EU EMERGENCY RESPONSE UPDATE KEY POLICY & REGULATORY DEVELOPMENTS

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This regular alert covers key regulatory developments related to EU emergency responses, including in particular to Russia's war of aggression against Ukraine, COVID-19, and cyber threats. It does not purport to provide an exhaustive overview of developments.

This regular update expands from the previous COVID-19 Key EU Developments – Policy & Regulatory Updates (last issue No. 99).

LATEST KEY DEVELOPMENTS

Competition & State Aid

- Director-General of DG COMP speaks at European Competition Day
- European Court of Auditors publishes Special Report on Recovery and Resilience Facility's performance monitoring framework
- European Commission approves further schemes under new Temporary Crisis and Transition Framework to support economy in context of Russia's invasion of Ukraine and accelerating green transition and reducing fuel dependencies
- European Commission approves further scheme to compensate for damage due to COVID-19 crisis

Trade / Export Controls

- Anti-Coercion Instrument adopted
- European Commission publishes Third Annual Report on screening of foreign direct investments
- 11th meeting of EU-US Task Force on Energy Security

Medicines and Medical Devices

- Commission releases Communication on Addressing Medicine Shortages in the EU
- European Commission authorizes adapted COVID-19 vaccine

Cybersecurity, Privacy & Data Protection

- ENISA publishes Threat Landscape 2023 Report
- European Commission adopts Work Programme for 2024

COMPETITION & STATE AID

Competition

Director-General of DG COMP speaks at European Competition Day (see here)	On 17 October 2023, Olivier Guersant, Director-General of DG COMP, gave the keynote speech at the annual European Competition Day* on the topic of "Working towards a global 'level-playing field'". Director-General Guersant addressed the below issues in particular, stating his views as follows: • State aid policy is challenged by global and political trends, ranging from when foreign states weaponize vital supply chains, to the compelling case for industrial aid that addresses specific 'market failures', such as in relation to the green and digital transitions. However, he also emphasized that the most basic principle of State aid must apply to all EU industrial policy, i.e., government money should never be put towards an investment that the private sector would otherwise be able to make. In this respect, he stated that the unwinding of State aid provided under the Temporary Crisis and Transition Framework must commence, as the worst of the energy crisis is now over. While remaining sensitive to the importance of the pace of the phase-out, Director-General Guersant expressed that what is most vital is the signal to markets: they cannot expect that the aid to remedy serious disturbances will remain available indefinitely, as there is no substitute for competitiveness in the long term. • On foreign subsidies, while the EU wants the openness and benefits that come with foreign investment, it must be fair. Ensuring such fairness is the intended aim of the Foreign Subsidies Regulation (FSR), whose notification obligations became applicable on 12 October 2023 (*see also Jones Day EU Emergency Response Update No. 105 of 31 August 2023*). As the first notifications arrive, Director-General Guersant indicated that the Commission will ensure, and improve where needed, the balance between the Commission's need to get the most relevant information for assessing cases, while not creating an overly onerous regulatory burden. He expects a gradual ramping-up of FSR activities in the coming months and encourages businesses to: – seek clarifications on the FSR in pre-notification contacts; and – come forth with concrete information about a competitor getting financial contributions from a third country that may cause a distortion on the internal market. * *This conference is held during each Presidency of the Council of the European Union and is attended by the European competition authorities, the European Commission, ministries and other experts in the field of competition policy.*

