

## Agenda – Nordic-Baltic coordination network on regulatory issues

25. - 26. June 2024, (10:30 – 17:30, 09:30 – 15:30)

Venue: Mission of Norway to the European Union, Rue Archimède, 17

Participants:

Denmark	Iceland	Sweden (Digital, partly)
Estonia	Latvia	Aaland Island
Faroe Islands	Lithuania (Digital)	
Finland	Norway	

Thursday 26. June 2024

Topic	Annotation
Nordic Council of Ministers - NCM – Presentation of road maps and the new strategy period	<p><b>Cecilia Leveaux</b>, Senior Advisor in the Nordic Council of Ministers, gave a presentation of the newly developed roadmaps for the new strategy period that had been on a public consultation, and NCM are revising accordingly as far as possible. Main goal is to make sure that the roadmaps fit into the practical and specific goals, described through more detailed workplans that are to be launched in October.</p> <p>For the new strategy period, the Baltics are now a permanent part of the Ministerial Council for Digital.</p> <p>NCM also shared thoughts on other topics: <b>NoBaReg</b> is a highly prioritized project by the MR- DIGITALs High-Level Group. There is more than one country who are considering hosting the project after this first period, and NCM is confident there will be an application for a continuation of Nobareg.</p> <p>That said, NCM believed NoBaReg could benefit from more communication externally about the group, as some MS have experienced a request for the establishment for working group like Nobareg, even if it exists. NCM expressed that this could be remedied in the possible next phase, providing NoBaReg with a stronger emphasis on external communication.</p> <p>IN the discussion, the PL pointed out that the discussions in the group go somewhat deeper than what is reported back in the reports (to the NCM) and the minutes. This is a conscious choice, as the group wants to have the possibility to speak freely, and the full discussions are difficult to disseminate in a written statement. There is a responsibility for each MS to “fill out the blanks” when taking the discussion back home.</p> <p>NCM obviously understands the timeliness and importance of current forming of the policy landscape and governance of <b>Artificial Intelligence</b>, but at the time of the meeting, NCM did not have a defined home for the topics within the NCM.</p>

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	<p data-bbox="428 233 1455 338">That said, Nordic Innovation had launched a final report with policy recommendations from their Nordic Ethical AI expert group policy recommendations for Ethical and Responsible AI.</p> <p data-bbox="428 375 1425 510">To respond to the need for a coordinated Nordic approach to these issues, the NCM have invited to a "High-Level Forum of AI Readiness" the 30th of August. More information will be shared when ready, with High Level meaning participation at ministerial level.</p>

<p>Focus areas for closer Nordic-Baltic co-operation and focus on governmental lawyers' contributions to digital transformation.</p>	<p>Professor <b>Hanne Marie Motzfeldt</b> from the University of Copenhagen presented findings from her 2024 report and recent book on the evolving role of public sector lawyers in the context of digital transformation. Her presentation focused on two main areas: the potential for enhanced Nordic-Baltic cooperation, and the need to rethink legal education considering technological developments and regulatory complexity.</p> <p>Motzfeldt noted that while the NoBa countries share many foundational similarities—such as political stability, strong legal traditions, and cultural values—they also exhibit differences in legal specialisation and implementation practices. These variations can lead to fragmented regulatory frameworks. She stressed the benefits of coordinated development and use of regulatory sandboxes across the region to prevent duplication and improve resource efficiency. She also advocated for increased data sharing, particularly within public administrations, to foster better governance rather than just private-sector innovation.</p> <p>The presentation highlighted the Danish Data Ethics Council as a promising model that might be adapted at the Nordic-Baltic level, though no definitive recommendation was made.</p> <p>On legal competencies, Motzfeldt argued that legal education remains too reactive, preparing lawyers more as rule interpreters than proactive advisors in digital policy and system development. She emphasised the need for lawyers to understand other disciplines—not necessarily to code, but to grasp how legal requirements influence system design, such as ensuring compliance with GDPR or archival standards. The key challenge, she suggested, is not early involvement of legal experts, but their ability to communicate effectively with technical stakeholders. According to Motzfeldt the challenge is not that lawyers are not involved in projects from the beginning, rather, it's about the lawyer's ability to communicate.</p> <p>In Denmark, a 2014 mandate required legal expertise in digital development teams. However, her research suggests this has not fully resolved the communication gap. She also pointed to innovative models from the Danish Tax Agency, which distinguish between internal and external legal roles to enhance collaboration.</p> <p>Motzfeldt emphasised the wide variation in GDPR interpretation across the Nordic-Baltic region, predicting it may take another 5–10 years for these perspectives to fully align. Structured collaboration could accelerate this process, though political will is necessary. She noted that while cultural and political commonalities support joint efforts, differing national priorities—such as in chatbot deployment—should be better leveraged through knowledge sharing.</p> <p>Cybersecurity was also discussed. Motzfeldt pointed out that national differences in security requirements may hinder interoperability. For example, Danish services might not comply with more advanced Norwegian standards, limiting cross-border digital cooperation.</p> <p>Finally, she reiterated the value of regulatory sandboxes as tools for clarifying legal uncertainties and urged better coordination among countries with existing sandbox</p>
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	<p>experience. She raised the issue of ensuring independence in sandbox governance and suggested that data sharing should also serve the development of trustworthy AI systems.</p> <p>She concluded by posing a question—not a recommendation—about the potential value of a Nordic-Baltic Council of Data Ethics, particularly in relation to shared databases and legislative changes.</p>
European Free Trade Association - EFTA: Short introduction	<p><b>Trond Helge Baardsen</b>, Senior Advisor, EFTA Secretariat, provided insights into how digital regulations are implemented within the EFTA countries—specifically Iceland and Norway—which, although not EU member states, are obligated to adopt all legislation deemed EEA-relevant. His presentation aimed to deepen understanding among NoBaReg members of the similarities and differences in implementation processes between EU and EFTA countries.</p> <p>Baardsen explained that while EFTA institutions mirror the structure of the EU, they differ fundamentally in that no transfer of legislative competence occurs. Preserving national sovereignty remains a key concern for EFTA members. Nonetheless, under the EEA Agreement, both Norway and Iceland adopt EU digital legislation through a formal, collaborative process with the EU.</p> <p>For further detail on institutional structures and procedural steps, readers are encouraged to consult Baardsen’s presentation, which includes a comparison of the implementation pathways between EFTA and EU member states.</p>

