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German Bundestag Election 2021 – What Can the Internet Industry Expect from the New Legislative Term?

Berlin, 26 August 2021

The German Bundestag election on 26 September 2021 is likely to represent a watershed in the political landscape. Chancellor Angela Merkel's term in office will come to a close after 16 years. Over these years, political competition has changed significantly. New topics and challenges have grown in importance, while options for new government constellations have also arisen. In the following analysis, eco sets out to provide an overview of the digital policy priorities of selected parties that may form part of the upcoming federal government. In this paper, the key topics that the Internet industry can potentially expect after the election are also reviewed.

To this end, the paper analyses the official Bundestag election manifestos of the CDU/CSU (Christian Democrats and Christian Social Union), the SPD (Social Democrats), the FDP (Free Democrats), DIE LINKE (The Left Party) and BÜNDNIS 90/DIE GRÜNEN (Alliance 90/The Greens). An additional manifesto under review is the CSU's "Good for Bavaria – Good for Germany", which was published on 23 July 2021 after the publication of the Union's election manifesto. Likewise, we examine the immediate climate protection programme "Save the Climate, Protect the People" published by the BÜNDNIS 90/DIE GRÜNEN party on 3 August 2021. Both of these further flesh out individual statements from the respective election manifestos.

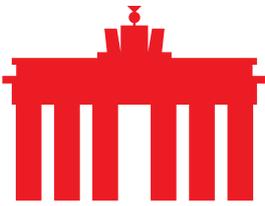
The analysis offered below covers the statements and positions of the parties on the topics of:

- Digital infrastructures and networks
- Civil rights and IT security
- Competition and industry
- People and digital media
- Digitalisation, innovations and future technologies

These are systematically presented in order to enable conclusions to be drawn about focal points and key topics, with these conclusions incorporated at the end of the document as part of an overarching review.

I. Evaluation of the CDU and CSU Election Manifesto for the 2021 Bundestag Election

On 21 June 2021, the CDU and CSU presented their joint Bundestag election manifesto: ["The Manifesto for Stability and Renewal – Together for a Modern Germany"](#). According to reports, the CSU will not be campaigning with its own election manifesto



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for Bavaria for this year's Bundestag election. Instead, on 23 July 2021, it published its own supplementary short programme related to the election under the title of: "[Good for Bavaria - Good for Germany](#)".

▪ **Key statements in the field of: Digital infrastructures and networks**

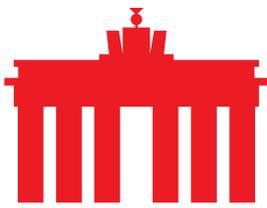
The CDU and CSU want to achieve 5G mobile network roll-out by 2025. The Union believes the recently created Mobile Communications Infrastructure Association will play a decisive role in achieving this (p. 104 of the manifesto). A total of €15 billion is to be made available for the gigabit roll-out in Germany (p. 104). Where economic broadband Internet roll-out is not possible, the CDU wants to empower municipalities to carry out the roll-out themselves and to rapidly certify alternative laying techniques, such as nano and micro trenching, so as to exploit the possibilities they entail (p. 130). The corresponding approval procedures should be digitalised, simplified and accelerated (pp. 104, 124).

▪ **Key statements in the field of: Civil rights and IT security**

The CDU and CSU advocate for an expansion of measures for investigative authorities with a legal basis for interception at the source (Quellen-TKÜ) and online searches of computers for the purposes of law enforcement and security (p. 116). The parties would also like to create a legally compliant process for storing and accessing IP addresses and telephone numbers (data retention) in order to be able to counter child abuse online (p. 109). Investigative authorities should be allowed to access documents and emails stored in the cloud, if possible, throughout the EU (p. 109).

A central goal for the Union in the area of IT security is the introduction of a security label, which would make it easier for consumers to navigate IT security. In addition, the CDU and CSU see liability, warranty and software updates as key aspects for improving the overall state of IT security (p. 57). The parties also consider security in cyberspace a central issue and want to provide sufficient funds for their own active measures (p. 117). The economy and public administration should be protected by greater capacities (p. 118), and encryption technologies further researched (p. 118).

