

## Chapter 2

# Mapping the Beginning of the Information Society in the EEC/EU

### 2.1 Introduction

The beginnings of the Digital Single Market can be traced back to the European Economic Community, in tandem with the international evolutions regarding new technologies that were starting to be used in industry, services, or communication. At the same time, the Single Market, as we know it today, is the crystallization of the efforts of the Delors Commission, which streamlined the efforts to remove physical, technical, and fiscal barriers impeding the freedom of movement within the European Community. Actually, it is safe to say that the Delors Commission achieved some of the most important improvements of the EEC/EU, starting from the White Paper on Completing the Internal Market and culminating with the European Monetary Union and the Maastricht Treaty. It is indeed a crucial point in the European integration process.

During the tenure of the Delors Commissions (1985–1994), there was an accelerated effort to revive European construction and accelerate integration between Member States, effort boosted by the acknowledgment that, if the Community does not go forward, then it does not stagnate, but it actually goes backward. The acceleration of the integration efforts is the result of the pragmatic approach of Jacques Delors to pursue integration on several fronts, while being conscious that they converge to a bigger picture of the European Union. More specifically, the Internal Market Program, the reform of the Treaties, the enlargement, and especially, the creation of the European Union were efforts coming from different areas of the spectrum in order to converge into a stronger united Europe.

The puzzle contains a specific piece, which is the subject of this monograph, namely, the acceleration of integration in tandem with the pursuit of research and development, new technologies, the information society, and, ultimately, the Digital Single Market. In this sense, the purpose of this chapter is to pursue and map the evolution of the EEC/EU towards the information society and its relation to the European integration process. The importance of the first steps towards the

information society, the knowledge society, and the Digital Single Market lies in the fact that they help provide context to current policy approaches towards the Internet and other such “new technologies,” as they were labeled by Jacques Delors. The beginnings of the information society and technological approach of Europe are relevant to today’s digital policies.

In this sense, this section has three objectives. It starts by presenting and analyzing the framework for the development of the information society in the European Economic Community during the tenure of Jacques Delors. It traces the approach of the Community leadership towards the deployment of new technologies in European economy and society, and, also, it assesses the connection between research and development, new technology, and the evolution of European integration during Delors’ tenure and beyond. The tools used in these analyses are primary resources provided by the Jean Monnet Foundation for Europe in Lausanne, which holds the archives of Jacques Delors.

## 2.2 Building the Information Society: Context and Necessity

Five years before the creation and implementation of the World Wide Web project or what we know today as the Internet in colloquial terms, the European Community was undergoing some social and economic challenges, like low economic performance, high unemployment, or the retreat of the states from European integration under the form of tariff and nontariff barriers and protectionism within the internal market. The appointment of Jacques Delors as President of the Commission of the European Communities signaled a commitment to “restore Europe’s credibility,” “give the Community the economic, technological, financial and monetary force that it lacks now,” and end “feudal Europe” (Paolini 1985).

The road for accelerated liberalization in the European Economic Community started with the appointment of Jacques Delors at the head of the Commission of European Communities in 1985. Delors focused the debate on the Community’s economic and social performance and described it in dire terms, such as “feudal Europe,” in order to provide a pragmatic and straightforward approach to the future of European integration. In his views, feudal Europe “offers only barriers, customs, formalities, bureaucratic difficulties,” the very elements that were to be eliminated by accelerating the liberalization process of the market (Paolini 1985). A second characteristic illustrated often in Delors’ speeches and presentation refers either to a “lethargic Europe” or to eurosclerosis and europessimism, which must be combated with a pragmatic view of the evolution of Europe. In fighting eurosclerosis, Delors declares that “Europe is not a miracle remedy” (Delors 1985a). However, with a clear and channeled program, like the Internal Market Program, “it can help us solve our problems.” This objective could be obtained only by collective Community action, in the eyes of Delors, which would not to replace national policies, but would support them at a higher level. Before addressing the solutions

envisioned by Delors, among which technological development is a priority, it is important to track the challenges.

In his speeches at the beginning of his tenure, Delors diagnosed the internal and external issues faced by Europe, in an effort to provide context for his vision of the future of the Community, stating his responsibility “to provoke the discussions that will help us exit the lethargy of Europe” (Delors 1985b). The image of the Community, as portrayed by Delors, is of an entity stuck in a deadlock, with solutions in sight, but with lack of political will. The biggest internal issue faced by the Community, ever since the signing of the Treaty of Rome, was the persistence of barriers within the proclaimed internal market. Delors puts it eloquently: “to the general public border formalities, indeed the very existence of internal customs posts, provide striking evidence of our failure to create a common market” (Delors 1985c). The public perception of the failure to establish the internal market was a powerful image contributing to the lack of trust in Europe. On the other hand, the solution to the Community’s social and economic woes had already been created, with Article 2 of the Treaty of Rome: “the Community shall have as its task, by establishing a common market and progressively approximating the economic policies of Member States, to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increase in stability, an accelerated raising of the standard of living and closer relations between the States belonging to it” (European Commission 1957). The persistence of tariff, nontariff barriers, and border controls, a subject which will be tackled in a future chapter, was considered the main internal factor causing economic stagnation and poor growth, or, according to Delors, “the reduced dynamism of the European economy is not a symptom of inferiority in terms of human, capital or creative resources” (Delors 1985c). Delors recognized the potential of the larger market and committed to pursue the elimination of barriers. At the same time, he called for a more ample commitment to the internal market than the simple elimination of barriers, as a means of sustaining and multiplying the efforts of the Community and the Member States, or, more simply put, a concrete Europe, “a real Community [...] without constraints - where you can travel, dialogue, communicate, exchange” (Delors 1985b). By contrast, we can extrapolate that the Community of the 1970s and 1980s had been an artificial construction, with “rigid economies” and a nonexistent “European social space” (Delors 1985b).

When referring to the social issues of the Community, the biggest problem was massive unemployment, due to the economic crisis and the transformation of the industry due to new technologies. However, one vision is clear, namely, that the pursuit of the internal market was not a universal cure for such problems but rather more active efforts from Member States and a streamlined program from the Commission tackling different policy areas would be necessary. Additionally, according to Delors, the liberalization of the internal market should not be perceived as a generator of more unemployment. In this sense, he expressed this point of view numerous times, by saying that “the elimination of frontiers will not combat our effort to tackle unemployment, the Community must act the role of multiplier of national efforts” (Delors 1985b). The reassurances made by him were a testament to

his commitment of creating a European social space meant to protect European citizens and promote the European social model in this new liberal climate. In Delors' view, the completion of the single European market was "inseparable from cohesion," the pursuit of a more inclusive European society (Delors 1986a).

When looking at the relation between the Member States and the Community, more commitment from the Member States was considered necessary in this sense, or, as Delors puts it, the Community needed to act more swiftly in more policy areas. Hence, another issue framing the context for the pursuit of the internal market and new technologies was the insufficient framework of action by the Community from the treaties: "the modification of the Treaty is necessary to achieve the objectives of the Commission - especially regarding the internal market" (Delors 1985d). The Treaty of Rome had not been modified, updated, or upgraded to the new types of challenges facing the European Community, and a new framework for action and negotiation between Member States became a requirement, especially considering that, for instance, the Treaty of Rome had no reference towards a research and technological development policy. Delors repeatedly pointed out the interdependence between the internal market, social dialogue, cohesion, and technological cooperation, emphasizing that the Community lacked the dimension of multiplying Community policies to other areas. In other words, the *spillover* effect was stuck, due to insufficient action from Member States to expand the dimensions of the Community.

The objective of Delors to establish a "real Community" correlated then with the existence of an artificial construction, without tangible benefits to the regular European citizens. It needed to deal with these internal issues, as well as external challenges, coming from its main competitors, namely, the USA and Japan. The competitiveness gap between the EEC, on the one side, and USA and Japan, on the other, was extensively discussed and brought up by the President of the Commission in the beginning of his administration. Delors stated repeatedly that the Japanese and American models for development and growth could not be applied to Europe, due to its unique social model based on a "mixed economy founded on the interaction between market competition, public institutions and social negotiations" (Delors 1985e). However, the approach of the need to move forward with the European construction was framed in comparison to the aforementioned states. According to Delors, the Community could not risk becoming a second tier power, considering it had a bigger internal market than the two, but it underperformed. The international and European press at the time of Delors' taking of office underlined these aspects, by making the connection between the Community's external competition and the need for new leadership to "reverse its economic decline" (Washington Post 1985). The competitiveness gap between the three could be explained by the technological strength of the Community's competitors or "world giants in technology," as they were called. When discussing this, Delors almost always brought up not only the slow economic performance of the Community due to internal barriers but also the technological gap and the fact that it does not take advantage sufficiently of the potential of innovation, research, and development.

Indeed, the pursuit of new technologies was listed among the priorities of the Commission, considering that it was at the same time both an internal and external issue for the construction, internal because of the lack technological strategy within the Community and external because of the gap in competitiveness compared to Japan and the USA.

## 2.3 “New Technologies” in Society, Economy, and in the Community

The previous section outlined the context that prompted the prioritization of “new technologies” by the Delors Commission. In an effort to reduce economic decline of the Community, but also to assess the impact of this decline combined with the deployment of such new technologies, the Delors Commission prioritized technological and industrial cooperation as a goal for first term starting in 1985. In his speeches held between 1985 and 1987, he discussed “new technologies” extensively and emphasized their transformative impact. But before getting into the perceived impact of these new technologies and how they should be addressed, it is important to conceptualize this elusive concept and make the connection with the inception of the information society and knowledge society.

“New technologies” encompasses a vast domain of research and, in the approach of the President, they were not limited to the field of information and communication technology, as we know them today. With the Internet still under development and the World Wide Web not created yet (it was developed in 1989–1990 at CERN), the term “new technologies” was used to portray cutting-edge innovation in research with applicability in several fields, like services, industry, energy, biology, transport, or communication. These technologies range from telecommunication networks, to data processing software, to thermonuclear research or biotechnology. The vague, elusive, yet comprising name given to this array of technologies portrays the vastness of the possible applications. In the concentration of the efforts of the Community for development, growth, productivity, and employment, they were part of the research and development effort. Considering the time frame we are referring to in this section, these new technologies were indeed subject to research and development and a part of the cutting-edge technology that we now call reality. Indeed, information technologies have a specific importance in this array, considering that Delors raised them to the importance of other strategic industries, as “they carry as much weight as the motor or steel industries, the telecommunication and automation industries” (European Commission 1985).

Their potential, recognized as revolutionary, is evident in Delors’ assertion that they signal “the Third Industrial Revolution” (Delors 1985e). Delors qualifies the new technologies as follows: “the phenomenon of new technologies - is not the emergence of a new production sector with clearly defined products and identifiable markets. No, the phenomenon is all the more complex and powerful because it

affects all the people and processes involved in production” (European Commission 1985). By qualifying the revolutionary potential of these new technologies manifested in total disruption of social dialogue and production systems, he signals that they are to become general purpose technologies. Their potential for productivity and growth leads to constant improvement of an economy. The “across the board impact” was emphasized also by Delors in his many discussions on the subject, saying that “without fear of exaggeration today’s events will have a fundamental impact on our society, social relations and economic competitiveness” (European Commission 1985).

The gap between the revolutionary potential evoked by the President and the reality of their deployment into the Community stems from the internal and external issues and difficulties facing the supranational organization. The prioritization of technological development and cooperation between Member States mirrors the inferiority of the Community in this issue, compared to its external competitors. The low performance of the Community is manifested both in the input, namely, in the encouragement of innovation, and in the output, namely, in the modernization of European industries with new technologies. On the input side, Delors blames the protectionism of the 1970s and the economic crisis, which created a climate where there was no possibility for investments in technology, on the lack of innovation in the Community (Delors 1986b). On the output side, the commitment for modernization of industries and deployment of new technologies is met with the threat of social problems caused by the replacement of employees with technologies or, as Delors puts it, “the production processes are considerably affected - we produce more and sometimes better with fewer workforces in the industry and in services” (Delors 1985e). This statement signals social problems for the already problematic social climate in the Community. On the other hand, Delors, very much focused on the social dimension of the Community, pleaded for the creation of a single European space and the implementation of a cohesion policy, as responses to the dangers of concentration of wealth and to tackle development gaps between regions. By complementing the Internal Market Program with “support programs,” the Commission aimed to “avoid the concentration of wealth to certain regions” (Delors 1985a). Perhaps, more swiftly put, “the achievement of the single European market is inseparable from cohesion” (Delors 1986a).

A second reason for the low performance of the Community in terms of new technologies refers to the lack of collective action at a European level in the field of research and development. For once, the Treaty of Rome, which was the main legal framework of the Community, did not offer a framework for a common research and development policy by the Member States, simply because it lacked such a dimension entirely. However, Article 2 of the Treaty of Rome does mention “a continuous and balanced expansion” and “closer relations between the States” among the tasks of the European Economic Community. Extrapolating from this article, we can state that a research and development policy and a common agenda on the issue could have been established firmly in the name of enhanced cooperation between states. In fact, as of 1983, the leadership of the organization prioritized this need, by supporting the creation of the First Framework Programme. In relation to the lacking

collection action, we must also state the insufficient commitment to fund research and development projects by the Community and the Member States as a cause for the low performance of the use of new technologies in economy. Delors characterizes the R&D effort of the states and EEC as “modest” in terms of financing—“2% of public expenses and 3% of the Community budget” (Delors 1985f). In this sense, Delors emphasizes the need for more and better allocation of resources for investments in technology.

A concerted effort would be necessary to achieve this, and the necessary measures were the priorities of the Delors Commission, namely, the removal of barriers for a properly functioning internal market where resources could be distributed and competition would be encouraged, and better collective action and cooperation between Member States corroborated with a reinforcement of the European monetary system. The White Paper on Completing the Internal Market outlined the state of the internal market and proposed a series of solutions to eliminate physical, fiscal, and technical barriers. The document also contains references on “new technologies,” which have led to “the creation and development of new cross-border services which are playing an increasingly important role in the economy” (Commission of the European Communities 1985a). The document also includes into the fields of application of these “new technologies” the audiovisual services, information and data processing services, and computerized marketing and distribution services, which would have the chance to develop to their full potential only within a “large, unobstructed market” (Commission of the European Communities 1985a). Essentially, the strategy of the Delors Commission for economic revival was to build the connection between the need for an unobstructed market and the acceleration of technology take-up within the Community and technological cooperation.

This creed was reiterated at the Milan Council, where the intergovernmental level of the Community—the meeting of Member States—approved and encouraged this connection, specifically in an effort to build a Community dimension to technological development. A “technological Europe,” as this Community dimension was qualified, meant that the removal of barriers would contribute to enhanced cooperation in technology, which would lead to innovation and new applications of new technologies in the economy, which, in turn, would lead to economic growth. This dimension was also linked to other common policies, such as competition and trade policies (European Council 1985). Hence, both Member States and the Community expressed their commitment for the development of a technological policy focused on cooperation, not competition, essentially moving the spillover effect of neofunctionalism from the internal market to technology, research, and development. This vision points to the extension of the European construction to other fields, in a time where Delors proclaimed that “Europe is not a miracle remedy” and that European leaders must be pragmatic over the vision of future Europe (Delors 1985a).

The importance of a free internal market for the economic revival of the Community is clear, given that, according to Delors, it had scale and the power to stimulate competition. For technology and innovation, the internal market also



encouraged cooperation, “to generate the industrial strength needed to meet the challenges of high technology. The cooperation that arises when specialists can move freely within Europe. The cooperation between firms in the high technology sector to enable them to provide the technical strength and financial support required to compete with world-leading giants from America and Japan” (Delors 1986a). In a Community where information and communication technologies were insufficiently developed, there was a need for a space where researchers and innovators could move and work freely across borders precisely to help develop sectors, such as the information technology, before the widespread transmission of, which would eventually face a whole new array of barriers in the future. Hence, the inception of the information society in Europe primarily depended on the establishment of collective action aimed at stimulating the development of technologies and generating information and information services, which were “becoming more and more widely traded and valuable commodities” (Commission of the European Communities 1985a).