Topic	Annotation
<p>DSSC – roles and responsibilities European Health Data Space: How does this affect “our” regulations?<sup>1</sup></p>	<p>Speakers:  <b>Marta Musidłowska</b> (DG REFORM / DSSC)  <b>Christopher Wilson</b> (MyData)  <b>Ole Gjerrestad</b> (DG SANTE / EHDS)</p> <p>This session explored two major EU initiatives: the Data Spaces Support Centre (DSSC) and the European Health Data Space (EHDS). Marta Musidłowska presented the DSSC, while Ole Gjerrestad gave an overview of EHDS, both connecting their work to regulations relevant to NoBaReg’s focus.</p> <p>Data spaces are seen as a cornerstone of the future European data economy. However, the challenge lies in their complexity—changes in one area often trigger shifts in others. To manage this, the DSSC distinguishes between structural requirements and the “triggers” that set data-sharing in motion.</p> <p>A recurring theme in the discussion was the unclear role of Data Intermediation Service Providers (DISPs) within emerging data spaces. Their legal status and operational responsibilities are still evolving, making it difficult to determine how they align with GDPR and other frameworks. A white paper on DISPs was highlighted as a useful reference.</p> <p>Coordination remains a critical issue. For example, in the case of ePrescription, services have launched in some countries—such as Portugal—but only within limited groups of pharmacies. Such fragmentation reflects broader challenges in establishing effective cross-border services.</p> <p>Musidłowska noted that while the Interoperable Europe Act encourages cooperation, it has a softer regulatory touch compared to the more prescriptive Data Act, particularly regarding the European Commission's role in implementation.</p> <p>The session concluded with an invitation to consider the broader implications of governance models, legal interoperability, and coordination mechanisms—especially as new layers of EU regulation and infrastructure come into force.</p>

<sup>1</sup> [https://health.ec.europa.eu/ehealth-digital-health-and-care/european-health-data-space\\_en](https://health.ec.europa.eu/ehealth-digital-health-and-care/european-health-data-space_en)