State aid	
European Court of Auditors publishes Special Report on Recovery and Resilience Facility's performance monitoring framework (see here)	On 24 October 2023, the European Court of Auditors (ECA)* released its Special Report 26/2023, "*The Recovery and Resilience Facility's performance monitoring framework - Measuring implementation progress but not sufficient to capture performance*". To recall, the Recovery and Resilience Facility (RRF) is the key component of NextGenerationEU, the EU's €806.9 billion plan for rebounding from the COVID-19 crisis. The RRF is also key to implementing REPowerEU, launched in May 2022 in response to the energy market disruption caused by Russia's war against Ukraine. REPowerEU aims at enhancing the EU's strategic autonomy through diversified energy supplies, ceasing dependency on Russian fossil fuel, and accelerating the clean energy transition. The RRF will provide up to €723 billion to finance reforms and investments (i.e., grants totaling €338 billion and €385 billion in loans). In particular, the RRF will support reforms and public investment projects foreseen for implementation under Member State recovery and resilience plans (*see Jones Day COVID-19 Update No. 64 of 18 October 2021*). Member States are also expected, in particular, to add a new REPowerEU chapter to complement their national recovery plans (*see also Jones Day COVID-19 Update No. 98 of 1 March 2023*) State aid control will continue to accompany and facilitate the RRF's implementation, with the Commission engaging with Member States to ensure that investment projects supported by the RRF are compatible with State aid rules. In this respect, the Commission published practical guidance for swift treatment of projects under State aid rules, as well as a number of sector-specific templates to help Member States design and prepare the State aid elements of their national recovery plans (*Jones Day Commentary, "EU Member State COVID-19 Recovery Plans Must Comply with State Aid Rules," March 2021, see here*). In presenting the Special Report, Ivana Maletić, the ECA member in charge of the report, stated: "*The EU recovery fund provides member states with more money than ever, but citizens need to know whether its fundamental goals are met and how the money is spent. We are in a paradoxical situation where for the EU's largest fund that is claimed to be performance-based, we can measure progress but not performance itself*." * The Special Report's main overall finding is that the RRF monitoring framework measures implementation progress, but does not suffice for measuring the RRF's overall performance. In this respect, the Special Report notably indicates: • The RRF's performance-monitoring structure is based on two main building blocks. However, the ECA found both of these insufficient for assessing the RRF's overall performance: (i) The milestones and targets for tracking Member States' progress on reforms and investments were deemed, in particular, as varying in ambition and largely focusing on outputs rather than results; and (ii) Among the predefined common indicators for monitoring success in achieving the RRF's objectives, in particular, only a limited number of these were considered as measuring results, while none was considered as explicitly referring to impact.

	• The RRF Scoreboard, the Commission's tool for reporting on the implementation of the RRF, was viewed as user-friendly, but impacted by data quality issues and lacking in transparency in certain respects. Among the Special Report's recommendations, the Commission is advised to: • Improve the quality of data on the common indicators (e.g., the Commission has not clearly indicated that some figures presented are estimates or are not comparable across Member States, and it did not perform sufficient checks before publishing the data on the Scoreboard); • Improve the transparency and quality of data reported on the Scoreboard (e.g. the Commission should clearly indicate limitations of data provided, in particular by explaining the underlying methodologies and explicitly stating, where applicable, that the data is estimated and/or not comparable across Member States); and • Ensure more informative and consistent reporting that is aligned with all legal requirements (e.g., the Commission's annual reports should provide more detailed information on the implementation status of Member State recovery plans, such as information on the pillars/policy areas with delayed milestones and targets, and possible reasons for these delays). The Commission's replies to the Special Report are provided here. * *The ECA, an institution of the European Union, is the external auditor of the EU's finances and serves as the independent guardian of the financial interests of all EU citizens.* ** *As the regulations governing the RRF do not define the concept of "performance", the Special Report uses the definition generally applied in the ECA's audit work, i.e., a measure of how well an EU-funded action, project or programme has met its objectives and provides value for money.*
European Commission approves further schemes under new Temporary Crisis and Transition Framework to support economy in context of Russia's invasion of Ukraine and accelerating green transition and reducing fuel dependencies (see here)	The Commission approved additional measures under the new State aid Temporary Crisis and Transition Framework (new TCTF) to support the economy in the context of Russia's invasion of Ukraine and in sectors key to accelerating the green transition and reducing fuel dependencies (applied as from 9 March 2023, *see also Jones Day COVID-19 EU Update No. 99 of 17 March 2023*). Among the most recently approved State aid schemes under the new TCTF (from 18 October 2023 to 3 November 2023): – €44 million Slovak scheme to support electricity storage facilities to foster the transition towards a net-zero economy. – €60 million Austrian scheme to support private investments for the production of specific strategic goods needed for the transition towards a net-zero economy. – €61.5 million Italian scheme to support private employers in the context of Russia's war against Ukraine.