The extension of Community policies to other domains points a vision of “more Europe,” where Member States can interact in different manners to provide policy solutions to European issues. In this sense, it is necessary to defend the Community approach to “new technologies” against fragmented, national solutions. Delors defends this position in a speech delivered in Birmingham in 1986, a region suffering from industrial transformations and economic decline, where the internal market project was not popular for two reasons: that it might affect national identity and that the liberalization of the internal market would bring about more economic problems to the area. Delors’ answer to these concerns was as follows: “whatever is achieved at the European level, there is the need to remain in contact with the individual. And the local authorities are better positioned to do that, because it is so much closer to the individual” (Delors 1986a). Moreover, he stresses the need for cooperation between the local levels and Europe: “Europe cannot do everything. Brussels can provide technical and financial assistance, but it cannot replace local initiative” (Delors 1986a). The cooperation between different levels of governance and the contribution of collective action at a community level are frameworks meant to develop specialized policies, such as is the case for a technical domain as research and development. If we add the lack of competitiveness of the European Community compared to the economic and technological performance of the USA and Japan that was constantly proclaimed by Delors, we conclude that accelerated coordination of policies of states in research and development had to be integrated into the overall effort for European construction.

The Community dimension of technological development was inspired by research projects across Europe, projects which were not included in the traditional European system of unification. Initiatives for cooperation in research, like EUREKA, were inspirations for the Community vision towards technology, research, and development. EUREKA, cited numerously by Delors, an example of intergovernmental cooperation, was founded in 1985 to provide a framework for cooperation between researchers, institutes, and academics. According to Delors, three elements were necessary to promote technological development: “the market,



intergovernmental cooperation and Community cooperation” (Delors 1985c). He does not unify the intergovernmental approach with the Community approach, signaling that a technological policy at the European level would not replace the national dimension, but rather the latter aims to complement the former, the national dimension.

In this sense, the Community action was focused on two directions, the crystallization of a research and development policy to be inscribed into the Single European Act—the first reform of the Treaty establishing the European Economic Community—and the promotion of a Framework Programme meant to finance research across Europe, in a manner similar to EUREKA.

## 2.4 The Community Dimension: Booster for the Information Society

The Single European Act (SEA) was adopted in 1986, and it was the first time when an explicit research and development policy was circumscribed into a treaty of the European Economic Community. Entitled *Research and Technological Development*, Title VI within Article 24 of the SEA, it debuts by proclaiming the Community’s aim in this regard: “the Community’s aim shall be to strengthen the scientific and technological basis of European industry and to encourage it to become more competitive at international level” (Official Journal of the European Communities 1987a). Then, paragraph 2 identifies the interest groups involved in policy, namely, “small and medium-sized undertakings, research centres and universities” (Official Journal of the European Communities 1987a). Moreover, the same article conditions the achievement of the aforementioned goal on the connection “between the common research and technological development effort, the establishment of the internal market and the implementation of common policies, particularly as regards competition and trade” (Official Journal of the European Communities 1987a).

At this instance, there is no direct connection with the idea of an information society, where citizens become technology users and their technological skills are highly necessary to survive in a changing labor market. Research and technological development are directed, in the Single Act, mostly towards the European industry and specialized interest groups—enterprises, research centers, and universities. Mostly, we identify an economic, albeit high-tech, facet of the future information society. However, as mentioned above, there is a deep connection between the internal market and the possibilities enabled by research and development, evident in paragraph 2 of Article 24, which encourages enterprises and other interest groups to cooperate and to engage in R&D activities. The Community’s role is to “support their efforts to co-operate with one another, aiming notably at enabling undertakings to exploit the Community’s internal market potential to the full, in particular through the opening up of national public contracts, the definition of common standards and

the removal of legal and fiscal barriers to that co-operation” (Official Journal of the European Communities 1987a).

From the Treaty, we assess that the main actor in research and technological development is the Council, because it adopts the proposals for the overall priorities of the multi-annual framework, the rules and regulations, as well as the financing, along with the European Parliament, based on proposals coming from the Commission. Moreover, Member States, “in liaison with the Commission, coordinate among themselves the policies and programmes carried out at national level.” However, the Commission acts as the “driving force,” because it comes up with the proposals “on its own initiative”, reviews the Framework Programme, and “follows its implementation,” according to an early memorandum of the Commission, dating from 1985 (Commission of the European Communities 1985b). The formulation within the Treaty grants the Council the main rule, considering that it actually adopts the proposals of the Commission through negotiation of national interests. Hence, the elaboration of public policies with respect to technology, research, and development is based on an open coordination of policies, with the Commission as the initiator of policies and the Council as the main decider. Delors explained this even further in a 1990 interview, when asked whether the Commission should push for more harmonization of research and development policies. His answer was based on the institutional architecture within the Single European Act, and he emphasized the delicate role that the Commission played: “it is clear that the mission of the Commission is not to infringe upon national policies. With relation to the principle of subsidiarity, the role of the Community is well defined: bring about added value, of coordination for example, and not to substitute itself on national policies. There are complementarities and convergence between community and national actions” (ANWAR Magazine 1990). While respecting the national policies, Delors actively pushed for more commitment from national governments for a truly European effort for competitiveness on the global stage.

Still, before the adoption of the Treaty, the Commission’s arguments towards a Community dimension started from overall problems faced by every state in the organization and culminated with an argument for a truly European response, in the form of a “genuine European technology community, which exploits the Community dimension” (Commission of the European Communities 1985b). At first sight, the proposal of a genuine community points to a genuine European dimension towards technology, research, and development, wherein the policy is strategized exclusively at the European level, especially considering one of the reasons cited by the Commission for the poor performance in this field: dispersed national research and development efforts “depriving the Community of the synergetic effects” (Commission of the European Communities 1985b). Moreover, the clash between the Community dimension and the national dimension is mentioned yet again in the same Memorandum in two senses, namely, that the Community’s institutional system “needs to be made more effective and more democratic” and that the same institutional system remains “the only guarantee for the European identity and common interests against the weight of national sovereignties, legitimately concerned to put national interests first” (Commission of the European Communities 1985b).

Even in such a technical domain, and a crucial one for the economic recovery of the Community, national interests play a major role in adopting and implementing such a European public policy.

The very name of the construction proposed by the Commission, a *genuine European technological community*, is diluted in the policy proposal regarding Europe's technological effort, judging from the methods of cooperation within this community. Firstly, the Commission is, indeed the driving force behind the initiatives for support for technological development of the entire Community, but it has to deal with different interests, the most important of which are, as we mentioned, national interests. Secondly, the method proposed for this policy is "flexible cooperation," which would bring together partners, such as "governments, firms and research centres" and would "lead to the establishment of industrial consortia and the organization of intergovernmental cooperation" (Commission of the European Communities 1985b). This double measure in approaching the European technological community may stem from the process of European construction, which was, still at the time, under development, especially with the incomplete internal market and the persistent national interests that delayed the integration process.

However, the Commission's memorandum emphasizes the lack of explicit legal background for such a community or common policy, but it does define the basis for it: "the European Economic Community is the basis for launching a true European Technology Community—so designed as to allow Member States to reserve or restrict their participation to certain programmes only" (Commission of the European Communities 1985b). In this statement, the Commission describes a Community *a la carte*, where state can choose to participate in certain programs, which is accurate considering that intergovernmental cooperation had taken the place of neofunctionalist principles before the adoption of the Single European Act. It was only at the Single European Act that the overall aim of the community became "the European Communities and European Political Co-operation shall have as their objective to contribute together to making concrete progress towards European unity" (Official Journal of the European Communities 1987a). The Memorandum bases its Technological Community on the European Economic Community, as an additional layer to European integration.

The European technological community is diluted later in 1985 to become "technological Europe," after the Milan European Council (European Council 1985). Similarly, it is also diluted by Delors in an intervention to the General Affairs Council in October 1985 (Delors 1985g). Losing the qualifier "community," the policy initiative by the Milan Council was to establish that new technologies were linked to growing competitiveness; thus "it decided to give the Community a technological dimension" (European Council 1985). The significance of dropping this qualifier lies in the idea that technological cooperation must remain a common yet not a single policy, for the overall Community in an effort to appease eventual national interests and already existing efforts. As a result, the multilateral Community dimension was a shared competence between the European level and the national level. Delors lists the advantages of this multilateral approach: better understanding of innovation and exchanging of knowledge by creating a community of researchers,

optimum allocation of resources, and the coming together of companies (Delors 1985g). Far from becoming a true community, the effort for a better development of the approach to technology within the Community was based on several characteristics that can be considered as features of the new era of technology or the Third Industrial Revolution: cooperation, constant and exponential innovation, knowledge, information, and data as the main commodities.

At this stage, the efforts to build an information society, a technological community, or, simply, a technological Europe were limited to bringing together research efforts, encouraging the mobility and cooperation between researchers and interested parties, from governments to the industry. We may qualify it as specialized information society or indeed a technological community, focused on targeted policies to bring about innovation in Europe and transpose this into the economy. The social aspects of the information society or the influence of technology into daily lives of Europeans were also limited to the possibility that jobs would be lost due to technological improvement in industry.

## **2.5 Research and Technological Development: Creating the Basic Architecture of the Information Society (1985–1994)**

The introduction of a specific policy framework in the Single European Act in 1986 entrusted the Commission to come up with specific policy initiatives and financing frameworks. Based on those clarifications, the Commission adopted the Framework Programme for technological development in 1986, which would be valid for 1987 to 1991. It was the Second Framework Programme, after the one adopted in 1984, containing eight major priorities:

1. The quality of life concerning health and environment.
2. Towards a large market and information and communications society—essentially an amplification of Esprit program concerning electronics and information.
3. Circulatory system of the large market—telecommunications.
4. The application of new technologies in the modernization of industrial sectors.
5. The pursuit and update of the action with regard to energy.
6. Biotechnology.
7. Exploitation of funds and valorization of marine resources.
8. Europe of researchers (Docquier 1986). See also CORDIS (2015a).

This is the first instance when the term *information society* is explicitly used in Delors' tenure, but it is not explained or detailed in the Second Framework Programme, except for the activities listed within this strategic objective, namely, information technologies, telecommunications, and new services of common interest (Official Journal of the European Communities 1987b). Once again, the

Community made the connection between the *large market* and *new technologies* by focusing the objective related to the information society on the development of its basic architecture. This is evident if we take a look at the proposed objectives of all the aforementioned activities, such as for information technology, “to contribute to the development of international standards,” or for telecommunications, “establishing on the world market a strong, even leading, position of the Community telecommunication manufacturing, operating and service industries in integrated and broadband communications on the basis of the accelerated development of a strong and competitive Community market for telecommunications equipment and services” (Official Journal of the European Communities 1987b). Such objectives are concerned with the overall architecture of a society that would be more and more shaped by the emergence of new technologies. Interoperability and functionality in a network became basic requirements for any digital activity, but they required involvement from researchers, industry, and policy-makers to be shaped. This is where the internal market project is symbiotic to the information society, because its completion would encourage the transfer of researchers across borders, researchers who would have the chance to innovate thanks to their qualifications and expertise. If free movement of researchers was ensured, then knowledge could also pass borders. In this case, Delors talked about more than a simple community of research, where researchers could collaborate, but about a “research market open to the movement of people and knowledge, a market for research that offers innovation products” (Delors 1988a). Simply put, the free movement of researchers would encourage innovation and new technologies, thanks to the internal market.

Information technology and telecommunications, as well as the electronics industry, were the creating forces behind the inception of such an information society in the European Economic Community in the 1980s. The Second Framework Programme was focused on such issues, while at the same time, it was the first coordinated policy approach, since the Single European Act sanctioned the existence of a Community dimension in terms of research and technological development and explicitly connected it to the internal market project. After the adoption of the Single Act, the priority of the Commission led by Delors was to implement the policies contained within, policies tied strictly to the process of European integration. Delors’ passionate yet pragmatic plea for the continuation of the integration process, containing such new elements, like “European policies on research and technology, on the environment, on working conditions,” and based on the enforcement of the Single Act, would lead the Community out of the “vague free-trade area topped off with a few financial transfers” and into the “genuine common economic area, the prerequisite for the European Union” (CVCE 1987).

This theme is repeated across Delors’ presidency in his speeches and addresses to both private sector and Community institutions, corroborated with a plea for enhanced cooperation both between Member States and between researchers and interested parties across the Community. His main arguments for this are constant references successful projects, like ESPRIT or RACE, which encourage technological cooperation between different countries and pool together resources and talents (Delors 1988b).

On the other hand, the action of the Community in this policy was highly dependent on the negotiation and interaction between Member States at the Council table, which, according to the SEA, decides on the budget and orientations of specific policies, after a proposal by the Commission. This is where Delors' voice intervened, because such negotiation and squabble over budgetary concerns delayed the deployment of the Second Framework Programme (1987–1991). National interest and financial concerns took precedence, and the Commission's proposal for a Community budget of 10.35 billion ECU was countered with a Council offer of no more than 3.5 billion ECU (Docquier 1986). In the end, the compromise was reached at a maximum of 5.4 billion ECU, according to the Council Decision (Official Journal of the European Communities 1987b).

The program was still delayed, a fact emphasized by Delors himself, as he criticized the lack of commitment of Member States to provide sufficient financial assistance to research programs: "it is time that national governments exited their narrow nationalism and unite their financial resources and human resource potential" (Delors 1988b). Budgetary issues were sensitive national issues, which would determine a delay in implementation. A second reason for such delay would be the reluctance to transfer resources to the Community level, which would translate into a dilution of national sovereignty. This could be especially valid, considering the accelerated process of integration put in place by Delors with the internal market and the reform of the institutional system to streamline decision-making at Community level. Addressing the European Parliament, he connected the delay of the budget with a lack of credibility of the Community, saying the following: "is this procrastination, especially where research is concerned, to be interpreted as indicating suspicion of the Community? Far from harboring any ambition to set up in competition with Member States, we are actuated by the wish to lend support to desirable, essential cooperation between players on the economic scene" (CVCE 1987). Essentially, Delors delivered an argumentation against the perceived idea that the existence of research and development policy at Community level would enter in competition with similar policies from Member States. He spoke about an issue that should be tackled at the European level, considering both the international competition and the fragmentation from within. The essence of the public policy on research and development for the building of the information society had been built by Delors in the form of a coordination policy, as well as pooling and redistribution of resources across the territory in the name of a greater purpose and on medium term. The method used by the Commission was "the framework programme approach," which "consists in lending assistance to others' initiatives, not in seeking to replace them" (CVCE 1987). By providing this explanation, Delors aimed to bridge the gap between national preferences and expectations and the Community approach, which might have been deemed too expansionist, considering that it required financial efforts from Member States.

Despite its delayed approval, the contribution of the Second Framework Programme (FP2) was useful for the development of the information society, with its mainly "industrial aim," focused on bridging the gap between the potential of the internal market and high-tech research (Commission of the European Communities



1992). The evaluation of the program performed in 1992 highlighted the challenges of assessing the performance and progress of technological development in a short period of time, given that high-tech research would be focused on building the future society and new economy, essentially long-term goals. Despite the quantitative results pointing to a successful deployment of the Framework Programme, manifested in a number of patents and standards adopted, the true testament to its success would have to rest in qualitative progress for the industry and citizens alike. The evaluation report emphasizes this situation, confirming the “suboptimal commercialization of results, despite the financial means invested by the partners in projects and the orienting of programmes towards the needs of users” (Commission of the European Communities 1992). Here, we can ascertain another feature of the future information society, besides the already mentioned cooperation as a means of interaction, namely, user orientation. Of course, regular citizens had not become full-fledged users within the information society, because of the early stages of its development. The citizens’ relation to information, technology, and knowledge was manifested mostly through employment, given that information technology was not fully deployed in society, as is the case nowadays. Moreover, different standards and protocols to operate on the Internet made it difficult to cooperate and create informational networks.

