



# POSITIONS OF THE F5-ALLIANCE ON THE 2024 EU-ELECTIONS

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The European Union has established itself as a pioneer in digital policy. Over the past five years, important laws have been introduced to curb the power of big tech companies and to safeguard fundamental and human rights in the digital world. At the same time, European digital policy is still too often driven by technological trends and profit-oriented interests. The focus on the common good is lost.

We are convinced that the vision of an open, free, reliable, sustainable and secure internet and of innovative developments that serve real social needs can only be realized through a digital policy that focuses on the common good. Therefore, the EU must focus on protecting democratic structures, promoting digital public commons, consistently respecting human rights and prioritizing the needs of internet users, journalists, and vulnerable and marginalized groups in the digital age.

We advocate for a digital 21st century in which

- Human rights, such as privacy, freedom of expression and freedom of the press, are digitally strengthened and defended instead of cementing a digital panopticon in which data is intercepted without hindrance simply because it is technologically possible.
- Public discourse is characterized by a genuine exchange of ideas and lived diversity and is not dominated by profit-enhancing spirals of rage and relationships of dependency.
- Journalists are comprehensively protected from surveillance so that editorial secrecy is preserved digitally and the media can thus fulfill their function of social control.
- People and communities are empowered to actively participate in shaping an open and fair digital world.
- Politics is a driver for the sustainability of digital developments instead of merely defining the minimum that can still be tolerated.
- Knowledge created with public money is not sealed, but a new era of free knowledge begins.

# 1. Platforms: Regulate and restructure

## **In the short term, only rules and their enforcement will help**

The EU is starting a new legislative period with new supervisory structures and legislative tools such as the Digital Services Act, the Digital Markets Act, and other digital laws. The Commission must now prove that it can enforce those rules in a targeted, effective and responsible manner in all EU member states. Only then can online platforms function as spaces for public discourse where users are not consistently exposed to the negative effects of current monopoly structures and a lack of participation.

- **Expand structures for effective enforcement:** The Commission must demonstrate how it uses the previously introduced legislative tools in a meaningful and effective way. To this end, structures for enforcement must be expanded quickly. Offices such as the head of the AI Office must be filled in transparent procedures. Staff must be trained and recruited. Their work must be characterized by effective cooperation with the member states and the involvement of civil society and academia.

- **Practical implementation of data access for researchers:** The central achievement of the Digital Services Act (DSA), the right to access data for research, must finally take effect. The implementation of the DSA is already underway with regard to ongoing Commission procedures. However, the right to data access for research is not yet working as hoped. Researchers have not yet been granted access to promised data and platforms are reluctant to adequately implement all transparency requirements, risk assessments and mitigation measures. The Commission must actively support researchers so that the powers that the DSA promises on paper can be realized.

- **Ensure effective user rights enforcement:** European rules on the jurisdiction of courts need to be updated to ensure that all internet users of online platforms are granted their rights. European law provides that consumers can take companies to court in their country of residence. However, many users of online platforms who are particularly affected by arbitrary and unlawful decisions by platforms are not consumers: Politicians, researchers or journalists are often forced to take legal action in the platform's country of domicile, in most cases Ireland. This makes the effective enforcement of users' rights expensive and cumbersome. All internet users must be able to take action against platforms at their place of residence - otherwise many of the newly created provisions of the DSA risk coming to nothing. The Commission must also ensure that fundamental rights — especially when

reporting (allegedly) illegal content — are enforced equally in all EU member states in accordance with the principles of the rule of law. In addition, the Commission must ensure that all national coordinators for digital services are independent from the state and economic interests. This is the only way to provide effective, trustworthy and secure complaint channels that guarantee journalists and all internet users competent help in the event of account blocking and digital attacks.

- **Systemic risks — consistently enforce platforms' obligations to assess and minimize risks:** The DSA obliges Very Large Online Platforms and search engines to identify and minimize systemic risks arising from the design, functioning or use of their services at an early stage. Such systemic risks include, for example, negative effects on fundamental rights, risks to elections or democratic discourse. In light of the EU elections, the Commission has published guidelines for service operators. These must now be implemented and supervised swiftly. Further guidelines for combating risks urgently need to be drawn up, for example with regard to the protection of freedom of information and freedom of the press.

- **Highlight trustworthy information and fund independent journalism:** To counter the spread of disinformation and strengthen the right to information, digital services should be obliged to amplify reliable news and information sources in their news feeds as well as search engines using recognized standards for identifying trustworthy content, such as the Journalism Trust Initiative (JTI). The Commission should include the JTI as a recognized ISO-standard in its guidelines and recommendations for platforms. Additionally, the EU should strengthen the sustainability of news media and propose an increased budgetary programme for journalism.