	– €66 million Finnish scheme to support the production of renewable methane and methanol to foster the transition towards a net-zero economy.
European Commission approves further scheme to compensate for damage due to COVID-19 crisis (see here and here)	The Commission has adopted a significant number of State aid measures under Article 107(2)(b), Article 107(3)(b), and the State aid COVID Temporary Crisis Framework adopted in March 2020 under Article 107(3)(b) TFEU. With certain exceptions, the Temporary Crisis Framework applied until 30 June 2022.* Among the latest schemes (up to 3 November 2023): • €39 million Italian scheme to compensate travel agencies and tour operators in the context of the coronavirus pandemic. The aid takes the form of direct grants to compensate companies for the damages suffered during the pandemic, covering the period between 1 January 2021 and 31 December 2021, when travel agencies and tour operators were affected by Italy's restrictive measures to limit the spread of the virus. The Commission assessed the measure under Article 107(2)(b) TFEU, which enables the Commission to approve State aid measures granted by Member States to compensate specific companies or sectors for the damages directly caused by exceptional occurrences, such as the COVID-19 outbreak. ** Exceptions notably include the possibility for Member States to (i) create direct incentives for private investments as a stimulus to overcome an investment gap accumulated in the economy due to the crisis (until 31 December 2023) and (ii) provide solvency support measures (until 31 December 2023) aimed at easing access to equity finance for smaller companies.* *The Temporary Framework had also provided for a flexible transition, under clear safeguards, in particular for the conversion and restructuring options of debt instruments (e.g., loans and guarantees) into other forms of aid, such as direct grants, until 30 June 2023.*

TRADE / EXPORT CONTROLS

Anti-Coercion Instrument adopted (see here)	The Anti-Coercion Instrument (ACI) (*Regulation on the protection of the Union and its Member States from economic coercion by third countries*) was adopted by the Council of the European Union (on 23 October 2023) and the European Parliament (on 3 October 2023). *See also Jones Day EU Emergency Response Update No. 100 of 3 April 2023.* To recall, the ACI is a new tool aimed at counteracting third-country economic coercion against the EU or any of its Member States. Such coercion restricts trade or investment (or threatens to), with the aim of pressuring the EU or Member States into making certain policy choices in areas such as climate change, taxation, or consumer security. As the EU legislative framework lacked an instrument specifically addressing such coercion, the ACI seeks to fill this gap, which is viewed as particularly

important in view of current global adversities. In this respect, the European Parliament's Report on the proposed ACI of 13 October 2022 noted the urgent need for an anti-coercion instrument, in light of "*global trade tensions and the impact of the COVID-19 pandemic on global supply chains, whose vulnerabilities were further exposed following Russia's military invasion of Ukraine in February 2022…. [T]he EU cannot be a credible interlocutor on the global arena without a powerful trade instrument preserving its interests, rights and sovereign political choices*."

In order to determine whether a third country applies or threatens to apply measures affecting trade or investment that constitute economic coercion, the Commission and Council will make a fact-based assessment. This includes examining, for instance:

- the severity, frequency, duration, and breadth of the third-country measure;
- whether the third country is engaging in a pattern of interference that seeks to prevent or obtain particular acts from the EU, a Member State, or another third country; and
- information received from any reliable source (e.g., Member States, economic operators, trade unions).