The Commission’s evaluation stresses the importance and benefits of cooperation to the success of research and development, without prejudice to the costs involved for technological innovation: “the benefits collectively derived from multinational cooperation exceed considerably the extra costs involved, benefits include privileged access to other sources of knowledge, skills and equipment, and an accelerated transfer of innovations within permanent cooperative structures and networks” (Commission of the European Communities 1992). We must connect the statement regarding the supremacy of benefits versus the costs involved in financing research and development with Delors’ constant pleas for Member States to commit more to a true European effort for technological development, regardless of the costs involved. The same collaboration and need for enhanced cooperation were emphasized in the evaluation report as a means of building cohesion, stating that “collaboration in itself has a positive effect on cohesion” (Commission of the European Communities 1992). Following the same logic of redistribution, both structural cohesion policy and the R&D policy work towards the same overall goal of development, with similar instruments and principles—such as collaboration or implementation of European-funded projects based on a series of strategic objectives. In this sense, the evaluation report explicitly made this connection, stating that “the growing participation of enterprises from the less favoured regions (LFRJ), mostly SMEs, helps reinforce social and economic cohesion in the Community. Community R&D activities have contributed significantly to reducing the isolation of researchers and to stimulating national scientific systems” (Commission of the European Communities 1992). Essentially, the development of the information society with such initiatives, like FP2, required synergies and coherence from other Community policies, for common overall goals, namely, “addressing social and economic priorities, such as health care, transport and flexible training” (Commission



of the European Communities 1992). For instance, the report states that the ESPRIT program was guided by “the need to contribute to the establishment of a Single Market and the convergence of the economic policies of the Member States; to strengthening the international competitiveness of the sector actors (industry, operators, service providers and users), and to regional development and to social and economic cohesion” (Commission of the European Communities 1992). The issue of cohesion matters in the overall architecture of the information society, because the overall level of socioeconomic development affects the deployment of information technology tools, both hardware and software, and the ability of citizens to become users and active participants in the information society. On the other hand, the report, for instance, highlights the connection between central and peripheral regions by means of telecommunication infrastructure and the interconnection of broadband communications (Commission of the European Communities 1992). In this case, open and interoperable standards also play an important role in connecting regions more easily.

The Third Framework Programme, valid between 1990 and 1994, was focused on three major lines, with six strategic objectives:

- Enabling technologies:
  - Information and communication technologies
  - Industrial and materials technologies
- Management of natural resources:
  - Environment
  - Life sciences and technologies
  - Energy
- Management of intellectual resources:
  - Human capital and mobility (Official Journal of the European Communities 1990)

The activities within the program are more concentrated than FP2, but we observe that the term *information society* is no longer featured within the strategic objectives of the research and development policy. However, the program does display a socioeconomic component, given that the concerns addressed by it and featured in the Council Decision included the need to increase “economic and social cohesion whilst ensuring the scientific and technical excellence of research projects” and “taking into account environmental protection and the quality of life” (Official Journal of the European Communities 1990).

The justification for the prioritization of information and communication technologies put the users at the center of the strategy, considering the “increased requirements of users regarding standardized systems and trans-European services networks to assist in unifying the European area” (Official Journal of the European Communities 1990). Moreover, the emphasis is not only put on *information* as a feature of the new era of technology, but there is a renewed commitment towards

networked *communication*—based on an already established architecture, on interconnectivity, and adapted to the needs of the users (Official Journal of the European Communities 1990). Moreover, FP3 features the need for security of information, as well as the idea that there are barriers to information exchange, which are to be tackled by improving the quality, reliability, and ease of use (Official Journal of the European Communities 1990). In the presentation of the research policy framework, there is an acute acknowledgment that citizens have become users and they must be able to benefit from interoperability, security, and ease of use and that the large internal market depends on “new services, new requirements, and information exchange.” The strategy recognizes the social effects of new technologies, by emphasizing the benefits they bring to “questions of transport, health, problems related to the handicapped, problems of training, problems of links between libraries and rural areas,” thus putting another building block on the information society (Official Journal of the European Communities 1990). Essentially, the acknowledgment of the impact of these technologies in such areas also brought a territorial dimension to the deployment of new technologies. The fact that rural areas had limited access to new technologies created digital or informational barriers. Additionally, economic and social cohesion was introduced once again among the “six major concerns” of the Third Framework Programme, hinting at the existence of discrepancies between citizens, who had become users, not only in social and economic opportunities but also in technological ones (Official Journal of the European Communities 1990).

FP3 acknowledges the European dimension of research and technology, as well as the interconnection of citizens turned users across borders, while noting that the policy challenge represented by the deployment of new technologies was too big to be handled only by a multinational Framework Programme and had to be approached in collaboration and coordination with major interest groups, such as “information and communications industries, telecommunications operators, providers of telecommunications services and pioneer users of advanced communications” (Official Journal of the European Communities 1990).

The policy model did not aim at an exclusive Community dimension where private interest groups and citizens were bound to respect the European strategy, but rather it was an open policy model based on coordination of national and European public interests in this respect, along with the private sector, which was the main driver for innovation. In the development of the information society and deployment of new technologies, the role of the Community dimension was designed to channel the energies from the private sector and the national authorities for those higher purposes. The Framework Programmes were such policy instruments aimed at channeling private and public energies, but they required efforts from the national decision-making level in terms of financing. In this sense, Delors constantly argued for the multiplication of national efforts to allocate budgetary resources, stating about FP3 that it had a larger budget negotiated by the Council, but “it is far from the 6% Community budget negotiated” previously (ANWAR Magazine 1990). Also, he specifically tied the Framework Programmes to “trans-European cooperation” and the creation of the technological Community (ANWAR Magazine 1990).

During the Delors Commission, the acceleration of the efforts to contribute to the creation of the information society was a bit overshadowed by renewed efforts for more integration in economic and monetary policies. Hence, as of the 1990s, in parallel with the efforts to put into place the internal market, the focus of Community policies and negotiation turned to the establishment of an economic and monetary union, as the next step in the creation of the European Union. Consequently, the promotion of research and technological development was not one of the Commission's main priorities, given the troublesome negotiation process involving the creation of a new currency and the disagreement over the advancement of the social policy of the Union. These points of contention shared one thing in common with the research and development policy, namely, what Delors described as "national interest" delaying the advancement of European integration. If in the case of social policy and the monetary union, the interest revolved mainly around sovereignty and preferences issues, in the case of R&D policy, national interest manifested mostly in budget negotiations.

The importance of the Maastricht Treaty for the internal market and the research and development was related to the fact that it added a new layer to the two policies, which were represented by the newly founded European Union and put forward by the expression "ever closer union" (Lubers 1991). They would become a point of justification for further integration and coordinated European efforts for targeted policies, such as digital policies. Perhaps, more significantly, the Treaty on the European Union (Maastricht Treaty) provided another layer for the development of the information society, besides the research and technological development. What was different from the Single European Act was that Maastricht introduced the concept of "trans-European networks," conceptualized as follows in the Treaty on the European Union: "to help achieve the objectives referred to in Articles 7a and 130a and to enable citizens of the Union, economic operators and regional and local communities to derive full benefit from the setting up of an area without internal frontiers, the Community shall contribute to the establishment and development of trans-European networks in the areas of transport, telecommunications and energy infrastructures" (Council of the European Communities, Commission of the European Communities 1992). Once again, the internal market without frontiers was connected to technological advancement in telecommunications. The European leaders realized that citizens connect best beyond borders with the help of networks. In telecommunications, networks are the primary tools used to bring citizens together, but they rely on constant investments in technological development. For that matter, the second paragraph of the article provided the Community with the objective in this sense, namely, "promoting interconnection and interoperability of national networks, as well as access to such networks" (Council of the European Communities, Commission of the European Communities 1992).

The next article of the chapter on these networks emphasized the policy approaches and the interaction of the actors in boosting such networks. Given that networks are by definition transnational, once again, the Community dimension was deemed the best setting to implement such network policies. However, the role of the Community was limited to establishing "a series of guidelines, covering the

objectives, priorities and broad lines of measures” and implementing “any measures that may prove necessary to ensure the interoperability of the networks, in particular in the field of technical standardization” (Council of the European Communities, Commission of the European Communities 1992). In the view of the treaty, the Community acts as the coordinator focused on the general framework of the network, but it is also in charge of implementing measures necessary to improve and boost interoperability of networks. In other words, the Community took the leading role once again, in a similar manner to the case of technical standardization within the internal market.

Another action point of the Community in issues related to trans-European networks referred to the financial support. In the words of the treaty, the Community “may support the financial efforts made by the Member States for projects of common interest financed by Member States, which are identified in the framework of the guidelines referred to in the first indent, particularly through feasibility studies, loan guarantees or interest-rate subsidies” (Council of the European Communities, Commission of the European Communities 1992). When moving from coordination to actual financial support, the Community involvement was diluted, leaving room for the Member States to act primarily. The involvement was diluted by means of treaty language, from “shall implement” to “may support” the efforts of Member States. The financial commitment of the Community was subordinated to the common interest identified by the Member States. Despite the fact that this title had a clear “trans-European” focus, the policy intervention belonged to the coordination of Member States efforts, while the Commission acted as a liaison (Council of the European Communities, Commission of the European Communities 1992).

In the building process of the information society, the technical aspects are best addressed at the Community level for two reasons. Firstly, like in the previous phases of the European integration, technical issues were the easiest means of bringing states together in a seemingly harmless manner for the national level. In this sense, a poignant example is represented by the bringing together of coal and steel production in the 1950s. Hence, in a limited domain, large Community action was permitted and encouraged. Secondly, due to Delors’ efforts, the internal market had been officially launched by 1992, and the internal area without frontiers and barriers had become a reality. As it is stated in the Treaty, the Community needs to give the market new instruments to function properly, and one of the instruments is represented by transnational networks. The acknowledgment of the importance of transnational telecommunications in the wider context of the internal market was another step towards the building of the information society and the future Digital Single Market as a separate space.

The next title in the Treaty on European Union (TEU) relevant for the information society and digital policies is the title on Research and Technological Development. Compared to the references to this policy from the Single European Act (SEA), the research and technology policy cycle did not suffer major changes. However, two changes were relevant for policy implementation across the Community. Firstly, while the title from the SEA referenced directly the connection between the research and technological development policy with the internal market

and coordination of other policies, TEU dropped this reference and replaced it with the following paragraph: “all Community activities under this Treaty in the area of research and technological development, including demonstration projects, shall be decided on and implemented in accordance with the provisions of this Title” (Council of the European Communities, Commission of the European Communities 1992).

The second significant change refers to the role of policy actors in the implementation of this policy, especially related to the relation between the Member States and the Community. In the Single European Act, Article 130 h emphasized that “Member States shall, in liaison with the Commission, co-ordinate among themselves the policies and programmes carried out at national level. In close contact with the Member States, the Commission may take any useful initiative to promote such co-ordination” (Official Journal of the European Communities 1987a). The national level was still responsible with the implementation and coordination of policies, while the Community level was represented by the Commission, which assumed the role of liaison and promoter of Member States initiatives. On the other hand, at the same time and the same article in the TEU, we now see a Community policy along with the national policies: “the Community and the Member States shall coordinate their research technological development activities so as to ensure that national policies Community policy are mutually consistent” (Council of the European Communities, Commission of the European Communities 1992). The Community dimension truly exists in this article, based on the fact that the treaty sanctions a Community policy on research and technological development, which is separate from Member States policies, but it remains coordinated with the national level.

## 2.6 The Information Society Beyond Delors’ Tenure

With Delors’ tenure ending in 1993 to align the mandates with the ones of the European Parliament, his tenure ended with a White Paper discussing the overall situation of the European Union in light of economic crisis, the launch of the Single Market, and growing unemployment. In the document, Delors introduced once again the term “information society,” characterized by a major upheaval of the traditional makeup of society and economy. The information society was based on innovation, determining new information and communication technologies, which, more specifically, “generate new forms of economic and social organization, the structure of which is no longer subject to geographical constraints, but depends on telecommunications networks” (Commission of the European Communities 1993). Given that the information society was a massive shift from the traditional forms, the White Paper argued for an appropriate regulatory framework and for a more adaptable European environment, in terms of citizens, public authorities, and the private sector: “there needs to be a collective effort and a political framework so that

the measures to be taken can be implemented as quickly as possible" (Commission of the European Communities 1993).

The actors involved in the development of the information society were also emphasized: the private sector, which has to take the lead in the reform process with adequate investments in the development of the infrastructure, accompanied by the public sector, which has the duty to provide a regulatory framework to promote business investments in technology and to encourage citizens to enhance their digital skills. If the private sector was in charge with investments in infrastructure and technology, the White Paper also explained the role of public authorities, either European or national ones. It was aimed at addressing the demand side in the informational markets and the information society, namely, addressing "the societal implications," from impact on the labor force to social exclusion. Moreover, the public sector was in charge of bringing the private sector and the society together in a regulatory framework, characterized by the removal of barriers, by policies aimed at encouraging businesses to develop in this field in Europe, and by promoting the labor skills necessary for the information society (Commission of the European Communities 1993).

The White Paper also introduced another term that is instrumental in mapping the information society in the European Union, namely, "common information area," more specifically the crystallization of a series of policy priorities for the deployment of ICT in society and economy:

- Diffusion of best practice and development of European ICT applications
- Creation and enforcement of a legal, regulatory, and political environment encouraging private initiative by opening up market to competition, taking due account of the interests of the Community
- Development of basic trans-European telecom services
- Provision of specific training
- Technology take-up and improvement of the performance of European ICT industries (Commission of the European Communities 1993)

These priorities provide an all-around approach to the revolutionary character of the information technology, signaling that the information society refers not only to the transformation of the economy (with measures to create a regulatory framework aimed at boosting the digital economy) but also to the complete change of people's lives due to technology used in communication (with the encouragement of trans-European network) or in the labor market (with the provision of adequate training).

In this sense, the approach of the information society had begun to move away from a strictly sectoral view, connected to research and technological development, given that, as of the 1990s, technological expansion had already become mainstream. This is best expressed by the European institutions, lawmakers, and decision-makers in the documents discussing these issues in the framework of a "new industrial revolution." Looking at the principles of the "common information area" in this final Delors White Paper—development of ICT applications, liberalization of the telecommunication sector, standardization, and a trans-European

infrastructure—we conclude that this configured space serves actually as a post-territorial basis for the development of the information society. It is post-territorial because the area, referring to a new type of space, is beyond the classical view of territory, given that technology creates not only new models for the economy and society, it creates a new foundation for them, namely, the digital space. The White Paper emphasizes “the invisible levels” of the common information area: “the information itself, the hardware and the software, the physical infrastructure, the basic telecom services, the applications, the users” (Commission of the European Communities 1993). Then, how can we make the difference between a common information area and the information society? Indeed, both have information at their core, but if we look at the levels of the common information area, we find that five out of six are related to technical aspects: information, hardware, physical infrastructure, telecom services, and applications. The user is at the final level, while the public and/or private sector is seen only from the point of view of the technical services that they can foster or regulate. In this sense, the White Paper did establish a connection or a delimitation between the information society and the common information area; it only emphasized the benefits of the crystallization of the latter, as follows: “a factor for economic and social improvement” and “a factor for economic and social cohesion” (Commission of the European Communities 1993).

On the other hand, the information society entails a much more deep connection between the users and the information existent in the common information area. The users are not alone; they are a part of a society crystallized in a different space, the digital space. As technology progresses, so does the quality and the quantity of information available in the digital space, but also users grow in numbers. Moreover, the interaction between them in the digital space becomes more and more complex, basically transforming users into bona fide citizen-users, who use technology in their daily lives, in the public and private sectors. The “common information area” is artificially created in this White Paper, but it refers to a core principle of what will become the Digital Single Market, namely, a common space supported by proper technology, proper policies, and digital competences for the entire European Union.

The Delors White Paper was presented to the European Council, the intergovernmental body situated at the core of the European leadership, which, among others, addressed the broad directions of research and development, as well as the information society. At the Brussels meeting in December 1993, the representatives of Member States discussed the White Paper and its priorities and actions at the Community level. The priorities were the following: full use of Single Market, trans-European networks in transport and energy, infrastructures in the sphere of information, funding of the energy, transport and environment networks and infrastructures in the sphere of information, research Framework Programme for 1994–1998, and social dialogue (European Council 1993). In discussing “infrastructure in the sphere of information,” the intergovernmental body requested the preparation of a report by “group of prominent persons fully representative of all relevant industries in the Union and of users and consumers” on the following topics: “development and inter-operability of networks for facilitating the dissemination of



information, trans-European basic services (databanks, electronic mail, interactive video, etc.), new applications” (European Council 1993).