In the area of data protection, the Union wants to ensure harmonised implementation. The parties regard a "super fundamental right to data protection" as problematic (p. 94).



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- **Key statements in the field of: Competition and industry**

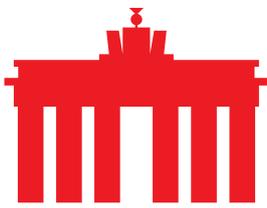
The CDU and CSU aim to deepen the European single market and consider the digital single market to be an important factor in achieving this (p. 29). The parties call for a digital and data union (p. 28) and would like to see the establishment of a European platform economy (p. 29). The digital sovereignty of both Germany (p. 29) and Europe (p. 93) should be ensured. Digital business models should pay taxes where they generate revenues – a solution should be sought at the OECD level (p. 72).

In the area of competition law, the Union sees the 10th amendment of the GWB (the German Competition Act) as a solid foundation for fair competition in the digital age. Further work on the Digital Markets Act (DMA) and Digital Services Act (DSA) is intended to further expand the legal framework (p. 92). The goal is a common framework for warranties, updates, liability, and rating and ranking mechanisms (p. 57). There should also be a European legal framework to support online security and the protection of fundamental rights (p. 92).

The goal of reaching greenhouse gas neutrality by 2045 should be enshrined in law. In order to achieve this, the CDU and CSU want to use investments and implement regulations and innovative technologies (p. 40). The EEG levy should be abolished in order to ease the burden of transformation costs on citizens and companies (p. 41). Digitalisation should contribute to the cost-efficient reduction of CO2 emissions (p. 42) and digital solutions that preserve natural resources from start-ups and medium-sized companies should be promoted (p. 42).

- **Key statements in the field of: People and digital media**

The Union wants children in particular to have better protection in the digital world and to place telemedia providers under an obligation to adopt better concepts for protection (p. 109). Law enforcement agencies should also be able to investigate without charges being brought (p. 114). The community guidelines of social networks should not be allowed to influence political decision-making – the CDU and CSU want a clarification of this in the German General Terms and Conditions Act (p. 114). Free preventive services against hate speech and agitation on the Internet would help (p. 114). The parties take digitalisation to be a great opportunity for society. All citizens should be legally entitled to an e-ID which would make digital participation possible (p. 99). Broadband Internet and increased digitalisation would contribute to the vitalisation of rural areas (p. 129). The CDU and CSU also believe labour law must be adapted and made more flexible, including a maximum number of work hours per week (p. 39). In future, entitlements to mobile working should be clarified in dialogue with workers' unions and employer associations (p. 76). The Union wants to monitor and, if necessary, regulate developments in the gig economy and in other new forms



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of work that have emerged as a result of digitalisation (p. 39), and would like to promote women in STEM professions (p. 79).

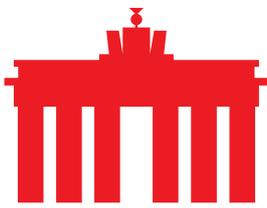
In order to promote digital education, a learning platform should be set up that will serve as a basis for educational offers for all ages. As a first step, the Union wants to invest 150 million euros (p. 82). It is the parties' view that digital skills education should become an integral part of general school education and should impart knowledge on the functions and applications of digital technologies (p. 81). Social media should not be used to threaten or disparage individuals. The CDU and CSU see communication with parents and schools as the key to achieving this (p. 82). The parties also want to advance digital technologies in the area of research and development - especially with regard to carbon neutrality (p. 40). Furthermore, the Union has set itself the goal of investing 3.5 percent of Germany's gross domestic product in research and development by 2025 (p. 84).

A newly created Federal Ministry for Digital Innovation and Transformation would accompany these various aspects (p. 93).

▪ **Key statements in the field of: Digitalisation, innovations and future technologies**

In order to intensify the use of AI in the economy, so-called "AI navigators" should be deployed as contact persons specifically for SMEs analysing their potential (p. 86). For the development of AI and other future technologies, experimental spaces and "real-world laboratories" should be created in which systems can be tested (p. 87). In addition, the Union sees particular potential in the health sector, where the use of artificial intelligence should increase (p. 67). The parties would like to promote knowledge-intensive start-ups (p. 88f) and advocate for digital sovereignty in Germany and Europe through *AI Made in Europe* and local software and hardware manufacturers (p. 93).