The ACI empowers the Commission to apply a wide range of potential trade, investment or other response measures towards any non-EU country deemed as unduly interfering in the policy choices of the EU or its Member States. Trade restrictions would be available, for example, in the form of:

- New or increased customs duties;
- New or increased restrictions on the import or export of goods (e.g., through quotas, import or export licences, or other measures);
- Exclusion of goods/services or suppliers of goods/services of the third country concerned from public procurement;
- Imposition of measures affecting the access of foreign direct investment to the EU; or
- Restrictions on banking, insurance, access to EU capital markets and other financial service activities.

In terms of their scope, response measures can target a particular sector or region of a third country or target specific natural or legal persons.

However, the response measures taken by the EU would be applied only as a last resort. This is because deterrence is the ACI's primary goal, with the aim of de-escalation and dialogue to attain the discontinuation of coercive measures in trade and investment.

Where useful for the purposes of the determination, and before proposing an implementing act identifying economic coercion, the Commission would be required to invite the third countries concerned to submit their observations. The Commission will also provide the third countries with adequate opportunity for consultations.

Other stakeholders are encouraged to come forward with relevant information, which will be taken into consideration in determining the activation of response measures.

	Looking ahead. Following the signing of the ACI on 22 November 2023 (see here), it will enter into force 20 days after its publication in the Official Journal of the EU, which is expected before the end of the year.
European Commission publishes Third Annual Report on screening of foreign direct investments (see here)	On 19 October 2023, the European Commission published the Third Annual Report on the screening of foreign direct investments (FDI) into the Union.* The Report assesses the application of the FDI Regulation 2019/452, which became fully applicable in October 2020. To recall, the FDI Regulation seeks to address concerns over foreign investors seeking to acquire control or influence in European firms implicating technologies, infrastructure, inputs, or sensitive information critical for more than one Member State or on a project of Union interest. The Regulation sets out a framework for identifying risks related to the acquisition or control of strategic assets that threatens security or public order. It also establishes a cooperation framework between Member States and the Commission, underpinning Member States' FDI assessments and facilitating a Member State's ultimate decision where the FDI is planned or completed. The Report notes that Russia's war against Ukraine and uncertainties arising from geopolitical developments have further highlighted the criticality of key industries such as energy, space, defence, and key technologies. Many EU Member States have thus either adopted new national screening mechanisms or updated and expanded existing ones in response to the current situation (*see Jones Day Commentary, "Luxembourg Adopts New Foreign Direct Investment Screening Regime," August 2023, here*). In 2022, 21 EU Member States had FDI screening legislation in place. The Commission expects all 27 Member States to establish a comprehensive national FDI screening mechanism. In releasing the Third Annual Report (covering the year 2022), the Commission noted, in particular, the efficiency of reviews under the FDI Regulation and that the EU remains open to foreign direct investments: – The Commission swiftly completed the assessment of FDI transactions notified by Member States, with 87% assessed in 15 calendar days, thereby preventing delays in authorizations by Member States. – The Commission issued an opinion in less than 3% of the 423 cases screened in 2022. An opinion is only required based on the circumstances of a case (more specifically, given the investor's risk profile and criticality of an investment target). Such Commission opinions provide recommended mitigating measures that are deemed to be proportionate and specific to the risks and criticality identified. It is ultimately the screening Member State to decide on the transaction being screened, including in light of any Commission opinion. National authorities ultimately blocked transactions in 1% of all decided cases in 2022. On FDI trends, the Report indicated the following, in particular: – A continued rise in use of the screening mechanism, with 17 Member States submitting a total of 423 notifications to the Commission. Six Member States (Austria, Denmark, France, Germany, Italy and Spain) submitted over 90% of those notifications.