Michael Bangemann, the Commissioner for the Internal Market and Industrial Affairs, created a high-level group to produce the landmark Bangemann report, entitled “Europe and the Global Information Society” (European Commission 1994). In the Bangemann report, there was no reference to a perceived common information area; rather the authors focused on the structural and systemic changes brought by about the information society, and, as previous documents, they treated these changes in terms of a complete revolution, stating that it “adds new capacities to human knowledge and constitutes a resource which changes the way we both work and live together” (European Commission 1994). On the other hand, the report did not offer only an optimistic view of the information society, because it also emphasized the dangers of incomplete policies and strategies, which can lead to more fragmentation, as well as a “the creation of a two-tier society of have and have-nots, in which only a part of the population has access to the new technology, is comfortable using it and can fully enjoy its benefits. There is a danger that individuals will reject the new information culture and its instruments. Such a risk is inherent in the process of structural change” (European Commission 1994). Hence, the objectives drawn in the action plan of the report were connected not only to harnessing the benefits of these new types of society but also to mitigating such risks.

We mark this step towards a more comprehensive view of the future of the European economy and society as an advance towards the information society in terms of policy approaches. In this sense, the Bangemann report acknowledges overall benefits of technology with the following: “an information society is a means to achieve so many of the Union’s objectives” (European Commission 1994). What about the Union’s grand objective of an “ever closer union”? The report points to this direction, namely, that the achievement of a true information society and the productive use of technology are beneficial for the entire Union. However, it also acknowledges the dangers of fragmentation and lack of coordinated action: “the only question is whether this will be a strategic creation for the whole Union, or a more fragmented and much less effective amalgam of individual initiatives by Member States, with repercussions on every policy area, from the single market to cohesion” (European Commission 1994). Consequently, the information society must be “a creation” of the Union, based on a clear regulatory framework and strategically targeted policies, according to the views of the report. In this sense, the report connects to other policy domains of the Union, such as cohesion—between regions, with expectations that it will help in the expression of their cultural identities, and between citizens with expectations that “the information society has the potential to improve the quality of life of Europe’s citizens, the efficiency of our social and economic organization and to reinforce cohesion” (European Commission 1994). The entanglement of information society policies with other policies, such as education, training, or cohesion, points to the idea often underlined by the Bangemann high-level group, namely, that the changes due to technology are revolutionary and sweep across sectors, countries, and societies.

The report also discusses the roles of policy actors involved in this comprehensive process. Essentially, their roles are reiterated from previous policy documents and White Papers cited above. The role of the private actors is to “be the driving force,” while the government’s task is “to safeguard competitive forces and ensure a strong and lasting political welcome for the information society, so that demand-pull can finance growth here as elsewhere” (European Commission 1994). Moreover, the interaction between the public, the private, and the citizens must lead to new types of policies, given that, in the views of the authors, “technological progress and the evolution of the market mean that Europe must make a break from policies based on principles which belong to a time before the advent of the information revolution” (European Commission 1994).

Essentially, the recommendations given by the report are based on the fact that the information society represents a structural, systemic change affecting every fabric of society. The specificity of the information society envisioned by the Bangemann report relates exactly to this revolutionary character of these technologies. Given that there is a multitude of actors involved in the policy both as policy-makers and as targets, the report issues certain warnings if the right approach is not being pursued by the European Union. On the one hand, Europeans “must be prepared” with “education, training and promotion,” while “private investment is the main driving force” (European Commission 1994). The European institutions, private sector, and the citizens form a policy triangle, as the public sector is in charge with regulating and “safeguarding the competitive forces,” while the private sector handles the flow of investment. Finally, the citizens benefit from both directions, but they must have the proper social and economic climate in order to benefit properly from technology. In this sense, the report mentions that there are certain risks involved in the deployment of technology for the formation of the information society: “either we grasp the opportunities before us and master the risks, or we bow to them, together with all the uncertainties this may entail.” The main risk that is discussed refers to the separation of the information society into “a two tier society of have and have-nots” (European Commission 1994). Thus, we observe an early mention of a digital divide in the information society of the European Union, defined simply as the access or lack of access to technology.

Finally, having observed the infancy of the information society in the European Union, the Bangemann report issues a series of recommendations, which are based on the policy triangle mentioned above. Hence, policies are directed in two directions. For the private sector, the goals are to provide the correct regulatory framework and foster competition in the sector with such policies, like the pursuit of unitary open standards for the deployment of infrastructure in the information society or to ensure a minimum regulatory standard. However, the direct policies targeted at citizens are not detailed enough in this report, despite the fact that risks, such as the rejection of technology by users, are listed. Still, the policies mentioned above target the citizens indirectly by creating the framework for the participation of users in the information society. Actually, the main mission of the public sector in the relation between citizens and technology relates to the efforts to prepare the former to accept these sweeping changes in society, as it is stipulated in the report:

“a great deal of effort must be put into securing widespread public acceptance and actual use of the new technology” (European Commission 1994).

The report was discussed at the supranational level at the European Council meeting in Corfu, on June 24–25, 1994. Among the discussions of the Delors White Paper within the Council, “fully exploiting the possibilities and opportunities offered by the information society” had become one of the priorities of the European Union, along with the reinforced coordination of the research policy (Council of the European Union 1994). We observe that technological development has been separated from the research policy, with the advent of the information society and the technological revolution. The view of the Council, in this sense, agreed with the Bangemann report and stated that “the current unprecedented technological revolution in the area of information opens up vast possibilities for economic progress, employment and the quality of life, while simultaneously representing a major challenge” (Council of the European Union 1994). However, despite this framework, the main actors in the information society were the companies, the private sector, as it is stated in the conclusions: “it is primarily up to the private sector to respond to this challenge, by evaluating what is at stake and taking the necessary initiatives, notably in the matter of financing” (Council of the European Union 1994). Consequently, we find that the involvement of the supranational level in the fostering of the information society is secondary, when it comes to providing financing for the development of the sector. However, the Council did emphasize the positions of the supranational level, represented by the Community, and the national level in that they are responsible for “backing up this development by giving political impetus, creating a clear and stable regulatory framework (notably as regards access to markets, compatibility between networks, intellectual property rights, data protection and copyright) and by setting an example in areas which come under their aegis” (Council of the European Union 1994).

Once again, the approach of the supranational level is that the information society is changing economy and society overall, but, even so, its involvement was circumscribed to the regulation of the field, while the only concerns related to citizens and their participation in the information society are those related to data protection. The Council conclusions emphasized coordination as the policy mechanism used for the advancement of the information society and detailed the setting up of a specific coordination mechanism made up of private actors and public sector representatives “at ministerial level from each Member State for co-ordinating all aspects of the subject (political, financial and regulatory) with a view *inter alia* to ensuring a co-ordinated approach in the Council.” As in the previous policy documents, Member States and European institutions coordinate their policy approaches for advancing the information society, without a major stance being taken by the supranational level.

However, the relation between research policy and information society remained persistent at the level of other policy instruments, namely, the Framework Programmes (FP). More specifically, “the information sector and biotechnology are of particular importance” within the FP valid for 1994–1999 (Council of the European Union 1994). The priorities of the program in relation to the information

society referred to the following three domains: advanced communication technologies and services, information technologies, and telematics applications (CORDIS 2015b). Telematics applications “refer to all the systems (hardware and software) and services (distance training, teleworking, telemedicine, remote management of road or air traffic etc.) which use combinations of these technologies” (Official Journal of the European Communities 1994a). The focus on Advanced Communications Technology and Services (ACTS) was “to accelerate deployment of advanced communications infrastructures and services” (CORDIS 2009a). Finally, the information technology priority is related to the development of hardware and software necessary for European companies, with long- and short-term research, technologies for business processes. The three priorities complement each other with ACTS acting as the basis for the efforts, given that it was tasked with the building of the information infrastructure, while telematics and information technologies cover social and economic aspects of the new information society. As with the previous initiatives, this particular policy instrument was based on Article 130 of the Treaty on the European Union, which detailed the interaction between policy actors in the implementation and fulfillment of the objectives. In this sense, the Commission was in charge of the implementation and monitoring, with assistance from Member States representatives, for issues related to program changes, and from experts in the field. Moreover, the interaction between the supranational level and the national level in the field is expressed in terms of complementarity between Community efforts and Member States efforts in the field of research and technological development.

The motivations presented in the Council Decision that approved the program prove the shift of research, technological development, and information society policies from cutting-edge activities in a niche of the European economy to the forefront of the European policies. This is obvious from statements like: “the purpose of Community RTD in accordance with the objectives laid down in the Treaty should be to foster a prosperous Community based on industrial competitiveness, quality of life and sustainable development” or “the formulation and implementation of the Community’s policies and actions must take into account the objectives related to economic and social cohesion” (Official Journal of the European Communities 1994b). The connection with the internal market is marked by the discussion of the information infrastructure, which aims to contribute to the development of trans-European networks. Hence, the connection between the information society and the internal market was taken over from previous programs and from Delors’ view on the internal market, who continuously emphasized the connection between research and technological development and the development of the single European space. Compared to Delors’ tenure where such policy instruments like the Framework Programmes “followed a technology-push policy aimed at a growing IT industry,” the research of the 1990s, a decade marked by the explosion of the communication and the advent of the World Wide Web, entailed that “the programme is to a greater extent to be led by the needs of users and the market” (Official Journal of the European Communities 1994b).

The same context is illustrated within the discussion of the telematics applications program within FP4, as such “the new focus of RTD in the specific programme on telematics applications is the use of the emerging information and communications infrastructure, which will provide the basis of the information society of the future” (Official Journal of the European Communities 1994a). The acceptance of the emergence of an information society provides the basis for this reconfiguration of the research and technological policies.

These FP4 priorities discuss the emergence of the information society from two major points of view, which would become major themes in the Union's digital policies. Firstly, there is reference to cutting-edge technology to underpin the competitiveness of the European economy, which had been featured also in the previous research and technological development programs. Secondly, the emergence of an information society is more and more referenced by putting the European citizen in the center. For that matter, the FP4 objectives focus also on the socioeconomic effects of such technologies, as it is stated in the Council Decision on the program on telematics that “there is also a need to carry out research, in liaison with the targeted socio-economic research programme, firstly into the social impact of telematics applications on the organization of production and labour and secondly into the interaction between the European citizen and the information infrastructure” (Official Journal of the European Communities 1994a).

Concern with the socioeconomic issues is also discussed in the justification of the information technologies priorities, given that they “increasingly underpin all production and service industries, and are also the vehicle for a growing number of societal services such as health, education, transport and entertainment and culture” (Official Journal of the European Communities 1994a). In this sense, the same Council Decision discussed the societal effects the Community policies affected by information technologies. On the one hand, it was acknowledged that the social aspects, namely, the “relationship between the citizen-user and the new information society,” were of paramount importance for the correct exploitation of the potential offered by the new information infrastructure, defined as “the set of services and technologies providing easy access to usable information to any citizen or enterprise, at any time, in any place” (Official Journal of the European Communities 1994b).

Information infrastructure is another network precursor of the Digital Single Market of 2017, along with the single *information space* or other similar terms, given that it is defined in terms of easy access for users, without restrictions of time and place. Hence, it refers to a borderless network connecting users across countries and providing information to everyone connected. Another concept relevant for this analysis is the discussion about the “citizen-user,” given the focus of the program on users and the market. Firstly, the term is the epitome of the focus of the new program, namely, putting the European citizens in the center of research, technological development for the information society. Given the increased references to this new type of society, where information is the main commodity and citizens communicate with each other increasingly using this new information infrastructure, the interactions between citizens and enterprises or between citizens and enterprises

and the public sector take place in a technological framework. However, this concept does signal that certain parts of the society, which do not have access to information and communication technologies, may get left behind and that one must have access to the information infrastructure to fully qualify for the statute of *citizens*. Hence, when putting the user at the center of the technology debate, the digital divide issue arises. Even if it is not presented under this terminology, the issue of the technological gaps existent between regions, states, and users was discussed in FP4, specifically within the information technologies priority, as such: “‘universal’ access to this information environment must become a political priority, failing which the differences between social strata within a country, and between countries and regions, could widen” (Official Journal of the European Communities 1994b). Universal access signals that access to new technologies should be widespread and made easier for the citizen-users across the territory of the European Union, in order to fight the gaps in access. However, the current definition of digital divide refers also to gaps in terms of usage and skills between users, but the climate of the 1990s focused more on ensuring access to technology. The shifting focus on promoting skills necessary for the new type of society is evident through other projects within the FP4 framework.

The European Commission was a major player in this sense, given that it offered financial assistance to the development of the World Wide Web project within the FP4 framework. “Web for schools” is an example of a program that helped spread the idea of the WWW that started at the beginning of the 1990s at CERN. Its aim was to “contribute to the creation of the Information Society by preparing the ground for a concerted effort to establish a community of teachers all over Europe” (CORDIS 1998). Moreover, the objectives reflect a desire to contribute to the crystallization of the information society with the help of education, more specifically, by contributing to the improvement of digital skills. Hence, the main objectives were to create Internet infrastructure in secondary schools, to help provide transfer of knowledge from teachers to students, and to help create communities on the World Wide Web (CORDIS 1998). In the description of project, the authors emphasize the definition of the information society in contrast with the simple extension of the information infrastructure, which was actually a focus in FP4, as seen above. Its definition, according to the project objective, is “a society of people able to cope with the fast changing Information Technology (IT) and who are skilled in making effective use of IT in obtaining its goals” (CORDIS 1998). The aim and objectives of the project completely reflect this definition of the information society by using education and community building within the newly created World Wide Web. A number of similar other projects were developed with this purpose in mind, to build the information society, proof that the shift from pure IT industry to information society had been complete with the popularization of the World Wide Web.



## 2.7 From the Information Society to the Digital Market

The transformative effect of new technologies for the European economy and society has been evident so far. The next step in the mapping of the information society is represented by a gradual shift in terminology and conceptualization of the impact of ICTs in the European Union. The shift from information society to digital market points to the fact that, increasingly, the economic impact of the Internet and the World Wide Web had become a priority. This is because, even if we have established that information and communication technology began to underpin all major European policies, the prospect of a complete new type of economy had eluded the major policy discussions.

Hence, the layers of the discussion about ICT in the EU have become complicated. From research and technological development that is beneficial for the European industry, the shift went to ensuring the infrastructure across Europe and, finally, to the social impact of such transformations, both in a positive and in a negative manner.

In the Fifth Framework Programme, stretching from 1998 to 2002, there is a reference to the information society within its main thematic programs, which were quality of life and management of living resources, user-friendly information society, competitive and sustainable growth, and energy, environment, and sustainable development (CORDIS 2009b). From a policy point of view, the Fifth Framework Programme was administered as the previous ones, without any changes. Hence, the Commission was in charge of the implementation and monitoring, while the evaluation would be done by the Commission in conjunction with independent private experts. A novel item in the implementation of this new program was the categorization of priorities within them into “key actions,” research of a generic nature, and activities in support of research infrastructure (Official Journal of the European Communities 1998). The key actions would have “a clear European focus” and were defined as “a cluster of small and large, applied, generic and, as appropriate, basic research projects directed towards a common European challenge or problem not excluding global issues” (Official Journal of the European Communities 1998). The differentiation of key actions was a clear effort by European institutions to put a more supranational focus on research and technological development issues. The analysis of the key actions within the “user friendly information society” priority gives away the new types of European challenges for the future of the information society. These are:

- Systems and services for the citizen
- New methods of work and electronic commerce
- Multimedia content and tools
- Essential technologies and infrastructures (Official Journal of the European Communities 1998)

Firstly, the shift towards a user-centered approach was signaled within the name of the priority, while the justification of the actions focused on socioeconomic



aspects, like “tackling the issues of access and ease of use,” which are considered important priorities. Moreover, another relevant fact was the acknowledgment of the advent of a new type of society, where technology supports all domains, like transport, education, etc. (Official Journal of the European Communities 1998). Here we find the first steps in digitization, efforts that are still undergoing in the context of the Digital Single Market. The orientation towards the citizen was aimed at building true digital communities, with technology at the basis of all interactions in society.

