capabilities required by the armed forces.
- Facilitate the participation of like-minded third-country entities in EDF and EDIP projects.
- Develop the partnership provisions to address current geopolitical and industrial challenges.
- Ensure multinational initiatives' long-term deconfliction, complementarity, coherence and coordination.
- Encourage seamless trade, cooperation and technology transfers among like-minded partners.
- Strengthen EU-NATO cooperation.

Transatlantic Defence Technological and Industrial Cooperation (TADIC)

A strong and prosperous TADIC is instrumental to foster the EU-US relationship, encourage sustainable growth and achieve collective security.

Recommendations:

- Encourage capability development programmes that include both EU and US stakeholders to enhance cost-effective innovation, standardisation, interoperability, interchangeability and technological leadership on both sides.
- Establish open and resilient defence markets reciprocally to guarantee similar regulatory conditions on both sides of the Atlantic.
- Discuss common areas of transatlantic cooperation in the development of next generation defence technologies and capabilities.
- Encourage effective licensing regimes to allow collaborative development and production among allies.

ISSUE

Ukraine

RECOMMENDATIONS

The merit-based accession process and effective implementation of the Ukraine Facility are key to maintaining Ukraine's resilience amid Russia's war of aggression and to setting the country on a course for prosperity and successful integration.

Recommendations:

- Continue to work with Ukraine on the merit-based accession process and associated reforms which not only assists the Ukrainian people, but also improves the investment environment.
- Guarantee fair, non-discriminatory and transparent access to the Ukraine Investment Framework (UIF) under the Ukraine Facility for all trustworthy partners.
- Establish a structured dialogue with the private sector to promote EU funding tools and opportunities.
- Ensure the UIF eases access to liquidity and promotes de-risking mechanisms.

World Trade Organization (WTO)



While the WTO is the cornerstone of the multilateral trading system, it needs reform to ensure it is fit for the 21st century.

Recommendations:

- Support transatlantic cooperation on WTO reforms and the broader multilateral agenda.
- Ensure that the WTO continues to be a negotiation body and an arbitration mechanism for the global economy.
- Engage with like-minded governments within the WTO in fields like e-commerce, R&D, protection of IPR and subsidies.
- Push for the successful conclusion of multilateral and plurilateral negotiations in the WTO (eg integrate the Investment Facilitation for Development Agreement into the WTO's legal framework).
- Increase investment for the Joint Statement Initiative on e-commerce to drive strong, plurilateral standards on digital trade by allowing data to move across borders, protecting algorithms, source code, encryption keys or other proprietary information relating to cryptography, while preventing localisation requirements, tariffs and taxes on cross-border data flows and digital products.
- Agree on a permanent e-commerce moratorium within the WTO to provide greater certainty to consumers and business.

ISSUE

World Trade Organization (WTO) (cont.)



RECOMMENDATIONS

- Eliminate tariffs and non-tariff barriers on certain clean energy technologies and energy efficiency products, and restart negotiations for an Environmental Goods Agreement.
- Involve all WTO players in the reform programme agreed upon at the 12th Ministerial Conference in 2022, which aims to have a complete and well-functioning dispute settlement system in place by 2024.
- Facilitate open trade, address regulatory barriers (including measures to reduce tariffs, limit export restrictions and support developing countries in enhancing their supply chains) and build robust delivery of vaccines and therapeutics while addressing bottlenecks.

Justice and Home Affairs



ISSUE

EU-US cross-border access to electronic evidence



General Data Protection Regulation (GDPR)



Product Liability Directive

RECOMMENDATIONS

The Commission has proposed and adopted a negotiation mandate for an EU-US agreement on electronic data, which provides legal certainty in data-related activities.

Recommendations:

- Safeguard data subjects' fundamental rights with transparent and balanced rules, while also allowing effective 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 companies in Europe: increased legal certainty, harmonisation and flexibility. However, there remains work to be done around privacy and data protection.