	– Most cases concerned manufacturing (59%) in various industries, including aerospace, communications, cybersecurity, energy, data processing and storage, defence, health, semiconductors, and transport. – The US remained the top foreign investor in the EU in 2022 (accounting for 32.2% of all foreign acquisitions and 46.5% of all greenfield investments), followed by the UK (accounting for 25.1% and 19% of respectively acquisitions and greenfield investments). The US and UK were followed by "Offshore Financial Centres",** China, Japan, and Canada. The accompanying Staff Working Document provides further details on the Report (see here). Looking ahead. The European Commission is completing an evaluation of the FDI Regulation, and a revised Regulation will be proposed before end-2023. This review is taking place, in particular, in light of the Communication on European Economic Security Strategy of June 2023, which emphasized the need to build a shared understanding of risks to the EU's economic security and to make better use of existing tools (*see also Jones Day EU Emergency Update No. 103 of 23 June 2023*). * *For the Second Annual Report on the screening of FDI, see Jones Day COVID-19 Update No. 86 of 8 September 2022*. ** *The main offshores by number of M&As or greenfields are (in alphabetical order): Bermuda, British Virgins Islands, Cayman Islands, Mauritius and the UK Channel Islands.*
11th meeting of EU-US Task Force on Energy Security (see here)	On 31 October 2023, the 11th meeting of the EU-US Task Force on Energy Security (Task Force) took place in Washington, D.C., co-chaired by Amos Hochstein (US Special Presidential Coordinator for Global Infrastructure and Energy Security) and Björn Seibert (Head of Cabinet of European Commission President Ursula von der Leyen). To recall, the Task Force's efforts focus on two main prongs, as further elaborated during this 11th meeting (*see also Jones Day COVID-19 Update No. 92 of 18 November 2022*): (1) Diversifying liquefied natural gas (LNG) supplies in line with climate objectives, in particular with the US working with international partners towards ensuring expanded LNG volumes for the EU market (e.g., the 11th meeting reviewed the diversification of Europe's natural gas supply sources and the expanding LNG trade between the US and Europe, with the US now the leading supplier by far of LNG to Europe); and (2) Reducing demand for natural gas in the US and EU by accelerating market deployment of clean energy measures (e.g., the EU's effective response to Russia's aggression in Ukraine and weaponization of energy supplies includes ramping up the use of renewable energy and slashing its dependence on Russian fossil fuels, including by cutting oil imports by 90 percent (from 155 billion cubic meters (bcm) in 2021 to an estimated 40 to 45 bcm in 2023). Looking ahead. The Task Force will continue to advance the energy transition to climate neutrality and bolster energy security, as reaffirmed during the EU-US Summit on 20 October 2023. The Task Force also

	reiterated its commitment to monitor the energy security situation and to reconvene as necessary.

MEDICINES AND MEDICAL DEVICES

Commission releases Communication on Addressing Medicine Shortages in the EU (see here)

On 24 October 2023, the Commission published a Communication on Addressing Medicine Shortages in the EU, setting out short- and longer-term actions to better address medicine shortages and to reinforce supply security in the EU through a comprehensive and coordinated approach with stakeholders at the EU and global levels.

Background. The Communication notes that shortages of key medicines during the winter of 2022-2023, such as antibiotics, triggered particular public and political concern. The COVID-19 crisis and Russia's war of aggression against Ukraine have also exposed Europe's supply chains dependencies and the risk of weaponizing such economic dependency. These circumstances have sharpened awareness of the risk of medicine shortages that all Member States have encountered, as detailed in a 2021 Commission Study on Future-proofing pharmaceutical legislation – Study on medicine shortages (see here).

Among the Communication's key goals, these address:

- Further building on the EU's means of preventing or mitigating critical shortages, e.g., by:
  - Creating a Voluntary Solidarity Mechanism for Medicines in October 2023 (see here) to enable a Member State to signal its need for a given medicine in critical shortage such that other Member States can respond by redistributing medicines from their available stock.