Wednesday 26. June 2024

Topic	Annotation
Artificial Intelligence and a data driven public sector: How do we move from digitalisation to digital transformation?	<p><b>Heather Broomfield</b>, PhD Candidate, Digdir / University of Oslo, shared insights from her forthcoming PhD on how data can drive real transformation in the public sector. While current discussions around artificial intelligence often focus on regulation and risk, Broomfield urged a broader conversation—one that looks at how existing public sector data, when used effectively, can reshape government services and operations.</p> <p>She stressed that true digital transformation requires more than compliance—it calls for political leadership, public trust, and an open democratic debate. Norway has an abundance of data, but limited understanding of how to leverage it meaningfully. Broomfield argued that we need to ask more fundamental questions about what we are trying to achieve with data and technology, instead of starting from regulation and ethics alone.</p> <p>Much of the current debate is reactive, shaped by concerns over legal risk. But transformation, she suggested, starts with purpose—defining shared goals, then designing systems and policy to support them.</p>
DG REFORM Technical Assistance Program UNESCO – Survey on AIA CAs	<p>Angelica María Ahumada Fernández (UNESCO) and Thomas Giacoletto (DG REFORM) introduced the ongoing work by UNESCO and the European Commission on AI governance, focusing on a joint project launched in 2023 at the initiative of the Dutch government and supported through the European Commission’s Technical Support Instrument - TSI.</p> <p>Angelica Ahumada Fernández presented two key outputs from UNESCO:</p> <p>The Readiness Assessment Methodology (RAM), which evaluates AI preparedness across five dimensions, including legal, social, and educational factors.</p> <p>A collaborative initiative titled “Supervising AI by Competent Authorities”, developed with authorities designated under the AI Act, such as the Dutch Digital Infrastructure Authority.</p> <p>Thomas Giacoletto highlighted how DG REFORM is engaging in this work and shared insights into the process behind two project surveys. He also introduced a current DG REFORM call for proposals that may be of interest to NoBaReg members.</p> <p>The final report of the project was expected to be published in Paris on Friday, 27 June 2024. Readers are encouraged to consult it for further detail.</p>

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<p>The Data Act: Finland is one step closer to a legislative draft, what have they concluded with?</p>	<p><b>Antti Helin</b>, member of NoBaReg and an advisor at the Finnish ministry of Finance, provided an update on Finland’s ongoing implementation of the Data Act, based on a report published about a month prior to the meeting. The legislative process in Finland is progressing, with a draft law expected soon. Helin’s presentation offered a detailed look at how specific provisions of the Data Act are being interpreted and adapted to the national legal context.</p> <p>Chapters II and III of the Act, which deal with access to and sharing of data between data holders and users, are expected to fall under the responsibility of Finland’s Data Coordinator—the Finnish Transport and Communications Agency (Traficom).</p> <p>Regarding Chapter IV, which covers “reasonable compensation,” Helin noted that national decisions remain pending due to the lack of guidelines from the European Commission and the European Data Innovation Board (EDIB), particularly under Article 95(5).</p> <p>For Chapter V, addressing data use in public emergencies, Finland plans to rely on its pre-existing legal framework covering states of preparedness and defence. However, the interpretation of Article 19(2)(b)—which allows third parties to use data to improve products or services—poses difficulties. This provision is broader than traditional definitions of trade secrets and is not clearly tied to existing Finnish transparency or data protection laws. As such, no fully satisfactory legal position has been established yet.</p> <p>Helin’s update reflected the complexity of aligning EU-level digital legislation with national law, particularly when key terms and governance requirements remain under-defined at the EU level.</p>

Topic	Annotation
Future of NoBaReg	<p data-bbox="427 233 764 262">Discussion among Members</p> <p data-bbox="427 304 1469 514">NoBaReg was formally established in April 2022 following a project proposal by the Norwegian Digitalisation Agency and approval by the Nordic Council of Ministers. Due to administrative delays, the project officially launched in August, with the first in-person meeting taking place in Oslo in November 2022. A core principle of the project, as set out in the original application, was to prioritize physical meetings, coordinated by a dedicated project manager.</p> <p data-bbox="427 556 1469 724">Thanks to a sound financial position, the first phase of the project was extended to July 31, 2023. The second and current phase is set to conclude on July 31, 2024. Within NoBaReg and among external observers, the project is broadly regarded as both successful and valuable—prompting discussion on how the work, network, and results might continue beyond the end of the current mandate.</p> <p data-bbox="427 766 1469 1039">Both Denmark and Norway have expressed interest in playing a role in NoBaReg’s potential continuation. However, questions remain around how to ensure sustainable administration and continuity of coordination. It was agreed that—if the project’s financial situation permits, and with the consent of the Norwegian Digitalisation Agency as current project owner—the project manager will host a digital meeting in late September. This meeting would provide a forum for NCM, Denmark, Norway, and other key stakeholders to explore options for maintaining NoBaReg’s work and ensuring continuity of its network.</p> <p data-bbox="427 1081 1469 1218">Regardless of the outcome, an end-report will be produced, and member states are invited to contribute input on what should be included. The final message will be addressed to the project owner, the Nordic Council of Ministers, and participating countries.</p>