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## **Von der Leyen's European Commission's Vision of the EU's International Role as a Normative-Regulatory Power in the Digital Area for the 2019–2024 Period**

### **Abstract**

The aim of this paper is to examine whether the documents prepared by the European Commission (EC) under the leadership of Ursula von der Leyen are based on a coherent vision of the international role to be played by the EU in the digital area. It attempts to achieve this goal by referring to two concepts popular in the analysis of the international role of the EU: as a normative and regulatory power. The question posed is, To what extent does the European Commission want the EU to play the role of a normative or regulatory power on the international stage in the field of digital policy? To answer it, the author focuses on an analysis of von der Leyen's speeches and selected EC documents. Following Mayring, the author has used a method involving the qualitative content analysis of speeches and policy documents. The author tries to find signs that the EC wants the Union to play a role as a normative or regulatory power in the digital sphere. The study shows that the titular institution refers to these concepts in its documents. The Commission also assumes that the Union can play both roles simultaneously, thus strengthening its ability to influence third parties in the digital sphere. However, whether it does so intentionally or because it lacks a concrete vision of the EU's international role in the digital area remains unresolved.

**Keywords:** EU, European Commission, Ursula von der Leyen, Normative Power, Regulatory Power, International Role

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## **Introduction**

The question of the EU's cyber actorness is significant because the common line taken in related literature is to criticise the EU for not being an effective cyber actor. Sliwinski, for example, argues that two major factors limit the EU; its intergovernmental character, and the lack of a collective vision on cyber-actorness with the EU and between Member States (Sliwinski, 2014, p. 468). Klimburg and Tirmaa-Klaar point out that within EU institutions, activity in the digital field has largely been approached in an *ad hoc* manner, with a number of different initiatives being executed by a number of different bodies, with only marginal coordination (Klimburg, Tirmaa-Klaar, 2011, p. 41). This inconsistency is due to the lack of a well-thought-out, long-term strategy in the digital field. However, there have been some developments in recent years. These have already been highlighted by Carrapico and Barrinha (2017), who have studied EU cohesion in the cyber area. They note that both the growing political importance attributed to cyber security and the gradual consolidation of the digital area mean that the EU may be moving towards more coherent action in this field. A similar view is taken by Christou, who notes that although Member States retain important national prerogatives in cyberspace, a "significant movement towards EU autonomy" in this area is evident, indicating the development of an EU digital policy (Christou, 2018, p. 17). It can be assumed that this process has accelerated with 2019's formation of the European Commission (EC) at the end of that year. Indeed, this EU institution, chaired by Ursula von der Leyen, has made the digital agenda one of its priorities (von der Leyen, 2019). The various documents and legal acts that have been prepared and adopted since then are evidence of the EU's growing activities in the digital field, including on the international stage. Given the above, it is worth examining whether the EC's documents are based on a coherent vision of the EU's international activity in the digital field. This study refers to two concepts popular in the analysis of the role of the European Union in the international environment and asks, To what extent does the European Commission want the EU to play the role of a normative or regulatory power on the international stage in the field of digital policy? The first concept has been chosen because some authors note that the EU in the digital field often refers to European values (Kurowska, 2019; Claessen, 2020). The second, on the other hand, explains the effectiveness of the EU in promoting its regulations and standards in the global economy (Wessels, 2015; Bendiek, Pander, 2019; Brandão, Camisão 2021). In political-science literature, the mentioned

concepts are usually analysed separately mainly because of the different areas: foreign and security policy and economic policy. However, in the case of digital policy, it makes sense to combine them, primarily because actions taken in this territory affect the Union's international position in both the political and economic fields. It is increasingly visible that digital policy has a holistic character, covering the whole spectrum of sectoral policies, including external action and security policy. It seems, therefore, that the parallel search for evidence that the EC wants the EU to play a role as a normative and regulatory power in the digital area will allow for a broader view of this policy, going beyond traditional, sectoral approaches. Additionally, another problem is particularly evident in the research on the EU's role in the digital field. Most publications deal with cyber-security issues (Samonek, 2020) and only a few authors choose to go beyond this area in their research (Kurowska, 2019; Pawlak et al., 2019). A similar problem was recognised by Carrapico and Barrinhy, who noted that research in European Studies had not fully covered the digital area. In their view, "adding the disciplinary lenses of European Studies to this field would encourage different questions", including those concerning the EU's role in the digital area (Carrapico, Barrinhy 2018, p. 301). Thus, by going beyond the cybersecurity field as well as posing the question of the EU's activity in digital issues and indicating the role it can play internationally in this field, this article fills various gaps in research concerning the area of European studies.