    The Commission will also establish by a matchmaking platform by Q2 2024, to enable economic operators and developers to flag their capabilities and collaboration needs. This platform will notably build on the experience of the COVID-19 Clearing House for medical equipment, which the Commission created in April 2020 to facilitate the timely availability of medical supplies needed to fight the virus.
  - Regulatory flexibilities can be an important means to mitigate shortages of critical medicines (e.g., facilitating rapid authorization and rollout of alternatives; upscaling of production or approval of alternative suppliers of raw materials or finished products; or temporarily extending shelf-life). A new Joint Action planned for 2024 will further promote the effective of such flexibilities, notably in light of experience gained by EU regulators during the COVID-19 pandemic.
- Improving the security of supply of the most critical medicines through a strategic and coordinated industrial approach that will reinforce existing and planned policy, legislative and regulatory measures, e.g., by:
  - Examining the need to reinforce the EU's security of medicines supply with a legislative initiative for a potential "Critical Medicines Act," for which the Commission plans to launch a dedicated, preparatory study by end-2023.
  - Establishing a Critical Medicines Alliance to be operational in early 2024 to enable EU and national authorities and stakeholders to develop coordinated action at the EU level against medicine

	shortages in compliance with competition rules and the EU's international commitments, with planned initiatives such as: ○ Coordinating public procurement practices at EU level, including through Member State pursuit of joint procurements at EU level; ○ Exploring ways of diversifying global supply chains through strategic partnerships, in particular by identifying priority non-EU countries; and ○ Building a common strategic approach to medicines stockpiling in the EU. The Communication also notably complements the EU pharmaceutical reform announced in April 2023 by further boosting the anticipation and operationalization of certain initiatives proposed in the reform (see also *Jones Day EU Emergency Update No. 102 of 3 May 2023*). For further details on the Communication, see the Commission's Factsheet and Q&As.
European Commission authorizes adapted COVID-19 vaccine (see here and here)	On 31 October 2023, the European Commission authorized the adapted Nuvaxovid COVID-19 vaccine, developed by Novavax, which targets the Omicron XBB.1.5 subvariant of the SARS-CoV-2 virus. Nuvaxovid was first authorized in the EU in December 2021. The Commission authorized the adapted Nuvaxovid vaccine under an expedited procedure, following the vaccine's in-depth evaluation by the European Medicines Agency's (EMA), in view of enabling Member States to adequately prepare for their autumn/winter vaccination campaigns. In line with previous recommendations by the EMA and the European Centre for Disease Prevention and Control (ECDC), adults and adolescents from 12 years of age who require vaccination are invited to receive a single dose, irrespective of their COVID-19 vaccination history. In announcing its authorization, Stella Kyriakides, European Commissioner for Health and Food Safety stated: "*Vaccination remains our most effective tool against COVID-19, and today we are adding a protein-based adapted vaccine option to our portfolio. Ahead of the Winter season, I call on everyone eligible, especially those aged 60 years and above, persons with weakened immune systems and underlying health conditions and pregnant women, to get their booster dose with the latest updated vaccines targeting the variants that are currently spreading.*" As with other COVID-19 vaccines, national authorities in EU Member States will determine how to use this vaccine in national vaccination campaigns, taking into account factors such as infection and hospitalization rates, the risk to vulnerable people and vaccine availability. The EMA and ECDC will continue to closely assess emerging vaccines' effectiveness and epidemiological data and will update their recommendations accordingly.

CYBERSECURITY, PRIVACY & DATA PROTECTION

ENISA publishes Threat Landscape 2023 Report (see here)

On 19 October 2023, the European Union Agency for Cybersecurity (ENISA) published the 11th edition of the annual ENISA Threat Landscape Report covering the period July 2022 to June 2023 (see 10th Report in *Jones Day COVID-19 Update No. 91 of 9 November 2022*).

The Report notes in particular that from the latter part of 2022 through the initial half of 2023, a marked escalation in cybersecurity attacks set "*new benchmarks*" in the variety, number, and consequences of incidents.