In addition, the Union wants to promote data portability and the interoperability of messengers to the benefit of users (p. 57). The state should become a driving force for open data and standards and use open source software where possible (p. 96). In the area of e-government, the CDU and CSU want to focus more on digital identities as an alternative to login and identity services offered by corporations (pp. 57, 99). A digital wallet for digital identities and the identities and information derived from them should provide impetus for public administration and beyond (p. 100). All dealings with the authorities should be made digitally accessible for citizens (p. 96). The parties would establish a digital TÜV (a certification authority), which would assess how suitable laws are for digitalisation (p. 99). In addition, as many administrative processes and activities as possible should be automated (p. 100).



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▪ Evaluation

In their election manifesto, the CDU and CSU address numerous aspects of digitalisation. The area of domestic security plays a central role for the two parties. Security authorities should be given the power to take measures, some of which are far-reaching. In addition, the Union plans to apply data retention in accordance with the law. In the area of data protection, the parties would like to oversee a standardisation of existing supervisory practices. There is no talk of more extensive regulation.

In the areas of competition regulation and artificial intelligence, the Union would seek more European solutions. In addition, the parties consider the promotion of digital sovereignty to be essential.

One focus of the CDU and CSU's digital policy plans can be identified in the area of e-government; the parties intend to strengthen the digitalisation of public administration with a digital wallet and an e-ID. Their plan for a digital TÜV (a certification authority) could also have further positive effects on future digitalisation.

In addition, the Union supports numerous individual measures that relate primarily to individual and concrete application issues and scenarios, such as the interoperability of messengers, the promotion of open standards and the question of IT security rules.

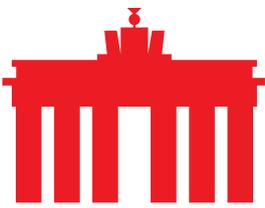
The CDU and CSU consider broadband roll-out to be a key project. The parties place their focus primarily on mobile solutions and the development of new laying techniques, as well as on empowering municipalities to roll-out broadband independently.

II. Evaluation of the SPD Election Manifesto for the 2021 Bundestag Election

On 9 May 2021, the SPD adopted its Bundestag election manifesto: "[Out of respect for your future](#)".

▪ Key statements in the field of: Digital infrastructures and networks

In the SPD's view, the security and success of European-based digital infrastructures must not be left solely in the hands of North American and Asian service providers and manufacturers. It is for this reason that the party envisions the establishment of trans-European alliances for the development and realisation of strategic components and measures that support the entire value chain of the digital economy (p. 14 of the manifesto). The availability of modern and high-performance networks will have an impact on the competitiveness of German companies. The SPD



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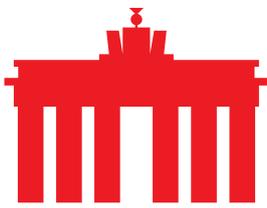
believes massive investments should be made in order to accelerate network roll-out (p. 5). The availability of fast Internet must not lead to social divergences within society. To this end, the SPD would like to create concrete and legally defined obligations regarding roll-out and supply that guarantee all households and businesses a bandwidth of at least one gigabit per second (p. 13). Network neutrality should be preserved (p. 14).

- **Key statements in the field of: Civil rights and IT security**

To protect civil rights on the Internet and prevent digital crimes, law enforcement agencies should be equipped with the necessary staff and technical capacities (p.16). The SPD would like to ensure possibilities for anonymous or pseudonymous use of the Internet in order to safeguard free journalism and whistle-blowers. In addition, the party is seeking to strengthen research projects focusing on the use of encryption technologies (p. 15). The issue of IT security is highly relevant for the SPD. In order to prevent cyber attacks, the networking between state actors should be improved (p. 51). The Federal Office for Information Security (BSI) should be maintained and strengthened as a central, independent and preventive cybersecurity authority. The SPD believes manufacturers should be obliged to improve IT security through security by design and security by default, thus strengthening IT security for users of devices, services and software (p. 15).