In the midst of the transformation of the European Union beyond the year 2000, the information society agenda was pushed forward within the Lisbon Agenda for the year 2010. In a plan that was similar to the Delors White Paper of 1993, it contained a specific focus on *an information society for all*, whose objectives were:

- To digitize citizens and the private and public sector
- To help develop digital skills across Europe
- To build inclusiveness in the information society (Commission of the European Communities 1999)

Besides the traditional task of the information society to build new economies and foster competitiveness, the discussion within *eEurope* moved once again to the dangers of social division and to the catching-up process that the European Union had to make compared to its main competitors. The first issue is related to the main objectives mentioned above, which can be circumscribed into one major priority that was *pushing efforts for digital literacy*, namely, the necessary skills each European should have in the information society. The second issue referred to what would become a major focus point of future digital strategies, namely, that the new “digital” economy of the European Union lagging behind its competitors. These two converge to a major challenge to be tackled by the digital policies of the European Union, the growing digital barriers hindering the development of digital skills, as well as the digital economy. The eEurope strategy emphasized several digital barriers existent in the information society, which can be seen through the lens of the definition of the digital divide:

- Generally expensive, insecure, and slow access to the Internet and e-commerce—access
- An insufficient digitally literate online population—skills
- Lack of a sufficiently dynamic, entrepreneurial, service-oriented culture—usage
- A public sector which is not playing a sufficiently active role in enabling the development of new applications and services (Commission of the European Communities 1999)—usage

The digital divide is defined as the gap in terms of access, usage, and skills between citizens. The aforementioned digital barriers catalogued in the European Union correspond exactly to these facets. Specifically, the lack of digital literacy can be ascribed to divide in terms of skills, the expensive and slow Internet infrastructure to digital divide in terms of access, while the final two (lack of an

entrepreneurial culture and poor public sector performance) are ascribed to digital divide in terms of skills and usage.

These objectives are circumscribed to a series of European actions (e.g., cheaper Internet access, accelerating e-commerce, healthcare online, government online, etc.), for which the strategy requires a common effort from the national and supra-national levels. The diversity of the actions required by the eEurope strategy points once again to the revolutionary character of new technologies, but, at the same time, it requires concerted action from both levels. As such, each target set within the eEurope actions requires the participation of the Member States, in issues like access, health care, or transport, in the frontlines, while the Commission is in charge of providing policy review, support, and assistance for these targets.

Previous examples, like the Single Market and the Euro, provided the impetus for such a coordinated effort, as “Europe has already successfully realised such historic political projects as the Single Market and the Euro. There is no reason why the Union cannot take the political step to produce a similar forward looking, dynamic response to the new economy” (Commission of the European Communities 1999). The project of the information society and new economy is likened to groundbreaking projects for the European integration process, like the Single Market and the Monetary Union, pointing to the transformative impact that they have on European integration.

The period up to 2010 in the discussion of digital policies was marked by the Lisbon Agenda, an umbrella strategy meant to make the European economy the most competitive economy in the world. The Sixth Framework Programme was fully framed within the objective formulated at the Lisbon Council in March 2000, namely, to transform the European economy into “the most competitive and dynamic knowledge-driven economy by 2010” (Euractiv 2004). Information society continues to be one of the main action points in this research and development program, part of the priority entitled “focusing and integration Community research” (Official Journal of the European Communities 2002). The other priorities were:

- Structuring the European Research Area
- Strengthening the foundations of the European Research Area (Official Journal of the European Communities 2002)

All these priorities strengthened the idea of a common policy for research and technological development, without actually projecting the idea of a common policy at the European level, considering that the Treaty on the European Union established the structure of the EU research and technological development. Hence, in terms of policy administration, the Sixth Framework Programme within the research and technological development policy complements the activities of Member States in the field, “coordinating the activities to ensure national policies and Community policy are mutually consistent” (Official Journal of the European Communities 2002). In keeping with the Lisbon strategy, especially the document referring to building an information society for all, one of the prime focuses of FP6 was the citizen, the user. The reference to the “citizen-user” was dropped compared to previous versions, pointing to the idea that access or lack of access to technology could

influence the citizenship statute of users. Nevertheless, the user was still at the center of the approach, evident from FP6 actions:

- Life sciences, genomics, and biotechnology for health
- Information society technologies
- Nanotechnologies and nanosciences, knowledge-based multifunctional materials, and new production processes and devices
- Aeronautics and space
- Food quality and safety
- Sustainable development, global change, and ecosystems
- Citizens and governance in a knowledge-based society (Official Journal of the European Communities 2002)

Two major priorities are relevant for the construction of the information society in the European Union, namely, “information society technologies” and “citizens and governance in a knowledge-based society.” Under the last update of this program, the strategic objective of the first priority was to address major socioeconomic challenges, such as e-inclusion, innovative government, or e-learning. The objective of the first thematic action was in terms with the eEurope initiative, “to stimulate the development in Europe of both hardware and software technologies and applications at the heart of the creation of the information society in order to increase the competitiveness of European industry and allow European citizens in all Union regions the possibility of benefiting fully from the development of the knowledge-based society” (Official Journal of the European Communities 2002). This quote put forward another important term for the evolution of the information society, also mentioned in the Lisbon Agenda, namely, the “knowledge-based society.” From the abovementioned quote, we extrapolate that the information society is an intermediary step towards the knowledge-based society. The information produced by the hardware and software development within FP6 is transformed into knowledge by digitally skilled Europeans, thus building a more competitive economy and smarter society, the knowledge society.

Hence, investments were pursued in upgrading and innovating new technologies, as well as in providing users with the necessary skills to use them. Beyond the traditional focus on the global impact that technology had and the need to advance technologies in all areas of the economy and society, two novel issues arose in the new approach of the information society: electronic commerce, as well as privacy and security rights for users, included in the “integrating research into technological areas of priority interest for citizens and businesses” technological priority. Firstly, electronic commerce is a result of the transformations of the economy in light of the Internet, but at the same time, the ubiquitous presence of the Internet in citizens’ lives from participating in digital markets to interacting with the government using technologies has created not only new opportunities for growth but new types of concerns, such as privacy and protection of information. For the information society to function properly, new policies have to be enacted in an effort to keep the pace with its development. Hence, privacy and security issues become policy issues in the European Union, which must be addressed.

The second priority that is paramount for the development of the information society refers to educating citizens about this transition, making them aware of the new relations existent among them and between them and the institutions (Official Journal of the European Communities 2002). In this sense, the role of research in the information society would be to translate these changes into citizens' lives. Beyond all the research performed within FP6, this priority had a unique objective, namely, to connect Europe, the information society, and the citizens, with actions, such as "the connection between the knowledge-based society and social cohesion, citizenship, democracy and new forms of governance, in particular in the context of increased integration and globalisation" (Official Journal of the European Communities 2002).

The next Framework Program, FP7 2007–2013, dropped any reference to the information society within its priorities, focusing on its next phase, namely, the knowledge society. Its objectives moved towards more "frontier knowledge" as they focus on the following:

- Transnational cooperation at every scale
- Enhancement of "the dynamism, creativity and excellence of European research at the frontier of knowledge"
- Strengthening of the "human potential in research and technology in Europe" (Official Journal of the European Union 2006)

Based on these objectives, it was split into four priority areas: people, capacities, ideas, and cooperation, with cooperation actions in fields, such as "health, food, agriculture, and fisheries, information and communication technologies, environment, transport, space, security," or actions such as "science in society." The first priority actions were emphasized as having a concrete Community dimension, contributing to the Lisbon objective of building a competitive knowledge-based economy. Regarding the ICT action, its objective was to "improve the competitiveness of European industry and enabling Europe to master and shape the future developments of ICT so that the demands of its society and economy are met. ICT is at the very core of the knowledge-based society" (Official Journal of the European Union 2006). Despite no direct reference to the information society, the focus of the ICT action was to bring innovation closer to citizens and businesses, with a view of also helping to reduce "digital divide and social exclusion" (Official Journal of the European Union 2006). The digital divide issue was mentioned for the first time in an effort to advance the information society, but it was not directly targeted by this policy instrument.

In terms of the context of the implementation of this program in the wider context of the European Union, this period was marked by a new Treaty reform, with the Treaty of Lisbon, as well as the declared failure to achieve the Lisbon objective by 2010. Moreover, the economic and financial crisis that affected the European Union determined a reconsideration of EU strategies, which were gathered under the umbrella of Europe 2020.

Firstly, in tandem with FP7, the Commission issued a Communication on the information society in 2005, entitled "i2010 - A European Information Society for

growth and employment,” putting together information society policies and audio-visual policies (Eur-Lex 2009). The basis for this European Information Society was the creation of a Single European Space, along with “promoting innovation and investment in research into information and communication technologies (ICT); achieving an inclusive European information and media society” (Eur-Lex 2009). Compared to the approval and implementation of the Framework Programmes tasked to deliver technological innovation for the building of the information society, such strategies like i2010 or the Digital Agenda for Europe mark the shift in policy proposals and enforcement, given that the Commission took center stage in its attempts to create the proper regulatory framework. Similar to the Single Market policy, the Commission is the main actor involved in providing or reviewing the proper policy framework, but it also helps channel financial instruments “to stimulate investment in strategic research and to overcome bottlenecks to widespread ICT innovation” and to support “policies to address eInclusion and quality of life” (Commission of the European Communities 2005). The comprehensive approach is a continuation of the 2002 eEurope strategy, but its prime focus is on creating the proper single space for the development of the information society, without barriers. The Commission’s attributions in pursuing the strategies can be divided into three categories, namely, leading actor in pursuing the proper regulatory framework, partner actor by channeling financial instruments for research, such as FP7, and, finally, support actor for social policies in the digital age. These attributions are in conformity with its competences within the Treaty. The second type of actor involved in such a strategy is the Member State, tasked to coordinate its national research policies with the European Research area, to increase spending, as well as to transpose the regulatory framework into its national legislation (Commission of the European Communities 2005).

The evaluation of the strategy showed that the measures to get more people online were successful, while the infrastructure of the Internet was also developed and the digital market increased sharply (Eur-Lex 2009). However, once more people enter the information society, their digital skills must be calibrated to the new reality. The single information space pursued by the strategy fell short of implementation due to fragmentation of the digital economy, even if this failure was not cited directly in the review (Commission of the European Communities 2009). Evidence to this fact was the continuous pursuit of a Digital Single Market by the European Commission. Up to the Digital Agenda for Europe, the digital policies for the new economy were under the umbrella of the Single Market regulation, but they are separate due to the continuous development of the digital economy. The focus has shifted towards a digital market for the European Union, to boosting international competitiveness of the Union in comparison to the USA or other competitors and boosting the digital skills of Europeans. I2010 is a precursor of the Digital Agenda for Europe, which was called for by the European Council after having acknowledged the conclusions of the Commission with regard to digital policies in the Union.

## 2.8 Advent of the Digital Single Market

With the signing of the Lisbon Treaty, the European Union received a specific set of competences divided into three types: exclusive, shared, and supporting competences. According to Article 3 of the TFEU, exclusive competences are those areas of policies wherein only the Union can adopt the legal framework and includes the customs unions, the competition rules in relation to the functioning of the Single Market, monetary policy, trade policy, and in signing international agreements under certain conditions (Official Journal of the European Union 2012). Shared competences are those where both Member States and the European Union can adopt legal framework and are stipulated in Article 4 of the treaty: internal market, social policy, socioeconomic and territorial cohesion, agriculture, environment, consumer protection, transport, trans-European networks, energy, area of freedom, security and justice, and, finally, safety concerns in public health matters (Official Journal of the European Union 2012). The support competences are laid out in Article 6 of the TFEU, as domains where the Union can “support, coordinate or supplement the actions of Member States”: protection and improvement of human health, industry, culture, tourism, education, vocational training, youth and sport, civil protection, and administrative cooperation.

In some policy areas, the Union’s competences are not precisely defined, but it has the power to conduct activities of policies in domains where Member States are sovereign. In this regard, treaty language is highly important. More specifically, the Union can, in some cases, “carry out activities, in particular to define and implement programmes” (Official Journal of the European Union 2012). These domains are research and technological development and space. At the same time, in other areas, Article 4 of the TFEU (the same containing shared competences) states the following: “in the areas of development cooperation and humanitarian aid, the Union shall have competence to carry out activities and conduct a common policy.” Both paragraphs end in the same contention, namely, a limitation of the Union’s actions that “the exercise of that competence shall not result in Member States being prevented from exercising theirs” (Official Journal of the European Union 2012). But it is clear that the Union can only perform certain activities in the case of research and technological development, without necessarily developing a common policy, as it is allowed in the case of development cooperation and humanitarian aid. At the same time, the organization of the research and technological development policy has remained the same from previous legal frameworks of the European Union.

Hence, we conclude that the research and technological development policy of the Union is ambiguously defined as a series of activities, specifically programs, along with their implementation. At the same time, another ambiguity must be emphasized. For this, we pose a question: the importance of ICT, more specifically the proverbial Internet, having been established for the European economy and society, why is there no specific digital competence of the Union established in the Lisbon Treaty? From the development of the information society, its transformation into a knowledge society, and, then, to the idea of a Digital Single Market, the need



for adequate policy instruments has risen deeply in the European Union. At first, the research and technological development policy of the Community was required to explain the efforts to develop technology. But, as innovation pursued further, this policy could not address and explain fully the phenomena taking place in the European society and economy. Issues related to the digital economy have been circumscribed to the Single Market policy, which is a shared competence between the states and the Union. But issues related to the digital skills or digital divide are social, thus being included in the social policy of the Union. The constant innovation taking place in the lives of citizens, companies, and in the public administration has shifted the point of view of technology in society and economy from high-tech, innovative solutions that are inaccessible to most to the daily reality. This means that the advanced digital skills from two decades ago are now basic digital skills, in tandem with the progress of hardware and software. The difficulty of circumscribing a clear digital policy for the Union stems firstly from this idea, namely, that the digital field has an elusive character, in that there is constant innovation and more and more fields are being digitized and transformed.

Despite no official digital competence for the Union, the process of advancing the information society in the context of deepening technology continued in the European Union with some of its most advanced policy efforts yet. The conclusions in the evaluation of *i2010* referred to the pursuit of a digital agenda “to meet the emerging challenges, to create a world beating infrastructure and unlock the potential of the internet as a driver of growth and the basis for open innovation, creativity and participation” (Commission of the European Communities 2009). The purpose of the agenda, as seen from the quote, refers to idea that the Internet has become general purpose technology. This idea is tackled in another comprehensive policy approach, namely, the Digital Agenda for Europe.

The transition from information society, passing through knowledge society, to the Digital Single Market is complete in the Digital Agenda for Europe, whose objective is “to chart a course to maximise the social and economic potential of ICT, most notably the internet, a vital medium of economic and societal activity: for doing business, working, playing, communicating and expressing ourselves freely” (European Commission 2010). Its flagship initiative has been the Digital Single Market, a digital space corresponding to the Single Market of the European Union, where online goods and services and, especially, information and knowledge travel freely from one Member State to the other. This program pursues the deepening technology agenda while pursuing “an integrated approach with regard to the importance of the ICT sector in Europe” (Mărcuț 2016). Three major failures of previous strategies are also emphasized in this document. Firstly, the fragmentation stemming from lack of interoperability and an incomplete legal framework in the European digital space causes distortions in the development of a truly Digital Single Market. Secondly, issues related to security and trust in such digital market or network must be reinforced, issues that had not been addressed properly in the previous policy documents. Thirdly, social issues stemming from lack of access to Internet infrastructure and lack of skills necessary for the digital market are tackled by the Digital Agenda. The vast approach of the Digital Agenda for Europe correlated

with the idea that ICT and the Internet have come to underpin major portions of contemporary society and economy.

The Agenda had eight strategic directions, reflecting the three main challenges mentioned above:

- A vibrant Digital Single Market.
- Interoperability and standards.
- Trust and security.
- Fast and ultrafast Internet access.
- Research and innovation.
- Enhancing digital literacy, skills, and inclusion.
- ICT enables benefits for society.
- International aspects of the Digital Agenda (European Commission 2010).