The Report also emphasizes the impact of (i) Russia's war against Ukraine and (ii) the COVID-19 pandemic, which have substantially modified the cybersecurity threat landscape:

- Russia's war against Ukraine plays a pivotal role in shaping the cybersecurity landscape, with an increase in State-sponsored attacks and attacks on State critical infrastructures. The Report notes, for instance, the following trends:
  - State-nexus groups (whose objective is primarily espionage and revenue generation) use the war as a theme for intelligence seeking campaigns, and particularly targeting entities such as private and public military organizations, think-tanks, humanitarian organizations, IT companies and critical infrastructure;
  - Phishing attacks use the war as a lure, with opportunistic cybercriminals attempt to exploit high public interest, such as by sending emails with themes related to the conflict, including humanitarian assistance and various types of fundraising;
  - The war has "*monopolised and influenced DDos [Distributed Denial of Service] like never before*," with a significant part of DDoS-related hacktivist attacks concerning the war and involving actors from state-sponsored to simple users, devoting their resources to the cyberwar;
  - The war continues to impact supply chain security, with hackers targeting Ukrainian and European supply chains to disrupt the flow of lethal aid and humanitarian goods in Ukraine.
- With respect to cybersecurity trends driven by the COVID-19 pandemic, the Report highlights, for instance:
  - Phishing and spear-phishing attacks continue to use the COVID-19 pandemic as a lure;
  - The continued heightened risk of DDoS attacks targeting cloud resources, given the rapid adoption of the cloud and its movement towards edge computing, boosted in particular by remote working and online education caused by COVID-19.

The Report also sets out proposed high-level mitigation measures in light of identified threats, such as the following recommendations:

- For ransomware: Implementing secure and redundant backup strategies, maintaining offline, encrypted data backups, creating and maintaining incident response plans, performing regular vulnerability scanning to identify and address vulnerabilities;

	– For malware: Creating and maintaining incident response plans, ensuring periodic security awareness and training, collaborating with peers and national Computer Emergency Response Teams (CERTs), and ensuring assets are inventoried, managed, and under control; – For threats against data: Building a team of specialists to respond to data breaches, implementing a proper mitigation plan and zero trust architectures, ensuring proper planning and budgeting for data management risks. The Report's key findings are based on multiple and publicly available resources, as provided in the references used for developing the document.
European Commission adopts Work Programme for 2024 (see here)	On 17 October 2023, the Commission adopted its Work Programme for 2024 of key initiatives for 2024 and how these will be concretely pursued, particularly towards promoting a greener, more resilient, and digital Europe (See also previous Work Programme 2022, *Jones Day COVID-19 Update No. 90 of 28 October 2022*). The Work Programme states that unprecedented challenges, including the COVID-19 pandemic and Russia's war against Ukraine, have underscored the EU's resilience in recent years. However, the EU also faces key challenges to its competitiveness. On the priority area, "A Europe fit for the digital age," the Programme recalls that by designating the 2020s as the Digital Decade, this signaled the EU's commitment to enhancing digital skills, digitizing operations, fostering innovation, closing the digital gap, and upgrading infrastructure. Through significant legislative measures such as the Digital Markets Act and the Digital Services Act, the EU has established frameworks for a fair and secure single market within the digital realm (see also *Jones Day EU Emergency Response Update No. 102 of 3 May 2023*). The Programme sets out the Commission's plans, among others, to: – Complete the legislative process on Artificial Intelligence ("AI"), continue its efforts with the EU's international partners to strengthen global AI governance, and open up high-performance computers to AI start-ups; – Make major investments in digital networks, in order to meet the Digital Decade targets for 2030, and prepare possible policy and regulatory actions regarding digital networks and infrastructure, notably to facilitate cross-border infrastructure operators in the EU, accelerate deployment of technologies, and attract more capital into networks; – Propose a European space law that would set rules on space traffic management and on space infrastructure safety, which would be complemented by a strategy on the space data economy to increase the use of space data across economic sectors. The Work Programme further indicates that in response to the COVID-19 pandemic, the Commission started laying the foundations for a European Health Union, including proposals such as the EU Health Data Space (*see also Jones Day COVID-19 Update No. 84 of 17 May 2022*). A detailed overview of the Commission's planned work for 2024 is provided in the Work Programme Annexes (see here).

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