- **Key statements in the field of: Competition and industry**

The SPD believes that globally operating digital and Internet corporations have the potential to act as monopolists in new markets. In order to counter the market activities of powerful companies, the SPD is of the opinion that precise and strong regulations are needed at the European level that enable preventive control mechanisms and a limitation of market activities. The SPD would seek to only decartelise the market powers of digital and Internet corporations where necessary (p. 14). Furthermore, global digital and Internet corporations should be involved in financing public welfare. To ensure a legal framework for fair minimum taxation, the aspiration of the SPD is an international solution at the OECD level (p. 23). The German economy should be carbon neutral by 2045. To this end, renewable energies should be further expanded in the coming years, the production and import of hydrogen should be further strengthened, and support mechanisms for the transformation of, for example, the energy-intensive industry should be developed (p. 8). In order to relieve the burden on companies and households in the process of transformation, the Renewable Energy (EEG) levy should be abolished by 2025 (p. 10).



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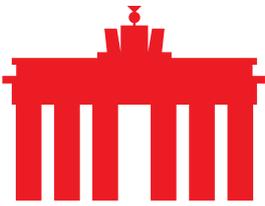


- **Key statements in the field of: People and digital media**

The SPD wants to preserve the digital sovereignty and participation of the citizens. To ensure this, the party intends to establish a cross-generational right to digital education and further training (p.14). Educational material should be made available across all states on open source platforms and measures should be taken to strengthen media literacy (pp. 50 & 13). Pupils from low-income households should be able to have access to a digital device and Internet access on the basis of social tariffs (pp. 13 & 14). Universities should receive support for their digital transformation (p.21). In the area of digital further education, low-cost, barrier-free and inclusive offers are to be created through a support programme at the public adult education institutions (VHS) (p.14). In order to facilitate and legally secure mobile working, the SPD aims to implement a binding legal entitlement. Based on a 5-day week, workers should be granted a right to 24 days of mobile working (p. 29). The Network Enforcement Act (NetzDG) has created a comprehensive basis for combating illegal content on the Internet, which the SPD would like to further develop. The party would seek to arrange a European solution (in the context of the Digital Services Act) (p. 16).

- **Key statements in the field of: Digitalisation, innovations and future technologies**

In order to support companies – especially small and medium-sized enterprises – through their digital transformation, the SPD would like to further develop existing decentralised structures of transformation centres (p. 20). The SPD would like to fast-forward an obligation on behalf of the federal government, the federal states and local authorities to digitalise their administrative services more quickly (p. 13). In order to facilitate the cooperation between various stakeholders, action plans should be further developed within the framework of the Open Government Partnership (p. 25). Every citizen should have the opportunity to use a digital identity without requiring an additional device (p. 13). Data usage should be oriented towards public welfare on the basis of appropriate infrastructures and a legislative framework (p. 15). The SPD aims to maintain Germany's innovative capacity as a business location; to this end, the German academic system should be maintained and further developed. In addition, future technologies, such as quantum technology and AI, should be promoted (p. 21). The application of algorithms, e.g., in recruitment, should be non-discriminatory (pp. 15 & 42).



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▪ Evaluation

In its election manifesto, the SPD addresses various challenges in the field of digital policy, incorporating many of eco's demands. We have common views, for example regarding the call for the roll-out and development of modern networks, the importance of IT security, and the need to strengthen law enforcement on the Internet through both human and technical resources. However, the party's preferred approach of statutory roll-out and supply obligations is not in line with the constitutionally guaranteed priority which private-sector roll-out enjoys. On the positive side, the manifesto demonstrates sensitivity towards excessive surveillance measures and a better approach to effective law enforcement on the Internet.

Concrete measures have been defined in the areas of network roll-out, digital education and training, and digital administration with the aim of advancing digitalisation holistically and comprehensively. However, those measures are not further specified – e.g., those to combat illegal content, namely the further development of the Network Enforcement Act (NetzDG) – and existing problems that require further development are not addressed.