All these dimensions prove the comprehensive strategic policy effort of the European Commission, but, at the same time, they prove the difficulty of properly addressing digital policies, due to the large domains where technology exerts change. Compared to previous strategies, the Digital Agenda for Europe distinguished the creation of the digital space in Europe, by focusing on the building of the Digital Single Market, a space that has been differentiated from the Single Market, based on the four freedoms. All the other initiatives gravitate under this prerogative. For instance, in a fully functioning Digital Single Market, the information travels freely across Member State borders at fast speeds, but, at the same time, ultrafast Internet access helps develop small- and medium-sized enterprises to position themselves better in the new economy. Moreover, users must be encouraged to constantly improve their digital skills in order to be more competitive in the new labor market, where digital skills are paramount.

The governance of the Digital Agenda for Europe is complicated, according to the document itself and to the different policy agendas involved within the use of technology in the European Union, as it was explained above. The main players in the Digital Agenda are the group of Commissioners involved across different policy areas, while the European Parliament, the Member States, and interested stakeholders cooperate with the Commission. At the same time, the national level, the Member States are also involved, given that the Commission was tasked to report to the European Parliament on the progress of the Digital Agenda (European Commission 2010). Despite this complicated policy effort, or perhaps to streamline these efforts, the previous Commission had a special portfolio, the Vice-President of the Commission, who was in charge with the Digital Agenda for Europe.

The measures stipulated by the Digital Agenda for Europe stemmed from regulation proposals to overviews of current legislation concerning issues, such as e-commerce or privacy, guidelines for intellectual property rights, or recommendations in various domains (European Commission 2010). In terms of targets, the most recent progress report dates back to 2015 and provides the big picture with regard to Digital Agenda priorities, such as Internet coverage and access, cross-border e-commerce, digital skills, etc. As mentioned above, the report cites the absence of a functioning Digital Single Market on the poor performance of the

digital economy in the Union (European Commission 2015a). Among the successes of the Digital Agenda, the report cites increasing Internet use by European citizens, rise in fast Internet access, and growth in e-commerce. However, digital convergence is not complete, given that, despite growing numbers of regular and frequent Internet users, figures vary between Member States (European Commission 2015a). Other missed targets are also relevant for the progress towards the Digital Single Market, the most notable one being poor use of cross-border e-commerce services. The report states that “while 44% of citizens shop online nationally, only 15% cross a border to another Member State when doing so (9% do both, while 6% buy only from abroad, mostly in smaller Member States with a less developed offer)” (European Commission 2015a). This is the clearest example explaining the malfunctioning of the Digital Single Market, namely, when users use the Internet to shop and purchase services, but they stay within their national borders, choosing national e-commerce operators. Other missteps in the Digital Agenda for Europe include the insufficient rollout of the roaming legislation, which is to be implemented by June 15, 2017, but only after the implementation of the Digital Single Market Strategy of 2015.

## 2.9 Digital Single Market Towards a Data Economy/Data Society

The final steps of the metamorphosis of the information society were laid out in 2015, when a new Commission took over, along with new initiatives in digital policies. The importance of the Digital Agenda was preserved within the structure of the European Commission, given that the portfolio of one of the Vice-Presidents was to be in charge of the Digital Single Market. At the same time, the new Commission split the digital efforts into two portfolios with some overlap in policy areas. More specifically, Andrus Ansip received the post of Vice-President for the Digital Single Market in charge with the following responsibilities:

- “Leading the project team “Digital Single Market”
- Creating a connected Digital Single Market and making Europe a world leader in information and communication technology
- Breaking down national silos in telecoms regulation, in copyright and data protection legislation, and in the management of radio waves
- Helping build the framework conditions for protecting citizens online, including fighting against cybercrime
- Simplifying consumer rules for online shopping
- Mobilizing additional public and private investment for infrastructure such as broadband networks
- Promoting digital and eGovernment approaches in national and EU administrations

- Supporting the development of cultural and creative industries in Europe” (Holbourn 2015)

The Commissioner’s responsibilities resemble the priority areas of the Digital Single Market with focus on the Digital Single Market (creating a connected Digital Single Market), interoperability (breaking down national silos in telecoms regulation, simplifying consumer rules for online shopping), trust and security (protecting citizens online), fast and ultrafast Internet access (public and private investment for infrastructure), or ICT for society (e-government, the development of cultural and creative industries in Europe). The clear focus on digital skills and digital inclusion is missing from Ansip’s portfolio, as well as from the portfolio on the Digital Economy and Society, but they are included within the Digital Single Market Strategy, the new flagship initiative in terms of digital policies by the new Commission, which is to be discussed further in this section.

At the same time, the Commission created a second portfolio on digital policies, entitled the Commissioner for the Digital Economy and Society, which was help up to January 1, 2017 by Gunther Oettinger, but is due to be transferred under Bulgaria, as the final candidate is Mariya Gabriel (European Commission 2017a). According to the mission letter delivered by President Juncker to her, the objectives of this portfolio are:

- Streamlining efforts to adopt legislative proposals within the Digital Single Market Strategy
- Developing proposals for a more secure and trustworthy digital space within Europe
- Focusing on the “deployment of high-quality digital network infrastructure, underpinning all sectors of the economy across borders”
- Building successful creative industries in Europe and developing further digital transmission technologies
- Promoting “freedom of information, openness of the Internet, and cultural and linguistic diversity”
- Pursuing successful digital research in key fields like Internet of Things or Big Data, encouraging entrepreneurship
- Promoting the use of secure, open digital technologies, especially with regard to e-government
- Preparing the implementation of the General Data Protection Regulation scheduled to enter into force in May 2018
- Promoting the data economy
- Working for proposals necessary for an open, inclusive, and sustainable Internet (Juncker 2017)

There is overlap between the two Commissioners, especially in relation to the pursuit of digital infrastructure, trust, security, or research. At the same time, the policy challenge of the Digital Single Market is addressed by the encouragement made by the President of the Commission to work together with other Commissioners, such as the Commissioner for Education, Culture, Youth, and Sports in matters

related to creative industries or the Commissioner for Employment, Social Affairs, Skills, and Labour Mobility in relation to the Internet of Things or Big Data. The cooperation between the different portfolios of the Commission further points to the overall influence of technology into all facets of society and economy and to the fact that a uniform focus from one institution, portfolio, or organization would prove to be insufficient.

The Digital Single Market Strategy is such an example of a comprehensive effort in digital policies. Compared to the Digital Agenda for Europe, which had a broader prerogative, the former pinpoints the most important requirement for a functioning Digital Economy and Society within the European Union, namely, the Digital Single Market (DSM). Issued in 2015, the first impact of this strategy for the evolution of the information society is that it makes a clear distinction between the real and digital spaces in the European Union. It emphasizes the differences in terms of barriers for the movement that are different in the digital space. Thus, it emphasizes that “fragmentation and barriers [in the Digital Single Market] that do not exist in the physical Single Market are holding the EU back” (European Commission 2015b). This mentioning emphasizes the difference between the free market place of the Union and the digital space, which can stem from poor, inadequate, and outdated regulation that does not apply entirely to the DSM but also from the unique character of the digital space in relation to the Single Market. More specifically, it aims to pursue efforts to increase access to digital goods and services across Europe but, at the same time, to pursue legislation that keeps pace with the current technology wave. Further discussion on the difference between the Single Market and the Digital Single Market is provided in [Chap. 4](#).

The second impact made by the Digital Single Market Strategy refers to further proof that ICT is a deepening technology contributing to the advance of European integration, but in the digital space. For that matter, the fragmentation due to geo-blocking, which is one of the central themes of the strategy, is the biggest roadblock to the deepening technology. The issue of geo-blocking, a manifestation of national borders of Member States into the digital space, is part of the first pillar of the new flagship digital policy of the Union, namely, the prerogative to provide “better access for consumers and businesses to online goods and services across Europe.” The second and third pillars are creating the right conditions for digital networks and services to flourish and maximizing the growth potential of our European Digital Economy (European Commission 2015b). These pillars represent necessary steps to build, consolidate, and push the European digital space forward. The first step is the construction phase, where all previous strategies have not done enough to finalize them. For instance, the Digital Agenda for Europe discussed the fragmentation of the European digital space into national digital markets but focused more on the legal framework, without pinpointing exactly the issue of geo-blocking, which is a manifestation of this outdated legal framework related to the movement of information across national borders.

At the same time, it is also discrimination, according to the strategy, in “the form of nationality, residence or geographical location restrictions which run counter to the basic principles of the EU” (European Commission 2015b). The basic principles

of the European Union are the four freedoms of movement of goods, services, capital, and labor. In the Digital Single Market, citizens should be able to find and retrieve information freely. In a sense, they are moving across national borders but without physically traveling, because they are active in the digital space. Secondly, physical goods and services are able to move freely in the traditional Single Market, but in the Digital Single Market, a construction based on the traditional Single Market, digital goods and services are not doing so at often times, due to several factors under the umbrella of discrimination. However, the Digital Single Market has started to evolve in a separate direction than the Single Market, considering the difference in policy approach, leadership, or the goods and services transacted within the digital space. In terms of policy, the DSM strategy emphasizes an additional series of barriers still prevalent in the digital space, such as a lack of transparency; ineffective translation of online service, such as e-commerce to parcel delivery; outdated copyright laws; VAT burdens; etc. They will be discussed in detail in the following chapter, which will provide a comparative approach of the Single Market and the Digital Single Market.

All in all, the Digital Single Market Strategy aims to provide truth to the adjective “single” from its name with its direction. Its direction is focused on removing mainly legislative barriers in order to discourage national preference in e-commerce or content. In the wake of the data society, it provides more focus on a type of product that is specific to the digital space, namely, content in the form of audiovisual product that is provided online by the ever more important platforms, such as Netflix or Amazon. Lastly, the overall aim of the Digital Single Market is “digitization,” as it “will be needed if the EU is to maintain its competitiveness, keep a strong industrial base and manage the transition to a smart industrial and services economy. 75% of the value added by the Digital Economy comes from traditional industries, rather than ICT producers, but the integration of digital technology by businesses is the weakest element” (European Commission 2015b).

In conclusion, beyond the three pillars of the Digital Single Market Strategy, its objectives are digitization, namely, the conversion of the economy using ICT, removal of fragmentation, and the advance of the digital economy. Hence, with these objectives, the strategy emphasizes the idea that technology underpins all economic and social activity within the Union but also aims to go further to continue digitization, or in Jean-Claude Juncker’s words: “Digital technologies and digital communications are permeating every aspect of life. We need to work for a Europe that empowers our citizens and our economy. And today, both have gone digital” (European Commission 2017b). Moreover, the starting point of the midterm review of the Digital Single Market Strategy stresses the point even further “Digital technology impacts on every aspect of EU policy: how we produce and consume energy, how we move from one place to another, how capital flows throughout Europe” (European Commission 2017b). The progress of the Digital Single Market was reviewed in 2017, tracking major wins, such as the ending roaming charges, set to take place by June 15, 2017, or the initiatives to foster cross-border content within online platforms by early 2018. The evaluation of the Commission is performed side by side with stakeholders, especially the private sector. The stakeholders are



directly involved in the actions where more emphasis is needed: “(1) spurring the European data economy, (2) jointly tackling growing cybersecurity challenges, and (3) promoting fairness and responsibility of online platforms” (European Commission 2017c). The Parliament and the Council are encouraged to pursue “swift agreements to ensure that the measures proposed are rapidly adopted and implemented” (European Commission 2017b).

The evolution of the digital space from the 1980s up to the Digital Single Market Strategy goes hand in hand with the evolution and transformation of society and economy due to digital technologies. Regardless of the importance of the digital technologies, which has often been mentioned in this section both in quotes by European leaders and in reports, statistics, and conclusions, the digital policies of the European Economic Community and, later, of the European Union have been scattered across various competences and similar policies, starting from the research and technological development policy to the Single Market policy. At the same time, there is a lack of balance between the importance of the digital technologies and the policy approach, which will be further explored in the next chapters.

## **2.10 Mapping the Evolution of the Single Market in the EEC/EU**

At first, it was the common market. Then, it morphed into the internal market. Recently, it has been transformed into the Single Market. No matter its definition or name, it expresses a fundamental feature of the European Union, namely, freedom of movement. From a simple declaration of intent in the Treaty of Rome to policy reality as of the Treaty of Maastricht, the freedom of movement has evolved greatly in the past decades. The greatest progress was achieved as part of Jacques Delors’ pursued effort to push European integration further, who made the reform of the common market into a priority stating that “it is my responsibility, and the Commission’s as well, in front of the Parliament and the Council, to provoke the discussions that will help us exit the lethargy of Europe” (Delors 1985h). The lethargy of Europe had been caused by poor advancement of the European integration process and what better policy for this than its foundation, namely, free movement?

For the same reason, the mapping of the evolution of the Single Market within the European space begins with Delors’ efforts, considering that his mandates at the Commission put forward the reform of the Single European Act, the White Paper on Completing the Internal Market and negotiated the Treaty on the European Union. Delors’ efforts with relation to the Single Market were the first major effort to reform the Community since its inception. He focused on a pragmatic view to pursue European integration by providing a view of the internal market as the citizens see it that “to the general public border formalities, indeed the very existence of internal customs posts, provide striking evidence of our failure to create a common market” (Delors 1985c). This statement was issued almost 30 years after the Treaty

of Rome, which created the European Economic Community built on the freedom of movement.

The objective of this section is to contextualize the evolution of the Single Market, starting with Delors' tenure at the Commission up to the most recent attempts to revive it. In order to highlight the importance of the Single Market for the creation of the Digital Single Market and to emphasize the importance of the freedom of movement of information, we aim to provide context by discussing the policy approaches and the evolution of the Single Market. The section will highlight the major milestones of the Single Market starting from the common market of the Treaty of Rome up to the policy approach of the Treaty of Lisbon and the revival of the Single Market in the past decade.

## 2.11 The Internal Market: Delors' Magnum Opus

The Internal Market project was the core of the European Economic Community, built on the foundation of the freedom of movement of goods, services, capital, and labor. The actual freedom of movement had not been achieved by the time Jacques Delors took office as the President of the Commission of European Communities. In his own words, "to the general public border formalities, indeed the very existence of internal customs posts, provide striking evidence of our failure to create a common market." At the same time, he stressed the "compartmentalization of the internal market," which "is one of the main causes of the reduced dynamism of the European economy" (Delors 1985c). The failure in the eyes of the citizens, combined with the failure to provide the European economy with a boost, were the starting points for the prioritization of the internal market by the Delors Commission. Regardless of the importance of the internal market for the European integration process, Jacques Delors adopted a pragmatic view on the accelerated completion of the internal market.

Predecessors within the Commission, Council, and Parliament focused on a different approach with regard to the internal market, which proved to pose no meaningful results. At the same time, we must emphasize the international context that disfavored the competitiveness of the European economy. The period was called "eurosclerosis," given that the integration process stalled at the same time with the stalling of the economy (Mărcuț 2016). Delors called this "the lethargy of Europe." The Eurosclerosis phenomenon entailed a resurgence of the national level in comparison with the development of the supranational level, and it manifested through customs posts, technical barriers, state aid, etc. Consequently, the situation shifted with the Delors Commission, which, in its first year of mandate, stated the following priorities: "the single market, industrial cooperation, reinforcement of the European Monetary Systems, the convergence of economies to generate growth and employment" (Delors 1985h). The latter priorities could be achieved only if the Single Market would function properly, or, as Delors stated, "Europe will not modernize its

production structures only by the simple existence of a single market” (Delors 1985c).

The relaunch of the European project proved to be a difficult task. In another speech in 1986, Delors gave some possible pathways for its relaunch, such as an institutional leap, focus on security and defense, a common currency, and, lastly, the creation of a grand European economic space (Delors 1986c). He stated that the first three were too complicated to achieve due to national sensibilities, and the reason for choosing the latter, the common European space, was that it was an economic necessity that would resonate with the Member States facing competitiveness problems in relation to the USA or Japan.