The article consists of three parts. The first presents the methodological assumptions of the paper. The second part describes the main features of the concepts of normative power and regulatory power. Finally, the third part presents the findings of the study, demonstrating that the EC wants the EU to play both a normative and a digital power role in the digital environment. The paper ends with conclusions.

## **Materials and Methods**

The EC has been active in the digital field for many years, whether preparing EU positions and legislative proposals or trying to encourage greater coherence among Member States. However, this work is focused exclusively on the EC's term of office under Ursula von der Leyen, which began on 1<sup>st</sup> December 2019. The author's decision stems primarily from the observation that the current EC is prioritising this area, pointing to its importance for the future of the EU and its cross-sectoral and cross-policy nature. Driven by the criterion of the nature of the adopted documents, the author has decided to analyse selected documents published by the

EC on various digital issues – both that of a general nature: *Shaping Europe’s Digital Future* (European Commission, 2020a) and *2030 Digital Compass: the European way for the Digital Decade* (2021), as well as that of a specific nature: *The EU’s Cybersecurity Strategy* (European Commission, 2020b), *White Paper on Artificial Intelligence* (European Commission, 2020c), and the *European Declaration on Digital Rights and Principles for the Digital Decade* (2022). The author has omitted legal acts and focused on documents of a political nature. Legislative acts are one of the instruments used as a part of regulatory power, so, from the point of view of this investigation, it is more interesting to indicate the necessity of their adoption than the content itself. In regulations, it is difficult to find direct motives for their establishment, and these, in turn, determine whether a piece of legislation is a conscious implementation of the regulatory power’s strategy or normal legislative activity aimed only at the internal market.

In addition, the author has analysed three State of the Union Addresses given by Ursula von der Leyen which have been analysed along with her speech at the opening session of the 2021 Digital Assembly. These speeches presented not only the EC’s strategic action plan for the coming years, but also the vision of the EU’s role in the digital field. Speeches by other members of the EC have been omitted, as preliminary research suggests that they are of limited relevance to this institution’s activities in the digital area.

In this study, the author used content analysis. As Crespy notes, it has become a leading approach in EU research (2015). The method applied involves a qualitative content analysis of speeches and policy documents. Following Mayring, the author understands qualitative content analysis as a mixed-method approach in which qualitative and quantitative aspects constitute two distinct analytical steps: assigning categories to a text as a qualitative step, reworking multiple passages of the text, and analysing the occurrence of a category as a quantitative step (2014). Thus, the author has focused on the content aspects of speeches and documents and did not only focus on the “signifiers” (i.e., individual “words” or the “co-occurrence of words”), but also on the “signifieds”, i.e., on the meanings. The activity of identifying and categorising symbols associated with the role of a normative or regulatory power is a qualitative aspect of the author’s research and it has been done by considering not only the individual symbol, but also the larger sentence structure of which that symbol is a part. However, information on the number of individual signifiers and signifieds has not been collected because the diverse nature of the documents analysed means that this information would have no

analytical value. Quantitative data in this case would not make it possible to assess whether the EC wants the EU to play the role of a normative or regulatory power. One signifier in a Ursula von der Leyen speech may have more political significance than a dozen signifiers in an EC document. To summarise, within the texts analysed, the author looked for (1) signifiers referring to values, principles, and norms typical of the concept of normative power; (2) signifiers and signifieds referring to a normative power and regulatory power; (3) signifiers and signifieds indicating the EC's planning of the use of instruments typical of a normative power and regulatory power.