Recommendations:

- Promote a uniform and balanced application and cross-border enforcement of the GDPR across Europe.
- Apply additional regulation on privacy in alignment with the GDPR and respecting fundamental principles, such as the one-stop-shop mechanism.
- Allow for personal data transfers to happen across the Atlantic and globally, as they are essential for the competitiveness of many sectors.
- Ensure a harmonised interpretation of the GDPR by data protection authorities as well as cooperation and enforcement, in line with the mechanisms described in the GDPR.

EU consumers must receive adequate redress for any harm that has been caused by a product-related injury. However, there needs to be a balanced system that respects and protects the rights of both defendant and claimant under any new product liability regime.

Recommendations:

- Maintain the claimant's burden of proof by using article 10's rebuttable presumptions sparingly, ensuring no reversal of this principle.

ISSUE

Product Liability Directive (cont.)

- Provide harmonised guidance should to ensure consistent application across Member States.
- Protect confidential information and legally privileged documents when implementing the new Directive.
- Encourage the right of recourse between liable economic operators.
- Offer guidance to balance claimant and innovation interests, and engage stakeholders through workshops and expert forums during and beyond the 24-month implementation period.

Third-party litigation funding (TPLF)

Given its novel nature and its abusive financial incentives, the practice of TPLF lacks sufficient safeguards for transparency, it weaponises litigation, monetises the justice system and risks Single Market fragmentation. Without proper regulation TPLF will drive vexatious and aggressive litigation against companies in the EU, as already seen in the US legal system.

Recommendations:

- Introduce a robust and harmonised regulatory regime for TPLF based on transparency and with strict safeguards. The Legislative Initiative Report on Responsible Funding of Private Litigation adopted by the European Parliament in September 2022 can serve as a launchpad for discussion on this issue.
- Train judges appropriately on how to avoid legal and ethical issues related to TPLF.

Transport, Telecommunications and Energy



ISSUE

Efficient and green mobility



RECOMMENDATIONS

The transport sector is facing enormous challenges to further reduce emissions in all modes of transport. Deployment of cooperative, connected and automated mobility (CCAM) and Intelligent Transport Systems in Europe could increase road efficiency and improve vehicles' safety and environmental performance.

Recommendations:

- Adapt to the requirements for various types of transport while accounting for the complexity of technical data used in the mobility sector, and ensure harmonisation across Europe.
- Incentivise the aviation sector to continue using sustainable fuels and reducing 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.
- Alleviate labour shortages in the industry, and provide business certainty for manufacturers and transport operators investing in sustainable transport.

EU energy crisis



Reducing the EU's dependence on Russian natural gas and managing energy prices and supply are now two of the EU's main priorities. The regulatory framework needs to enable the ever-faster deployment of renewable and low-carbon alternatives to natural gas.

Recommendations:

- Provide concrete incentives to produce more local, affordable, reliable and low-carbon energy.
- Diversify gas supplies, speed up the rollout of renewable gases and replace gas in heating and power generation.
- Consider longer term approaches to secure a functioning internal energy market.
- Link any energy policy initiatives with a coherent industrial policy.

ISSUE

Infrastructure investment



RECOMMENDATIONS

Future infrastructure investments must focus on creating growth and jobs in Europe and supporting the EU economic recovery. International cooperation and third-country participants in the multiannual financial framework 2021-2027 enable the EU to act as a world leader in global talent and research.

Recommendations:

- Use European funding to promote technological neutrality and co-modality as well as to avoid market distortion.
- Support funding at the EU level with ambitious commitments from Member States.
- Leverage the Trans-European Networks for Energy 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.

Sustainable aviation



The aviation sector is committed to the Green Deal and the decarbonisation of flight. Industry and regulators must cooperate, as there is not one single method to decarbonise the sector.