Consequently, the situation shifted with the Delors Commission, which, in its first year of mandate, focuses on the aforementioned priorities. For that matter, we can conclude that the 1985 Internal Market Program was a shadow for the advancement of European integration in a sectoral manner by focusing on technical, physical, and fiscal measures. But, at the same time, in the beginning of his tenure, Delors continuously focused on the multiplier effect that the achievement of the Single Market could have, keeping a technical rhetoric rather than a symbolic one: “the Commission is convinced that the integration of the internal market will trigger a dynamic process of productivity gain, cost reduction and stimulation of demand” (Delors 1985i). This tone was more often used in his public appearances than other significance, regardless of the symbolism of the completion of the Single Market as “not only a formidable economic stimulant, but the concretization of the existence of a European ensemble” (Delors 1985a). In his speeches and declarations, Delors constantly reaffirmed the need for a completed internal market by focusing on the economic benefits overall, tying at the same time the economic performance with the issue of legitimacy of the Community. The mentioned failure of the common market before his tenure could have arisen an important question related to the legitimacy of the Union. Considering that the foundation of the European Economic Community was the creation of a customs union and a common market and if that market did not function properly and barriers still continued to exist between states, would this failure mean the failure of the Community? Delors did not explicitly state this, but he did emphasize a lack of credibility of the Community in such case: “the absence of all or part of the decisions necessary for the creation of a single market would constitute a serious loss of credibility for the EEC” (Le Soir 1986).

Even if it was the essence of the Community, the issue of freedom of movement or lack of thereof within the European space signaled a rift between the national and supranational levels present within the European leadership. Customs posts referenced in Delors’ quote from above were a blunt manifestation of the nation state within the supposedly common European space. Hence, in the evolution of the Single Market, we must also focus on the national preferences or resistance within the legal framework and policy approach. For that matter, in its efforts to crystallize the Single Market, Delors focused on two fronts. Firstly, his Commission put forward the comprehensive Internal Market Program with over 300 measures meant to eliminate barriers by 1992. Secondly, it focused on treaty reform to allow the supranational institutions to tackle more and more European issues.

Firstly, we will briefly present the Internal Market Program, given that it is explored in detail in the next chapter, in comparison with the Digital Single Market. The program is also detailed in Mărcuț (2016). Then, we will focus on the Single European Act, the first major reform of the Community since its inception, which was signed in 1985.

Speaking about the White Paper, Lord Cockfield, the Vice-President of the Commission, in charge of the Internal Market Program, stated in 1985 that “the present economic policies pursued by the government of Western Europe have failed to solve the three great economic problems of our time: namely output, new technology and unemployment.” The White Paper on Completing the Internal Market (Commission of the European Communities 1985a) was Europe’s answer to these structural challenges. They required a truly comprehensive approach, which was described by Cockfield in that it was “not a simple catalogue of a handful of useful measures. On the contrary, it is a root and a branch analysis of the whole problem.” Speaking of its overall approach, Cockfield continued stating that “it looks at every single barrier, which divides Europe and which needs to be swept away if we are to achieve an integrated European economy” (Cockfield 1985). Indeed, the architecture of the White Paper was based on the cataloguing of three types of barriers hindering the functioning of the internal market: physical, technical, and fiscal barriers (Commission of the European Communities 1985a).

The physical barriers represent the best example of the failing common market project, with the continued existence of customs posts and checks at the frontier, which is a breach of the principle of freedom of movement. The experience of crossing a border within this situation is described in the document as “the most visible example of the continued division of the Community and their removal as the clearest sign of the integration of the Community into a single market” (Commission of the European Communities 1985a). The technical and fiscal barriers are considered to be results of the physical barriers. The removal of technical barriers would “give the large market its economic and industrial dimension by enabling industries to make economies of scale and therefore be more competitive” (Commission of the European Communities 1985a). The most important manifestation of the technical barriers was “the existence of different standards for individual products adopted in different Member States” (Commission of the European Communities 1985a). Regarding fiscal barriers, their removal is considered “contentious” (Commission of the European Communities 1985a). This characterization is in tune with Delors’ statements referenced here that refer to national sensitivities related to the coordination of the fiscal regimes of Member States. The fiscal regime of the internal market would be left to a unanimous vote within the Council of Ministers, according to the Single European Act.

At the Milan European Council in 1985, the representatives of the Member States welcomed the White Paper put forward by the Commission, which “instructed the Council to initiate a precise programme of action [...] with a view to achieving completely and effectively the conditions for a single market in the Community by 1992 at the latest, in accordance with stages fixed in relation to previously determined priorities and a binding timetable” (Commission of the European Communities

1985c). The Commission provided the necessary steps for the completion of the large market, while the mission of the Council was to act on the document and work on the necessary legal framework. At the same time, similar to the Monnet Method, as well as the transitional 12-year period in the Treaty of Rome for the completion of the common market, the conclusions of the Milan Council contained a specific reference and urge for the swift submission and adoption of the specific framework within the “deadline established in the timetable” (Commission of the European Communities 1985c). Moreover, the Community effort would be tied, according to the document, “to the overall objectives of the Treaty.”

The intergovernmental document addressed the internal market in detail, especially the methods of action for its completion. They are listed briefly here, but they are analyzed from a policy angle in the following chapters:

- No extreme harmonization of goods and services, but rather approximation
- No further checks at the frontiers, as their elimination is considered to have “immense psychological and practical difference”
- The pursuit of a binding timetable for approval of the necessary legal framework (Commission of the European Communities 1985c)

An indispensable ingredient for the evolution of the internal market would be institutional reform, as “it was clear that the proposed moves to achieve a single market will not be possible in the present institutional set-up. In many areas the possibility of decisions by majority vote must be envisaged” (Commission of the European Communities 1985c).

The credit of the Internal Market Program was that it not only jumpstarted the discussion on the foundations of the Community but that it also provoked an overall discussion on the reform of the Community, starting from the institutional reform necessary to complete the internal market.

Article 2 of the Treaty of Rome established that the participating countries would create a common market and would harmonize their economic policies in a coordinated manner (European Commission 1957). Moreover, Article 8 of the same treaty provided a “transitional period of twelve years” for the establishment of the common market with “three stages of four years each” (European Commission 1957). However, the enforcement mechanism for the rollout of the common market depended on unanimity of Member States and possibility to extend the first stage of the rollout, according to Article 8, paragraphs 3–5. The vague character of the common market was eliminated in the Single European Act, in Article 13, with the help of the “Monnet method,” as it was described by Jacques Delors: “The Community shall adopt measures with the aim of progressively establishing the internal market over a period expiring on 31 December 1992.”

Also, in the same article, the internal market was clearly defined: “the internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of this Treaty” (Official Journal of the European Communities 1987a). The Monnet method refers to providing a clear deadline for an ambitious project, and in this case, the deadline for leaping towards the Single Market was by the end of 1992. At

the same time, the Monnet method references the sectoral approach chosen by the Father of Europe in order to advance towards the overall goal of a united Europe. In Delors' own words, "once the [economic] consensus already obtained, it would be up to the political factor to respond to this economic necessity" (Delors 1986c). At the same time, the Single European Act provides a clear and straightforward definition of the internal market, which was missing from the Treaty of Rome, given that the discussion on the freedom of movement was scattered across the treaty.

The Single European Act put forward provisions regarding the policy reforms and the means of implementing the Internal Market Program. The Treaty of Rome, stated at Article 99 that "the Commission shall consider how the legislation of the various Member States concerning turnover taxes, excise duties and other forms of indirect taxation, including countervailing measures applicable to trade between Member States, can be harmonised in the interest of the common market," which is a clear declaration of intention rather than action from for the Commission, whereas the Single European Act replaced this article with a declaration of action and the interaction of institutions for the advancement of the internal market as follows: "the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, adopt provisions for the harmonization of legislation concerning turnover taxes, excise duties and other forms of indirect taxation to the extent that such harmonization is necessary to ensure the establishment and the functioning of the internal market" (Official Journal of the European Communities 1987a). The shift in rhetoric was meant to spark action from the part of the Council of Ministers, which was supposed to negotiate a unanimous agreement on measures of harmonization of legislation.

At the same time, given that unanimity had proven hard to reach in previous internal market matters, the voting mechanism was changed within the treaty to achieve the objectives of the completion of the internal market by end of 1992. More specifically, unanimity was changed with the qualified majority, which is evident at Article 18 (introducing Article 100a of the Rome Treaty): "by way of derogation from Article 100 and save where otherwise provided in this Treaty, the following provisions shall apply for the achievement of objectives set out in Article 8a. The Council shall, acting by a qualified majority on a proposal from the Commission in cooperation with the European Parliament and after consulting the Economic and Social Committee, adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States, which have as their object the establishment and functioning of the internal market" (Official Journal of the European Communities 1987a). The shift in the negotiation and voting on the reform of the internal market was necessary according to Delors, given that "it allowed decisions to be made in due time" (Les Echos 1993).

However, some provisions of the internal market were too sensitive for the qualified majority rule, namely, those listed at paragraph 2, of Article 100a introduced within the EEC Treaty, Article 18 of the Single European Act: "paragraph 1 shall not apply to fiscal provisions, to those relating to the free movement of persons nor to those relating to the rights and interests of employed persons" (Official Journal of the European Communities 1987a). Social rights of employed persons, the fiscal



regime, and movement of persons were left to a unanimous vote within the competences of the Member States, proving once again that the sensitivities of the Member States related to sovereign issues manifested, especially in terms of the fiscal regime affecting the evolution of the integration process. Actually, Delors considered this compromise as “understandable,” while other holdouts by Member States were “contestable, such as for the environment and for phytosanitary rules” (Economie et Finances agricoles 1987).

In terms of interactions between policy actors, besides the Member States, the Commission played the central role in the rollout of the Internal Market Program. It used the White Paper as a policy document with a clear-cut approach based on a categorization of barriers and targeted policy approaches to eliminate them. As the Treaty stated, the Commission was in charge of putting forward proposals to be negotiated and voted by the Council of Ministers, represented by the states. This second decision-making level slowed down the implementation process, a matter that Delors emphasized in his public appearances: “300 directives are necessary [to launch the internal market], the Commission presented 170, the Council adopted only 70” (Delors 1986c). Delors’ approach was to “maintain the pressure” and highlight the importance of the completion of the internal market (Economie et Finances agricoles 1987).

Hence, the Internal Market Program remained among the priorities of the Commission and in the forefront of the discussion of European integration, culminating within the Treaty on the European Union, also known as the Treaty of Maastricht. Moreover, in an effort to provide a boost for the integration process, Delors constantly tied the internal market to other economic and social policies about which he stated that “go hand in hand” with the single European space, “if the single economic area is really to be achieved.” Within the same speech, Delors emphasized that a Single Market would be “the only outcome compatible with the overriding idea of European Union” (Commission of the European Communities 1987). Such emphasis pointed to the importance of the 1992 objective for the future European Union, but notwithstanding other complementary policies, which are once again emphasized by Delors: “economic and social cohesion, a common policy for scientific and technological development, the strengthening of the European Monetary System, the emergence of a European social dimension and coordinated action relating to the environment” (Commission of the European Communities 1987). Delors’ approach constantly focused on a connection between policies at a European level because, in his own words, otherwise, “the Community would be a hollow creation, devoid of vitality and political will” (Delors 1990).

These policies are examples and ambitious steps in deepening (economic and social cohesion, strengthening of the EMS, etc.) and in widening of the European Economic Community (a European Social dimension, a common policy for scientific and technological development). Once again, the Monnet method for the advancement towards the European Union is visible within Delors’ strategy to add more pieces to the policy puzzle of the European Community. But Delors maintained his discourse in balancing the Member State influence by stressing that “let us be quite clear. This does not mean transferring all powers in the fields of economic

and social policy to the European level” (Commission of the European Communities 1987). Still, he stressed the need for more policy coordination in nationally sensitive policies, such as social and fiscal policies: “experience has shown that it is impossible to achieve freedom of movement of persons, goods, services and capital without a common exchange rate discipline and without increased cooperation between national policies” (Commission of the European Communities 1987). These complementary policies were referenced in public statements even from the first years of Delors' tenure at the Commission as “working on several fronts” for “combining the positive effects of an internal market with the indispensable tasks of macroeconomic and social regulations” (Delors 1986c). For instance, as we have mentioned before, the policy on research and technological development was connected to the Internal Market Program as early as 1985.

At the same time, during his tenure, he continued to highlight the risks and costs of non-Europe, which were “considerable” (Delors 1985i). The clear economic costs for the existence of borders in intra-Community trade had been estimated at 12 billion ECU/year (Delors 1985i). But, the credibility and legitimacy of the European Community were long-term goals, which could not be ignored: “the internal market cannot be reduced to a free trade area, but it must become a veritable common and united economic space” (Delors 1986c). The other qualitative benefits of the completion of a large market are constantly mentioned by Delors in his public appearances. For instance, speaking during his visit to the UK, he listed its benefits, in an attempt to appease British national sensibilities: “the European Community will be characterized by co-operation as well as competition. It will encourage individual initiative, as well as solidarity” (Delors 1988c). He continued by focusing on the large market, which “will increase competition [...] will benefit the consumer, and allow European industry to compete on a worldwide-scale. It will create new job opportunities and contribute to a better standard of living” (Delors 1988c). However, in his view, these benefits could not be achieved without complementary policies: “these benefits will only be fully achieved with increased cooperation in scientific, monetary and social fields. They must be spread throughout the Community” (Delors 1988c).

By 1990, the Council of Ministers had adopted two thirds of the 279 proposals put forward by the Commission for the Internal Market project, according to Delors' evaluation before the Parliament (Delors 1990). Despite the impressive number of political acts adopted, Delors underlined the need for more progress and commitment, especially in terms of freedom of movement of persons and tax frontiers and further pursuit of complementary policies. The latter issue remained a contentious issue by the end of 1992, along with the insufficient progress in terms of freedom of services (Corzine 1993).

In terms of the policy actors involved and schedule for the adoption of numerous proposals, as the Treaty stipulated, the Council of Ministers would have to bring forward proposals of the Commission to a mostly qualified majority vote after a consultation of the European Parliament. Delors' remarks at the 1991 speech before the Parliament on the schedule of the Commission for the coming year were evocative: “all the Commission's proposals are now on the table. Parliament has played

its full part in scrutinizing these and the cooperation procedure has proved its worth. Observance of the deadline now depends largely on the Council. It needs to adopt something like 80 directives in 1991—a particular ambitious target—if Member States are to transpose them into national legislation in time. Much remains to be done on this front, as you know” (Delors 1991). What Delors is saying is that the national level must do its part to implement the Community legislation into national law in due time for the completion of the internal market in tandem with the approval of the next set of directives scheduled until the 1992 deadline. The national level would be primarily involved not only in the implementation of the directives but also in deciding the future of the Community.

The next major milestone of the internal market and for the European integration overall was the evolution from the Community to the European Union with the Treaty of Maastricht. The provisions of the internal market from the Single European Act were preserved within the Treaty on European Union. Actually, the biggest focus of the treaty was the next level within the European integration process, namely, the Economic and Monetary Union and the single currency. The completion of the internal market by December 31, 1992, created the conditions for another advance towards the currency union. This is evident in the articles of the Treaty detailing the overall objectives of the Union. For instance, Article 2, referenced above in relation to the Single European Act, was once again modified to reflect the layer added to the single European space as such. In the EEC Treaty (Treaty of Rome), Article 2 had a general approach towards the benefits of a common market and the continued action for its accomplishment: “by establishing a common market and progressively approximating the economic policies of the Member States, to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increase in stability, an accelerated raising of the standard of living and closer relations between the States belonging to it” (European Commission 1957). The general benefits discussed were the harmonious development, balanced expansion, a somewhat vague phrase, as well as stability and closer relations between the states.

In the same Article 2, the Treaty on European Union (TEU) sanctions the numerous policies tied to the common market, which have been adopted since 1957: “by establishing a common market and an economic and monetary union and by implementing the common policies or activities referred to in Articles 3 and 3a, to promote throughout the Community a harmonious and balanced development of economic activities, sustainable and non-inflationary growth respecting the environment, a high degree of convergence of economic performance, a high level of employment and of social protection, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States” (Council of the European Communities, Commission of the European Communities 1992). These policies and actions of the Community include economic and social cohesion, solidarity, and social protection. The new layer added to European unity is, however, the economic and monetary union, supported by the common market, according to this article.