## Key Concepts

### The Concept of the European Union as a Normative Power

The concept of the EU as a normative power has been in the literature for several years. It was proposed by Manners in 2002. According to him, the term denotes the EU's ability to disseminate important norms and values in international relations (Manners, 2002, p. 239). They are embodied in the *acquis communautaire*, and include: peace, freedom, democracy, the rule of law, and human rights. Four minor norms are also identified by Manners: social solidarity, anti-discrimination, sustainable development, and good governance. Manners argues that these norms distinguish the EU from other political actors and lead it to act normatively (Manners, 2002, p. 240). Moreover, he is convinced that the EU will remain and continue to be a normative power for the foreseeable future (Manners, 2008, p. 45). Therefore, in this study, the author treated Manners' indicated values as signifiers.

The EU promotes its values through policies that are part of its external action. Among the instruments for exporting them, Manners distinguishes: spontaneous diffusion, political dialogue, EU policies, the use of communication strategies, the transfer of mutual benefits, procedural activism, and EU presence in third countries (Manners, 2002, p. 239). This paper looks for evidence in the documents analysed to show that Ursula von der Leyen's EC plans to apply these tools in the digital field. Thus, in this study, these instruments are symbols, and the author looks for signifiers and signifieds showing that the EC wants to use them in order for the EU to play a role as a normative power in the digital area (see Table no. 1).

**Table 1. The Coding of Instruments Characteristic of Normative Power: Categories of Symbols**

<b>Instruments Specific to Normative Power</b>	<b>Examples</b>
Spontaneous diffusion	the EU will inspire; the EU will promote its values/principles/standards; the EU will diffuse its values/principles/norms; the EU will spread its values/principles/norms
The EU's presence in third countries	direct presence; EU delegation; EU-funded investment; EU funds; EU programmes; EU missions
Political dialogue	international coalitions; dialogue with partners; leadership summits; cooperation with partners; working with partners; alliances with partners
The EU's policies	development assistance policy; common commercial policy; digital policy; CFSP; EEAS; diplomacy
Different communication strategies	communication strategy; cooperation with relevant stakeholders; a differentiated approach
The transfer of mutual benefits	benefits for all stakeholders; profits for partners; mutual benefits
Procedural activism	the preparation of new documents/legislative acts; the legislative process; international negotiations; international groups/teams

Source: The author's own study based on analysed speeches and documents.

### **The Concept of the European Union as a Regulatory Power**

The concept of the EU as a regulatory power was formulated at the beginning of the XXI century. Regulatory power occurs when a single international actor is able, through market mechanisms, to externalise its laws and regulations beyond its borders, resulting in the globalisation of standards. There is a broad consensus in the literature that the EU is a regulatory power (Scott, 2014; Young, 2015; Bradford, 2020). EU policy makers and scholars have long acknowledged that the EU increasingly promotes regulation beyond its borders through trade (Young, Peterson, 2014). Even the EU institutions note in their documents that the EU is “emerging as a global rule maker” (European Commission, 2007). Thus, both in the academic literature and in EU documents, the EU is characterised as an influential actor that moves domestic regulation beyond its borders.

The literature points to the critical resources of a regulatory power; a large market, advanced regulatory capacity, and rigorous regulation. Bradford notes that for a country to exercise global regulatory power, it must also have regulatory propensity by which she alludes to a prevalent national preference for strict regulatory standards and a predisposition to regulate inflexible targets. According to her, the EU has all these characteristics (Bradford 2012, pp. 10–11).

The instruments through which the Union plays its role as a regulatory power include intra-EU legislation (regulations and directives), the creation of international bodies with private participation, the negotiation and conclusion of international agreements, and activities with or within international organisations (Young, 2015). This paper looks for evidence that Ursula von der Leyen's Commission plans to use these tools in the digital sphere. In the author's study, these instruments are therefore symbols, and he tries to find signifiers and signifieds in examined texts indicating that the EC wants the EU to play a role as a regulatory power in the digital area (see Table no. 2).