Recommendations:

- Incentivise the development of next-generation technologies as key enablers of fuel efficiency to reduce emissions in the mid- to long-term.
- Develop regulatory and financial incentives for the research, development and deployment of sustainable aviation fuel.
- Create and implement a Book and Claim (B&C) mechanism to allow faster scaling up of sustainable aviation fuels. The European Commission must also establish a well-designed trading deck to guarantee the traceability of all B&C certificates across Europe to avoid fraud.
- Support efforts to attract private investment, include efficient aircraft in the EU Taxonomy and direct ETS revenues toward decarbonisation.
- Ensure a coherent mission reporting framework as proposed by CountEmissions EU and in line with existing industry methodologies and the European Union Aviation Safety Agency's environmental label.
- Deliver the Digital European Sky under the Single European Sky ATM Research 3 Joint Undertaking along with implementing a Single European Sky could reduce CO₂ emissions by up to 10%.

ISSUE

AI Act



RECOMMENDATIONS

The AI Act is the first attempt at a comprehensive legislative framework for the development and use of AI. How it is implemented is essential for making Europe an attractive place to develop AI and ensuring AI applications are deployed widely in the public and private sectors. This will allow European businesses and citizens to reap the full benefits of these technologies.

Recommendations:

- Include input from industry on the implementing and delegated acts, as well as regulatory guidance.
- Build on the previous work by international standard organisations to ensure compliance between technical standards and AI Act requirements.
- Ensure that regulatory agencies, the AI Office and the AI Board promote coordination across the 27 Member States to avoid fragmentation and uneven implementation.
- Coordinate with international organisations (eg G7, OECD) and like-minded countries, particularly the United States, to ensure international operability of AI policies.
- Maintain the principle of self-assessment and declaration of conformity for high-risk AI systems, as subjecting high-risk AI systems to prior third-party assessment would delay product launches and hinder AI uptake.

Cloud



In light of the vital role that cloud-computing plays for public administrations across the EU, policymakers need to develop a framework for public procurement that enables innovation, flexibility and customer choice, and that abides by the WTO Government Procurement Agreement.

Recommendations:

- Submit the Guidelines to a wide public consultation, open not only to all types of cloud providers, but also to all EU and national administrations and public agencies that use cloud services.
- Ensure that the guidelines are balanced and retain a level playing field for all cloud providers – European and non-European alike.

ISSUE

Cybersecurity critical infrastructure and of IoT



RECOMMENDATIONS

Given the rising complexity of value chains, the diversity of business models and fast-developing cyberthreats, companies need to retain the flexibility to develop and continually update the security features for their unique risk situations.

Recommendations:

- Create strong public-private partnerships to maintain a voluntary and market-driven approach to tackle IoT security, particularly in regards to relevant standards.
- Ensure consistency with existing international practices and standards, including in product security, reporting processes and cryptography.
- Map existing cybersecurity requirements to identify overlaps and ensure coherent policies.
- Avoid conflating political considerations in technical instruments, including cybersecurity certification schemes.
- Avoid including digital sovereignty requirements in any cybersecurity scheme as this would limit competition in the cloud market, raise the cost of cloud services, limit the choice of trusted technology partners for European businesses and endanger international cooperation on sharing threat intelligence.
- Build and improve cybersecurity skills.

Electronic identification scheme Regulation



The EU needs a common framework and technological architecture for a European Digital Identity Wallet so that citizens and businesses can prove their identities, harness the benefits of boosted efficiencies, lower costs and ensure a positive digital customer experience.

Recommendations:

- Leverage the existing international standards, and ensure clarity and predictability in their interplay with other related draft regulations.
- Develop safe, user-friendly and convenient digital solutions, without resorting to mandatory acceptance.
- Ensure a high degree of data protection.
- Withdraw proposals for automatic recognition by web-browsers of (and interoperability with) qualified website authentication certificates.

ISSUE

European data strategy



RECOMMENDATIONS

The European data strategy has transformative potential, but to achieve it, data must be high-quality, credible, timely and available in machine-readable formats, while cloud infrastructures must be trustworthy, secure and energy efficient.