### **Better structures are needed in the long term**

Beyond the effective implementation of existing legislation, we need a clear vision of what the (digital) Europe of the future should look like. The vision that should guide European legislators and the Commission is a Europe where Europeans co-create a diverse, open and inclusive economy, where wealth and power are broadly distributed and no single company or cartel is able to force consumers and workers into dependencies or even exploit them. The interests of powerful companies must no longer trump those of the general public.

For the digital space, this means, among other things, that we must overcome the enormous dominance of the profit-oriented, data-driven model for online platforms. This not only creates

and deepens power asymmetries, but is also a key driver of our society's vulnerability to polarization, disinformation and hate speech. Decentralized and community-driven online spaces, on the other hand, are often based on collaboration, transparency and cooperation on an equal footing. They therefore practice and communicate essential democratic mechanisms. In addition, they enable debate and the exchange of information and can therefore make our democracy more resilient to online threats.

- **Protect decentralized and community-driven projects in new legislation:** There is an urgent need to rely on a diversity of digital spaces, including decentralized and community-driven projects. In the past, European legislation has unintentionally damaged such community projects (such as Wikipedia or its sister projects). To avoid this in the future, we propose a regulatory test to assess the impact of new laws on these kinds of projects.

- **Set up a democracy fund:** Big tech companies must pay for the societal costs of their services. Part of the revenue should flow (e.g. in the form of a European tax) into a fund that can be paid out to civil society and media organizations via a central and independent body. First and foremost, this would strengthen their independent work in the service of democratic oversight and help to counter anti-democratic developments.

- **Build independent digital infrastructure:** The EU should drive funding for a network of public platforms that allow cultural institutions, educational establishments, or even local governments to host and share information, projects, initiatives, and exchanges online. Beyond that, the EU should provide funding for not-for-profits to run decentralized servers that can host alternative services, such as social network instances.

## 2. Artificial intelligence: just and sustainable

Artificial intelligence has abruptly become the central topic of European digital policy in recent years. With the AI Act, the EU has created an overarching legal framework to regulate the development and use of AI systems in the EU at the end of the current legislative period. In the course of the negotiations on the AI Act, German and European digital civil society constantly campaigned for AI systems to be used in the service of people and in accordance with human rights. Although the AI Act as adopted prohibits some particularly critical AI applications such as Social Credit Scoring, it leaves many vulnerabilities open – especially in applications sensitive to fundamental rights in law enforcement, the military and migration management. Moreover, environmental costs are only addressed to a limited extent by the AI Act. Projects and studies by the F5-alliance, such as AlgorithmWatch’s Auditing Algorithms for Systemic Risks Project as well as the latest AI-report by the RSF-Forum on Information and Democracy take a more detailed look at specific approaches to deploy the new set of rules, as well as regulatory potential that has yet to be tapped into.

Despite the AI act’s shortcomings, an ambitious implementation is crucial in order to make the use of AI applications safer, fairer and more sustainable in the future. The EU must now prove that it can fulfill the pioneer role it is striving for through the effective regulation of artificial intelligence, and by addressing the AI act’s prevailing gaps and weaknesses in the upcoming legislative period.

- **Strengthen oversight through independent research:** Independent external audits of AI systems must be made possible and research into best practices should be prioritized. This requires increased collaboration and transparency from tech companies, independence, funding and collaboration opportunities for researchers, and expert and well-resourced oversight bodies (including the European Center for Algorithmic Transparency and the new AI Office).
- **Establish framework for sustainable and fair AI production chains:** Exploitative working conditions and the high consumption of energy and resources for the operation of large language models have been documented many times, but continue to be politically neglected. This is a burden on society. Companies should therefore be obliged to provide comprehensive information on the production methods and impact of their technologies on people and the climate, including working conditions, water consumption, greenhouse gas emissions and the extraction of raw materials. This transparency should apply to

the entire AI production process. The EU must create concrete incentives for the AI industry, introduce a comprehensive reporting obligation, set ambitious sustainability benchmarks and require sustainable procurement.

- **Curbing tech monopolies:** Microsoft, Google, Amazon and other tech giants are spending billions to take control of the world's most important AI companies. This market concentration is dangerous for democracy and social cohesion and must be stopped. A thorough review of current competition laws is necessary. New regulations should promote a diverse and open AI market. This includes breaking up monopolies, promoting competition, and creating effective mechanisms to prevent future market dominance.