**Table 2. The Coding of Instruments Characteristic of Regulatory Power: Categories of Symbols**

<b>Instruments Specific to Regulatory Power</b>	<b>Examples</b>
Adopting intra-EU legislation	regulation; directive; legislative proposal
The creation of international bodies with private entities	cooperation with private actors; the establishment of a joint body/organisation; in partnership with a private entity; in participation with a private entity
The negotiation and conclusion of international agreements	international/bilateral/multilateral agreement; partnership; convention; negotiation
Activities with/within international organisations	forums of international organisation; Council of Europe; United Nations; OECD; G-20, WTO

Source: The author's own study based on analysed speeches and documents.

## **Results**

### **The European Union as a Normative Power in the Digital Area**

#### **Values Promoted by the EU in the Digital Area**

An analysis of documents and speeches shows that the EC and its president want the EU to play the role of a normative power on the international scene in the cyber field. Although there is no literal reference to Manners's concept (a signifier), numerous signifieds can be found, as the EC is taking and planning action to ensure that European values are applied in the online world (Manners, 2022).

However, there is a need to start by establishing what these European values actually are in the context of the digital environment. Of course, it should be remembered that their sources can be found in Article 2 TEU and the Charter of Fundamental Rights, as well as in the Council of Europe *acquis*. The European Commission, in its documents, is unlikely to go beyond the framework outlined by the aforementioned legal acts. However, it is worth examining what specific digital values appear in the statements of the President of the Commission as well as in the documents analysed.

Ursula von der Leyen often mentions European values in her speeches on the EU's role in the digital area (von der Leyen, 2019, pp. 15, 20; 2020; 2021a; 2021b; 2022). She certainly includes among them such issues (signifiers) as privacy, freedom of expression, respect for international law, the free flow of data, cyber security, multilateralism, human-centred digital transformation, access for all to the internet, the right to learn digital skills, and algorithms that respect people. So, these are not literally the values that Manners describes as being typical of a normative power. Nevertheless, some connections can be seen. For example, privacy, freedom of speech, the free flow of data, and access for all to the internet are linked to values such as freedom and democracy. It can, therefore, be concluded that the values that Ursula von der Leyen believes should be (internationally) promoted in the digital sphere are linked to Manners' concept of normative power and thus to the European values defined in the *acquis communautaire* of the EU and the Council of Europe.

References to the above-mentioned symbols can also be found in documents published by the EC. Two of these documents are fundamental as they directly address the European values that the Commission believes the EU should promote in the digital environment, namely; "Digital Compass..." (2021) and "European Declaration..." (2022). In addition to



the values typical of the concept of a normative power (freedom of speech, freedom of choice, freedom of information, non-discrimination, rule of law, and democracy), these documents list the rights and principles which, if implemented and diffused, could fundamentally change the digital environment. These include, for example, such signifiers as the right to the internet, the right to disconnect from it; the right to work-life balance in a digital environment; the right to decide on one's digital legacy; the right to access online public services; the ethical principles of human-centred algorithms; and the protection and empowerment of children in online spaces.

References to European values can also be found in the other analysed documents. These are largely identical to the values typical of normative power. However, they have been supplemented with principles and norms closely related to the digital sphere: privacy, the right to the internet, the right to disconnect from the internet, the resilience of the digital ecosystem or openness of the internet, etc. So, it can be argued that “digital values” fall into the category of broadly defined fundamental rights as set out in Article 2 TEU, the Charter of Fundamental Rights (2012), and the European Convention on Human Rights (Council of Europe, 1950), and thus fit into the concept of normative power.

In summary, in four of the five documents analysed, signifiers can be found pointing to the symbols the author has defined. These documents refer to values typical for a normative power which may indicate that Ursula von der Leyen's EC refers to this concept. The only document in which there is no direct reference to Manners' values is “Shaping Europe's...”. Thus, it can be said that the EC refers to the values promoted by the normative power and defined in the EU and Council of Europe *acquis*. It therefore seems reasonable to conclude that in the speeches and documents analysed, Ursula von der Leyen's EC attempts to adapt its terminology to the value system developed in the EU and the Council of Europe and positioned by Manners in the concept of a normative power. In this context, there has been no expansion of the general European value system and therefore the European Commission does not position itself as an “innovator” in this field.