Article 3 of the TEU details the activities of the Union. TEU once again sanctions the numerous policies added to support the development of the internal market: "approximation of the laws of Member States to the extent required for the functioning of the common market," social and economic cohesion, environmental policy, social policy, and research and technological development (Council of the European Communities, Commission of the European Communities 1992).

At the same time, the Treaty provided a more shaped social policy for the entire Single Market. These policies were new pieces to be added to the puzzle of European unity. However, they were negotiated not without contention between the Member States, with notable exceptions of the UK in the adoption of a social policy or planned common currency. Hence, the internal market project was tied to two major necessities for a united Europe: a common currency and a social policy. Why contention? Because a common currency would mean the end of national currencies and a common social policy would infringe upon the national habits of the relation between citizens and the state. These topics were widely discussed in the negotiations before the signing of the Treaty.

The views of these delicate policies for the future Union were divergent in different Member States. For instance, depending on their national interests, the Member States pushed or were concerned for certain policies at the Community level. In the negotiations, the Spanish were concerned about the strengthening of the economic and social cohesion efforts and the social dimension: "with regards to the social dimension, without which the large space and the single market would remain incomplete, the objective will continue to remain the same: the construction of a common basis for social rights in all the Community, capable of making the future union known/palpable, closer, useful by the European citizens" (Fonseca 1991).

The example of the UK pressing against a fully formed social policy is well known. For instance, in a meeting prior to the Maastricht summit, in November 1991, negotiations for the completion of the Union were fully underway. According to a press article of the time, "the great majority of EC governments are now agreed that at least five main new areas of policy should be transferred to the EC to be decided by majority vote: environment, protection, research and development, transfrontier infrastructure projects, social policy and industrial policy" (Palmer 1991). However, the British could only agree on the first three policies. Overall, the British standing in the Union was that the Community should not receive greater decisional powers at a European level and that cooperation should be made solely through governments (Urborne 1991). Apart from a tough stance on the social policies of TEU, the British took aim also at the freedom of movement within the Single Market. More specifically, the British Prime Minister raised the question of immigrations from third countries within the Single Market, stating that he would not allow "the German interior minister to decide who has the right to settle in Britain" (Financial Times 1991).

The Maastricht Treaty (TEU) contains a reference towards this issue, with the insertion of an Article 100c in the internal market policy stipulating that, at the proposal of the Commission and consultation of the European Parliament, the Council is to have a unanimous vote on the third countries requiring visas to enter the

Community space: “the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, shall determine the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States.” The next paragraph discusses emergency situations wherein the Council may introduce visa requirements for some third countries: “however, in the event of an emergency situation in a third country posing a threat of a sudden inflow of nationals from that country into the Community, the Council, acting by a qualified majority on a recommendation from the Commission, may introduce, for a period not exceeding six months, a visa requirement for nationals from the country in question” (Council of the European Communities, Commission of the European Communities 1992). The decision-making process would be moved to qualified majority vote as of January 1, 1996, but, also, a Member State could put forward a proposal requiring a discussion on the introduction of visas for certain countries (Council of the European Communities, Commission of the European Communities 1992).

1992 was a crucial year for the newly formed European Union, from another point of view. It marked the deadline for the implementation of the Internal Market Program put forward in 1985. The establishment of the European Union was thought as a step forward in integration, as well as a support for the Single Market, also according to the press at the time: “The European Union is in part designed to make that a reality by creating the political and economic infrastructure for its implementation. Economic convergence and the creation of a single currency are conceived as the logical development of a truly single market” (Lambert 1992). Delors’ view on the rollout of the internal market was cautious, regretting that “the economic crisis and the difficulties connected to the Maastricht ratification process had come to spoil the appointment of the Internal Market program of 1993” (Les Echos 1993). However, he stated that the bases for ensuring the economic prosperity of Europe have been assured, emphasizing that the bases for the economic prosperity, the creation of jobs, and social progress are ensured (Les Echos 1993).

Up to the Treaty of Lisbon, the next reforms of the Union were mainly focused on the democratization of the decision-making process and on preparing candidate countries to enter the European Union. For instance, the Treaty of Amsterdam was signed in 1997 with the commitment to grant more decision-making power to the European Parliament and the Council within the co-decision procedure (Novak 2017). In this respect, paragraph 4, of Article 1, in Part 1 reflects this objective: “this Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen” (Office for Official Publications of the European Communities 1997). The latter part of the paragraph is a testament to the commitment of the Union to be more democratic.

In the case of the internal market, this modification is evident within Article 100a, which was enhanced with new mechanisms. For instance, the Single European Act stipulated at Article 100a, paragraph 3 that: “the Commission, in its proposals envisaged in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection” (Official Journal

of the European Communities 1987a). The modified version of Article 100a, paragraph 3 is the following: “the Commission, in its proposals envisaged in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection, taking account in particular of any new development based on scientific facts. Within their respective powers, the European Parliament and the Council will also seek to achieve this objective” (Office for Official Publications of the European Communities 1997). According to this article, the European Parliament and the Council are involved in assisting the Commission to decide appropriate levels of health, safety, environmental protection, and consumer protection for the internal market.

By the time of the Lisbon treaty, the internal market was not prioritized anymore within the activities of the Union, because of the enlargement, the focus on foreign policy and security, as well as the economic situation of the Union in general and of the Member States in particular. In 2010, it was called “single market fatigue” (Monti 2010).

As mentioned above, the Treaty on the Functioning of the European Union established the types of competences of the Union. Regarding the internal market, the Union's shared competence with the Member States is stipulated at Article 4, Title 1, Part One of the Treaty: “shared competence between the Union and the Member States applies in the following principal areas: internal market” (Official Journal of the European Union 2012). At the same time, the competition policy is connected to the internal market in the following terms: “the establishing of the competition rules necessary for the functioning of the internal market” (Official Journal of the European Union 2012).

Title One of Part Three of TFEU is entitled “The internal market” and contains a definition of the internal market, along with the competences of the Union in this respect. Firstly, the internal market is defined as such: it “shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaties” (Official Journal of the European Union 2012). Secondly, it crystallizes the main objectives of the Union in relation to the internal market, namely, to ensure its establishment and to ensure its functioning by adopting targeted measures in this respect.

Interestingly, the discussions of the free movement of goods, persons, services, and capital, which actually compose the internal market, are explicitly discussed in other titles after the internal market title. Within the title on freedom of movement of goods, explicit quantitative restrictions on imports and exports between Member States are prohibited, with the exception of restrictions due to public health or public policy issues (Official Journal of the European Union 2012). At the same time, the other types are discussed in Title IV of the Treaty. The discussion on the explicit forbidding of discrimination based on nationality in relation to the freedom of movement of persons and services is especially relevant for the purposes of this research, especially in relation to the digital space and the Digital Single Market.

As established in the definition of the internal market, persons and citizens of the Union are free to move within the single European Space. Article 45, chapter 1, Title IV states that “freedom of movement for workers shall be secured within the Union,” while paragraph 2 states that “such freedom of movement shall entail the



abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment” (Official Journal of the European Union 2012). The abolition of discrimination based on nationality is a prerequisite for a proper functioning of the internal market and social policy, but at the same time, it is the basis for a serious issue within the Digital Single Market, namely, geo-blocking, which is a type of discrimination based on nationality or place of residence within the digital space in the European Union. Despite the fact that this specific provision refers to workers, right of establishment is also stipulated within the treaty, which, despite certain limitation, not subject to different treatment depending on the nationality or place of residence.

The second issue related to the internal market that is relevant for this research refers to the freedom to perform services within the Union, which is defined in opposition to the restriction on performing services, at Article 56, chapter three, Title IV: “within the framework of the provisions set out below, restrictions on freedom to provide services within the Union shall be prohibited in respect of nationals of Member States who are established in a Member State other than that of the person for whom the services are intended” (Official Journal of the European Union 2012). Within the treaty, at the next article of the same title, services are also defined as follows: “services shall be considered to be ‘services’ within the meaning of the Treaties where they are normally provided for remuneration, in so far as they are not governed by the provisions relating to freedom of movement for goods, capital and persons” (Official Journal of the European Union 2012). Moreover, they include activities of an industrial character, activities of a commercial character, activities of craftsmen, and activities of the professions (Official Journal of the European Union 2012). The treaty provides the freedom to perform services within the internal market, but regulations and difficulties regarding the legal framework have made it inconvenient to enforce such a freedom. With respect of the purposes of this book, a relevant example is related to the issue of e-commerce within the Digital Single Market, which is a type of service specific to the digital age. However, the rate of e-commerce within the European Union is low due to several factors, such as poor delivery services, geo-blocking, differences in prices across borders, etc. At the same time, the Services Directive was considered a failure of the program to implement the internal market back in the 1990s. For instance, the current Services Directive aimed at eliminating barriers in performing services within the internal market dates back to 2006, requiring an update to fit the current situation of the Single Market (Eur-LEX 2015).

The Treaty of Lisbon marks the most recent major treaty reform of the European Union, but the evolution of the Single Market does not stop with the TFEU. The Single Market had its 20th anniversary in 2012, when the Commission issues two communications focusing on the need to revive it. The foundation of these documents was the consideration that the Single Market was complete; hence, there was no need for an update or a revival. However, as the example of the Digital Single Market proves, the Single Market is in constant evolution. For instance, the collaborative economy had not existed in the beginning of the internal market. The

collaborative economy “refers to business models where activities are facilitated by collaborative platforms that create an open marketplace for the temporary usage of goods or services often provided by private individuals” (European Commission 2016). This model of a new economy was not a concern of the internal market of the 1980s and the 1990s because the technology was not advanced enough to allow such a development, nor is it a concern of the Single Market Acts. Mario Monti, in his reports on the Single Market, emphasized exactly this point, namely, that “the market must adapt to certain trends that had not existed almost four decades ago (technological revolution, financial services) and also to certain changes within Europe, such as the enlargement and greater economic diversity of the Union” (Mărcuț 2016).

In Monti's words, the new frontiers of Europe must be addressed once again. Once again, market fragmentation is referenced within the documents aimed at reviving the economic space that is the basis for the Union. Twenty-five years after the 1992 deadline, market fragmentation is still an issue for the Union, because of the constant evolution and the new trends and changes within Europe happening within the Single Market. Either with new initiatives or updated priorities, the Single Market Acts of 2010 and 2012 were aimed at reviving one of the most successful project and integration efforts in the history of the Union, in a full-blown economic and financial crisis.

The newest initiative for the Single Market is the Single Market Strategy issued by the Juncker Commission in October 2015. The Commission's objective, in this sense, was to “unleash the full potential of the Single Market,” based on the fact that opportunities are not exploited properly due to several reasons, such as lack of knowledge of the rules and lack of implementation or perpetuating barriers (European Commission 2015c). The justification of this new Single Market Strategy did not begin from new challenges but rather from older challenges, namely, market fragmentation due to perpetuating barriers. Nevertheless, the Communication of the Commission references also to new types of challenges, as the collaborative economy.

The Strategy is focused on three areas, namely, “creating opportunities for consumers, professionals and businesses, encouraging and enabling the modernisation and innovation that Europe needs, and ensuring practical delivery that benefits consumers and businesses in their daily lives” (European Commission 2015d). These objectives are a direct focus on the citizens and businesses, but, at the same time, they relate to the mix between old and new challenges affecting the Single Market. Moreover, the solutions mirror this mix between old and new. The older solutions stem from the perpetuating need to eliminate barriers within the Single Market, such as “complicated VAT regulations,” the outdated Services Directive, which does not address entirely the complicated nature of professional services, lack of standardization, but adapted for the new models of economy, etc. According to the strategy, these barriers have repercussions on other policy areas, “such as transport, telecommunications and energy, which make the EU less attractive for internal and external investments” (European Commission 2015d). Overall, the barriers and the existing market fragmentation have an overreaching negative effect on the European

**Table 2.1** Objectives of the internal market and single market strategies, respectively

Aspects related to completing the internal market—1985 program	Single market strategy—2015 program
“Welding together of the ten, soon to be twelve individual markets of the member states into a single market”	“Ensuring practical delivery that benefits consumers and businesses in their daily lives”
“Ensuring this single market is also an expanding market—Not static but growing”	“Creating opportunities for consumers, professionals and businesses”
“Ensuring that this market is flexible so that resources, both of people and materials, and of capital and investment, flow into the areas of greatest economic advantage”	“Encouraging and enabling the modernisation and innovation that Europe needs”

Source: own composition based on Commission of the European Communities (1985a) and European Commission (2015d)

Union, which is an additional argument to the idea that the Single Market is at the foundation of the European integration process itself.

The policy actors involved in the Single Market Strategy are various, depending on the competences of the Union in this respect. For instance, the Union cannot dictate a single economic policy for the Member States. TFEU stipulates that Member States coordinate their economic policies at Article 5: “the Member States shall coordinate their economic policies within the Union. To this end, the Council shall adopt measures, in particular broad guidelines for these policies” (Official Journal of the European Union 2012). For that matter, the Commission cannot provide specific regulations on the collaborative economy, but rather it has issued guidance documents in this respect. In terms of freedom to provide services, this is a matter of the shared competence of the Union with the Member States; hence, the Commission has issued a proposal to create a services passport or an e-card, pursuant to the Single Market Strategy (European Commission 2017d).

Without having the pragmatic and comprehensive character of the Internal Market Program of 1985, the Single Market Strategy has a clear roadmap made up of policy initiatives meant to revive the Single Market based on the three objectives mentioned above. Compared to the other programs focused on the Single Market, the strategy of the Juncker Commission bears certain resemblance with the previous strategies. For instance, we can observe similarities with the approach of the 1985 program in terms of the objectives involved. The correspondence between objectives is observed in Table 2.1.

Creating an arc between the two strategies, we observe that the aspects referenced in the 1985 program and their results in the completion of the internal market relate to the current priorities of the newest effort to energize the Single Market. Without the effort to weld together the market with the help of harmonization of the regulatory framework, there would be no actual practical delivery of the benefits towards the consumers and businesses. At the same time, some of the measures comprised within this 2015 objective relate exactly to the need to weld the markets together, such as “strengthening the Single Market for goods,” due to the fact that

mutual recognition is not applied properly between Member States (European Commission 2015d). Secondly, the expansion of the internal market extends to the 2015 objective of creating new opportunities in the Single Market. The best example for these new opportunities refers to the commitment of the European Commission for new business models and the need to adapt them to the Single Market. The collaborative economy is a relevant example, as well as the Capital Markets Union, which is aimed at “a plan to mobilise capital in Europe” to help small- and medium-sized enterprises have easier access to funding and to incentivize the circulation of capital across national borders (European Commission 2017e).

Ensuring the flexibility of the internal market relates to the opportunity to take advantage of technology and digitization. Of course, the separation in the table is not clear-cut, given that the measures related to the welding together of the national markets of the 1985 program are to be found as priorities in the other two objectives of the Single Market Strategy. Such an example refers to the objective to modernize the standardization within the Single Market. Creating a basic standard for goods within the internal market was a measure necessary in the welding of the internal market. This arc over 30 years from Delors’ commitment to ensure freedom of movement is a useful exercise to evaluate the road towards the Single Market. Concluding, some barriers are still preserved within virtually all the documents referenced in the evolution of the Single Market, such as national discrimination or fiscal barriers.

## 2.12 Conclusion

The entanglement between the Single Market and the Digital Single Market is obvious, in the sense that the digitization impacts every sector of the economy. The purpose of this chapter was to map the evolution of these spaces across different policy approaches and prioritizations from the European Economic Community to the European Union. The usefulness of this chapter in the effort to crystallize the digital policy of the European Union is evident in order to track the ways in which digital technologies have evolved from research and development to underpinning virtually every sector of the economy and society.

Moreover, the overview on the evolution of these spaces helps provide evidence to the hypothesis of this research, namely, that the Digital Single Market is supported by the Single Market and is constructed according to the model of the latter. Further evidence to this hypothesis will be provided in the next chapter. At the same time, one of the conclusions of this chapter is that digital technologies in all their shapes and forms have become the basis for the European economy, not simply in terms of numbers but because they are used in every economic sector.

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