- **Tackling algorithmic bias and discrimination:** A comprehensive AI and equality action plan is needed to consolidate prevention, transparency and accountability measures. This also means improving access to legal remedy and adapting and strengthening the effectiveness of the rules of evidence in existing and future laws to create a fairer burden of proof.

- **Strictly regulate AI applications in migration and refugee contexts:** There is an urgent need to remedy the shortcomings of the AI Act and compensate for gaps in legal protection in order to ensure protection of the human rights of people traveling on migration routes. Preventive measures must also be taken to avoid damage that may arise in the context of the use of AI-based systems — in particular through effective bans on inhumane applications and the strict monitoring of deployments.

- **Enforce strict export controls:** The EU must ensure that AI applications and all dual-use goods that are banned within the EU or have been identified as particularly risky cannot be exported to countries outside the EU if they can be used for mass surveillance and other human rights violations.

### 3. Open source software & open hardware: the foundation of the future

#### Expand open source ecosystems and strengthen them at European level

Digital sovereignty needs more support: open source ecosystems must be recognized and promoted as fundamental pillars of a resilient digital infrastructure, and their expansion must be at the heart of a future-oriented technology policy in Europe. Temporary financial support for open source software and its developer communities is not enough. Rather, a comprehensive funding strategy is needed that includes both financial and structural support measures and recognizes the key role of open source communities.

- **Cross-border and unbureaucratic funding for open source communities:** The international nature and comparatively loose composition of open source communities require flexible funding programs that enable digital applications and include uniform, comprehensible taxation. With solid basic funding, digital civil society can make a significant contribution to the development of independent and resilient technologies in Europe.
- **Invest public funds that flow into software development and procurement primarily in open source technologies:** This is crucial not only to create resilient and secure software solutions, but also to use resources more efficiently. It is important that funding providers build a bridge between open source communities and public administration in order to precisely identify needs and reduce reservations. Such a strategy increases the acceptance of open source technologies in society and also raises their profile.
- **Include the development and maintenance of open basic technologies in public services:** This is not just about promoting innovation. The maintenance and safeguarding of these digital infrastructures must also be actively promoted. The Sovereign Tech Fund (STF) launched in Germany is a step in the right direction. Now, we need to envision and expand this funding instrument at a European level.



## **Broadening the circular economy: Open hardware is essential for sustainable technology**

To effectively strengthen the circular economy, the importance of open hardware must be recognized and actively promoted. Open technologies play a crucial role in repairability and maintenance, improving resource efficiency and minimizing the environmental footprint. Open hardware uniquely combines goals such as accessibility, self-efficacy, sustainable solutions, equity, public good orientation and innovation through open knowledge transfer. It is time to not only recognize open hardware initiatives, but also to specifically support them in order to create a future-proof, sustainable technology landscape.

- **Directly promote open hardware initiatives:** The advantages of promoting repairable, understandable and reproducible hardware are manifold. It enables individually adapted developments, prevents lock-in effects, promotes modularization, increases service life through repair options and strengthens developer communities that drive innovation.
- **Realign existing subsidies:** Funding guidelines should be designed in such a way that they favor projects with open hardware components. In addition, the establishment of further funding instruments, such as an open hardware fund modeled on the Prototype Fund, is essential. These measures will create a framework that promotes the development and distribution of open hardware and thus contributes to sustainability and innovation.

## 4. Strengthen privacy, protect journalists

### **Protect privacy comprehensively: No new attempt at chat control**

The discussions in recent years about the introduction of chat control (CSAM regulation) have shown how deeply rooted concerns about privacy and the protection of personal communication are in the population. The proposed chat control has attacked the right to privacy to an extent rarely seen before, as it would have made it possible to monitor and analyze private communications without cause. The introduction of chat control is in direct contradiction to the values and rights enshrined in the Charter of Fundamental Rights of the European Union.

- **Refrain from chat control altogether:** In view of the profound and proven encroachments on the fundamental rights of us all, we call on the EU to refrain from chat control and similar invasive surveillance measures altogether.
- **Fully protect digital communication and press secrecy:** The surveillance of end-to-end encrypted communication not only violates fundamental rights and jeopardizes the security of civil society and opposition activists, but also de facto undermines press secrecy and the protection of sources. Whistleblowers and media informants can no longer be sure that their information is protected. When in doubt, they will remain silent — this would jeopardize the very foundations of confidential communication as the basis for journalistic work.

### **A European plan to protect journalists is needed**

Journalists, as holders of professional secrecy, must be particularly protected from digital surveillance because they communicate regularly and confidentially with sensitive sources. Independent journalism is only possible if people can confidently turn to the media to expose wrongdoing. Through their critical work on corruption, organized crime or human rights violations, journalists and the media are increasingly becoming targets of state repression.