### **Instruments to Promote European Values in the Digital Area**

Evidence of the convergence of the EC's intentions with the concept of a normative power is the fact that it intends to use a number of instruments typical of this role in its international activity. In the speeches and documents analysed, there are both signifiers and signifieds to support this thesis, the first of which occur in large numbers when Ursula von der Leyen as well as the EC indicate that EU values in the cyber domain

will be subject to a process of spontaneous diffusion. The EC assumes that it will take place within the framework of the Global Strategy for Digital Cooperation, which aims to bring the European approach to digital transformation to the international arena. It is the EC's intention that this process will result in the formation of a digital society based on European values (European Commission, 2020a, pp. 16–17). A similar aim can be found in the “European Declaration...” and “White Paper...” (European Commission, 2020c, p. 1).

The EC also intends to use political dialogue to promote its values. In the case of this instrument, we can observe both the occurrence of signifiers and signifieds. For example, such a strategy was mentioned by Ursula von der Leyen in her 2020 State of the Union address and speech at the 2021 Digital Assembly. She emphasised that the Union would form ambitious coalitions on digital ethics issues (von der Leyen, 2020), and she mentioned the UN in this context (von der Leyen, 2021a). This position was confirmed in documents prepared by the EC (European Commission, 2020b, p. 24).

An analysis of Ursula von der Leyen speeches and EC documents has shown that, although there is no direct reference to a normative power strategy, literal references to instruments typical of normative power can be found in some of them. It should be also noted that none of the documents envisages the use of all instruments typical of normative power. The closest to this model is the “European Declaration...”, which is due to the fact that it focuses on the values that the EC wants to promote in the digital field. Thus, this document is evidence that the strategy of a normative power is consciously pursued by Ursula von der Leyen's EC. A similar conclusion can be reached by looking at the announcement of the use of particular instruments. Two of them can be found in almost all the analysed speeches/documents in the forms of spontaneous diffusion and policy dialogue. The literature indicates that they are characteristic of a normative power and, consequently, their widespread presence in the examined documents confirms the implementation of the normative power strategy. On the other hand, it is difficult to explain why other instruments are so rarely present in the analysed speeches/documents. For example, only the “European Declaration...” envisages the use of so-called “procedural activism”. Relatively rarely does Ursula von der Leyen's Commission announce the use of differentiated communication strategies and the transfer of mutual benefits. Perhaps this is due to the specific nature of the digital area, where it is easier to promote values and principles through dialogue and spontaneous diffusion than through procedural and communication activities.

## **The European Union as a Regulatory Power in the Digital Area**

The analysis above has demonstrated that Ursula von der Leyen's EC wants the EU to play the role of a normative power in the digital domain. However, an analysis of the same speeches and documents shows that the Commission also plans for the EU to play, on the international stage, the role of a regulatory power in the digital area. Both signifiers and signifieds can be found in them. For example, this is clearly stated by Ursula von der Leyen, who, in her State of the Union address, said that the EU must be a leader in digitisation, otherwise "it will have to follow the way of others, who are setting these standards for us" (von der Leyen, 2020). Additionally, in her speech at the 2021 Digital Assembly, she said that the European artificial intelligence (AI) solutions applicable in the single market could be followed worldwide, including by private companies (von der Leyen, 2021a). The EC points out that the EU should play to its strengths in this area; an open and competitive single market, the role of an assertive player in international trade, a solid industrial base, and highly qualified citizens (2021, p. 1). It notes that many countries around the world have aligned their legislation with the EU data protection regime. Therefore, building on this success, the EU should actively promote its model of a secure and open internet (European Commission, 2020a, pp. 14–15).

According to the Commission, the EU is and will remain the most open region for trade and investment in the world. However, it will use all the instruments at its disposal to ensure that every entity wishing to operate in Europe complies with EU rules (European Commission, 2020a, p. 15). This is important not only to maintain a level playing field in the digital sector, but also to diffuse legal solutions within the Union.