Recommendations:

- Collaborate to ensure access to a wide range of options in technology and partners.
- Invest to achieve the EU's aims in competitive storage, processing and profitable use of data.
- Assess new regulatory initiatives against existing regulations (including personal data protection and liability for defective products) to avoid conflicting and burdensome obligations.
- Involve and encourage industry to help teach skills and data literacy.
- Prevent the Data Act from disrupting functioning data sharing and processing models, making collaboration more difficult or imposing mandatory data sharing or portability obligations.
- Avoid conflicts between other laws (eg GDPR and the Digital Markets Act) and enable the free flow of data while acknowledging IPR and protecting trade secrets.
- Solve issues around foreign authorities' access to data through multilateral governmental discussions (eg TTC) rather than by imposing regulatory requirements on a specific sector.
- Institute a pan-European supervisory authority or a one-stop mechanism, and clarify how data sharing responsibilities are allocated between data protection authorities and sectoral regulators.
- Ensure the upcoming Cloud Rulebook and Marketplace Services Requirements catalogue consider broad feedback from the relevant stakeholders and reflect the market reality and diversity of applicable initiatives.

Europe's digital decade - 2030 targets



The EU aims to transform the 2020s into Europe's 'digital decade' and achieve its digital ambitions for 2030.

Recommendations:

- Accelerate and facilitate investment, innovation in broadband networks and entrepreneurship.

ISSUE

Europe's digital decade - 2030 targets (cont.)



RECOMMENDATIONS

- Enhance digital skills and inclusion to build and preserve trust between society and technology. They must be central tenets of any public and private digital transformation strategies.
- Apply a common approach toward the digital decade, including measures such as the pooling of resources across Member States and the alignment of all actors.
- Create a transparent and inclusive policymaking processes based on technical and market-driven decisions, shifting away from the political interests that have prevailed in recent times.
- Ensure that content, services and applications are not unlawfully blocked or degraded as outlined in the Declaration on Rights and Principles. Legislators should respect, protect and reinforce the fundamental principles of net neutrality and the open internet, as well as resist measures for payments of network use.

Semiconductors



The EU has created the Chips Act to develop and accelerate Europe's semiconductor supply chain. The proposal rightly focuses on research, development and innovation across all segments of the semiconductor supply chain.

Recommendations:

- Ensure greater participation of industry in nearly all categories, including standardisation requests, export controls and priority orders.
- Increase cooperation in the areas highlighted by Pillar I of the EU Chips Act (including R&D, skills and training), stimulating an open-source silicon environment to increase academia and start-ups' engagement with the industry.
- Align the EU Chips Act with other legislation (ie Cyber Resilience Act), as well as with certification in the US.
- Implement protections for businesses' valuable IP.
- Build on the Chips Act to develop a deeper supply chain mapping, including essential semiconductor components.
- Increase the structured participation and regular interaction between the European Semiconductor Board and the private sector.
- Strengthen the transatlantic relationship to avoid a continued global semiconductor market imbalance.

ISSUE

5G



RECOMMENDATIONS

The deployment of 5G is one of the most critical building blocks of the future digital economy and society.

Recommendations:

- Adopt and swiftly implement Member States' 5G roadmaps and 2030 digital decade targets.
- Release both licensed and unlicensed spectrum in a timely and coordinated fashion. Finalise the implementation of the Electronic Communications Code in Member States quickly and consistently.
- Ensure the freedom to develop new business models, as 5G is crucial for business digitisation.
- Consult and coordinate among stakeholders to ensure European businesses and consumers reap the full potential of 5G.
- Continue to ensure a common European approach to trustworthy, resilient, diverse and competitive supply chains for ICT, especially as the rollout of 5G accelerates.

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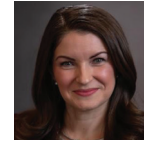
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