In 2024, many European journalists are still exposed to numerous physical and psychological threats. The European Recommendation on the protection, safety and empowerment of journalists — adopted by the Commission in 2021 — is not enough. We therefore call on the Commission to take additional measures without delay.

- **Surveillance measures must comply with international human rights and standards:**

In particular, the criteria of legality, necessity and proportionality must be taken into account in surveillance measures. Guarantees of protection must be enshrined in law. Targeted surveillance (which is only permitted in justified exceptional cases) must be accompanied by strict data protection provisions. Persons under surveillance must be proactively informed about the collection of their data and have the opportunity to effectively assert their rights before independent courts.

- **Implement an immediate moratorium on surveillance software:** The sale, trade and use of surveillance software in the EU and worldwide must be suspended immediately. The misuse of life-threatening spyware such as Predator and Pegasus must be fully and independently investigated in the EU. The misuse of this software jeopardizes civil society, opposition members, as well as activists and undermines the foundations of democracy. The surveillance of journalists is the most serious attack on press freedom in the EU and worldwide. It is to be ensured that EU member states fully comply with export control regulations and all European laws.

- **Protect confidential communication, implement the right to encryption and anonymity:** The right to encryption guarantees secure, confidential and free communication. This is particularly essential for journalists, their research and communication with confidential sources. The right to encryption is just as fundamental to civil society and activists. The EU must therefore take measures that provide comprehensive protection for encryption technologies on the internet and support their standard use throughout the EU.

- **Combat online censorship and state repression against journalists effectively and sustainably:** The European institutions must exert pressure on EU member states to punish crimes against journalists and effectively protect them from arbitrary surveillance, physical attacks and strategic lawsuits against public participation (SLAPPs).

## 5. A new era of free knowledge with a Digital Knowledge Act

In the digital era, free access to knowledge and education is fundamental to the promotion of an informed and empowered society. However, the current legal framework in the European Union poses a significant barrier for knowledge and education institutions to effectively fulfill their mission online. A Digital Knowledge Act offers a unique opportunity to overcome these barriers and promote equitable access to digital knowledge.

- **Guarantee comprehensive secondary publication rights:** This right ensures that results from publicly funded research are not only citable, but also made available through direct access. Researchers, journalists, NGOs and society as a whole would benefit equally from this right.
- **Ensure that official works, publicly commissioned studies, and anonymized court rulings are in the public domain:** Currently, these documents are barely accessible or not accessible at all, despite being funded with public money.
- **Establish a good faith research exception:** Even where knowledge institutions are permitted by law to access or share certain materials, they often shy away from doing so out of fear of being sued. In the US, public interest institutions are protected from paying damages when they act in good faith, believing that their actions are permitted by law. In Europe, the lack of such safeguards combined with a highly complex and fragmented legal framework, has a chilling effect on practitioners' exercise of user rights.
- **Introduce EU-wide eLending law:** Libraries as a space of free knowledge must retain their special position in the digital world in order to continuously ensure participation and equal opportunities through unrestricted access to information and knowledge, whether analog or online. In order for libraries to optimally guarantee the fundamental right to freedom of information, e-lending must be just as legally secure as the lending of physical books and be practically manageable for both libraries and their users. Restrictions on electronic lending, such as time limits, access only to partial quantities of new publications or overpriced license requirements, should be removed.
- **Ensure protection against abusive contractual practices:** Appropriate regulations should protect libraries, archives and other knowledge institutions from unfair contractual conditions that could upset the balance between these institutions and rights holders.

• **Remove geo-blocking of public broadcasting content:** As an additional component of the Digital Knowledge Act (or as a revision of the Audiovisual Media Services Directive), the public interest must be taken into greater account in the context of geo-blocking. While the EU has a digital single market in many respects, there are exceptions in the area of audiovisual and copyright-protected content. These often make it impossible to view or share content from public broadcasters in other EU countries, including for knowledge projects such as Wikipedia. Geoblocking of public service content should therefore be removed as far as possible within the EU in order to take account of the significant public interest in reliable information.

# Impressum

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## About the F5-Alliance

A democratic, inclusive and transparent digital policy must focus on the common good. This can only be realized if more voices are heard and involved. The F5 organizations represent a broad range of (digital) civil society and pool their expertise. Ensuring that a democratic digital society remains viable in the future is our goal. This is the standard to which we hold politics, businesses - and, of course, ourselves.

**[buendnis-f5.de](https://buendnis-f5.de)**