In pursuing its strategy of regulatory power, the EC intends to use its typical mechanisms. Firstly, it plans to force changes on external actors by adopting internal legal acts. Legislative plans in this area were indicated both in Ursula von der Leyen's speeches and in documents of the EC, so there were clearly signifiers here. Negotiating and concluding international agreements with third countries is a further mechanism for playing the role of a regulatory power. In the documents analysed, it is possible to find both signifiers and signifieds indicating that the EC Ursula von der Leyen intends to use these instruments to disseminate its regulatory solutions. These will address various digital areas, such as securing 5G networks (European Commission, 2020b, p. 10), a digital economy (von der Leyen, 2021, p. 23); reliable data (European Commission, 2020a, p. 15), and digital partnerships (von der Leyen, 2021).

Summing up the analysis above, Ursula von der Leyen's EC undoubtedly wants the EU to play the role of a regulatory power in the digital area. It not only directly refers to this concept, but also plans to use all the instruments typical for that end. It is clear that in this area, signifiers and signifieds referring to the instruments of a regulatory power can be found in speeches and documents. All of them indicate that the EU will adopt internal regulations in this area. However, it should be remembered that EU legislative acts do not always have to be consciously directed towards the implementation of a regulatory power's strategy. Nevertheless, the context in which information about planned legislation is placed in the scrutinised documents indicates that the EC takes into account its impact on external stakeholders. In addition, Ursula von der Leyen's speeches, along with three documents, announced the negotiation of international agreements in the digital area and activity in international organisations to promote European regulations. In contrast, in only three documents did the EC announce the creation of international bodies with the participation of private actors. However, it cannot be ruled out that, in practice, this instrument will be applied more often, especially as the EU has a wealth of experience in its use, in particular in the fight against child pornography on the internet (Jazłowiecka, Tereszkiewicz, 2014).

## **Conclusions**

The conducted analysis showed that Ursula von der Leyen's Commission in the same extent wants the EU to both promote cyber-values and shape an enforceable, regulatory framework for the cyber area. It therefore wants the EU to play the role of "a normative-regulatory power" on the international scene. In the speeches as well as in the examined documents, the author found signifiers and signifieds referring to these two roles. Both the values to be promoted in the digital area (normative power) and the possibility to influence third-country actors through internal regulation and the attractiveness of the single market (regulatory power) are indicated. It is interesting that Ursula von der Leyen's EC does not separate these roles from each other, recognising that in the digital field they can be played simultaneously. Hence, according to the EC, the concept of regulatory power does not stand in opposition to the narrative that the EU is a normative power that leads by example.

It is unclear what the effects of the EC's actions will be. Firstly, Manners pointed out that the effectiveness of a normative power depends on its stability and long-term impact on the international environment

(Manners, 2011). Therefore, it becomes important whether the activity of Ursula von der Leyen's Commission will be continued by its successor. If the next EC President changes the approach to digital issues, the actions carried out by the current EC will not work. Secondly, technological change and Industrial Revolution 4.0, resulting in a move away from global standardisation of industrial production, may weaken the EU's ability to play the role of a regulatory power (Borowicz, 2021). Furthermore, the concepts of normative power and regulatory power are based on opposing assumptions. In simple terms, the first assumes influence by example and spontaneous diffusion, while the second utilises legislative action and forced compliance with existing regulations in the internal market. Thus, we can say that we have soft power on the one hand and hard power on the other. It is not without reason that these roles are played out in different areas of EU external activity; normative power in foreign policy where it has limited competence, and regulatory power in economic policy where its position is very strong. Despite these differences, Ursula von der Leyen's EC seeks to bring these two concepts together in the digital area and develop a common vision of the EU's international role as a "normative-regulatory power". It remains to be seen what the results of this will be and whether it is even possible. Experiences observed in the real economy and in foreign policy suggest that the introduction of legal regulations in the internal market and their effective enforcement is more effective in influencing foreign partners than political-diplomatic efforts to diffuse values (Kurowska, 2019). This raises the question of whether this new role is a consciously-adopted concept that will be put into practice, or whether it is the result of a lack of a concrete vision of which role the EU should play in the digital area and a mere duplication of ideas that exist in political and academic discourse. The results of this analysis suggest that this is a consciously adopted role. However, this will require further research focusing on both the legislative proposals being prepared by the EC and the actions it will take in the digital area.

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