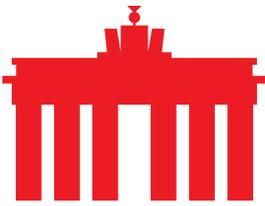
Furthermore, the infrastructure development of data centres which is necessary for further digitalisation is entirely disregarded. To take advantage of the potentials of IoT, AI, smart solutions in other areas of life and the associated value creation in a holistic manner, the construction and expansion of data centres must be accelerated. Even though the abolition of the EEG levy would make Germany more attractive as a business location, the challenges imposed by time-consuming planning, approval and construction procedures would remain.

III. Evaluation of the FDP Election Manifesto for the 2021 Bundestag Election

On 16 May 2021, the FDP adopted their election manifesto for the German Bundestag: [“Never has there been more to do”](#).

▪ Key statements in the field of: Digital infrastructures and networks

The FDP sees a need for the roll-out of network infrastructures. In order to accelerate the roll-out of gigabit infrastructures, the party suggests the introduction of gigabit vouchers for private households and SMEs to cover part of the costs of upgrading to a gigabit network (p. 30 of the manifesto). Additionally, the FDP advocates for a comprehensive and high-performance mobile network



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infrastructure. The roll-out of 5G networks should be completed by 2025 (p. 30). The FDP believes that state-influenced companies from authoritarian countries should be excluded from network roll-out, especially in critical infrastructures such as the 5G network (p. 31). The FDP is in favour of net neutrality, but would like to enable the establishment of special services independently accessible through so-called “network slicing”, in addition to general Internet access (p. 31).

▪ **Key statements in the field of: Civil rights and IT security**

The FDP believes telecommunications surveillance in terms of lawful interception at the source (Quellen-TKÜ) and online searches of computers are inappropriate methods of intelligence activities. The party completely opposes the use of “State Trojans” (p. 44). A so-called “quick freeze” procedure should be established to replace blanket data retention (p. 44). In general, the FDP wants a moratorium on new security laws. Existing surveillance possibilities should be recorded and evaluated in an overall surveillance account (p. 45). The party would like to comprehensively revise the control of intelligence services and in so doing also strengthen the rights of those affected by intelligence work (p. 47).

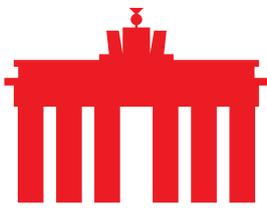
The FDP wants to strengthen the security of IT systems with stricter liability rules and an obligation for manufacturers to install updates (p. 31). Security vulnerabilities that become known to authorities must be reported and factored into vulnerability management (with the priority placed on IT security) (pp. 31/44). The party seeks to establish a right to encryption (p. 31).

The right to informational self-determination is a further factor sought by the FDP (p. 43). Data protection levels should at least be maintained (pp. 43/44). The FDP advocates for strengthened data portability (p. 44) and for the clarification of the legal framework for non-personal data and the right to access it (p. 45).

▪ **Key statements in the field of: Competition and industry**

The FDP regards digitalisation as an opportunity to achieve the climate goals by 2050 (p. 59). This includes sustainable data centres (p. 31) and the promotion of research projects which will enable ecological IT (p. 31). Furthermore, the party calls for a digital energy transition which would include the establishment of smart grids and smart metering (p. 80).

The FDP calls for the effective regulation of so-called gatekeeper companies at the European level (p. 8), through which it aims to curtail the power of large Internet corporations (p. 8). These steps should also be mirrored accordingly at the European level (p. 8). The taxation of large, internationally active companies is also addressed



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in the election manifesto. To achieve this, the party would seek a solution at the OECD level (p. 14). The FDP wants to improve the scalability of business models across Europe and to reduce the bureaucratic hurdles to this (p. 30).

- **Key statements in the field of: People and digital media**

The FDP opposes the existing regulation of social networks; it also seeks to replace the Network Enforcement Act (NetzDG) with other regulations (p. 49) and to strengthen victim protection (p. 49). In general, the party aims to promote the digitalisation of society (pp. 29, 89). While intellectual property should be protected, the existing ancillary copyright for press publishers should be abolished and copyright restrictions further developed in a moderate manner and replaced by threshold clauses, following the example of the American “fair use” principle (p. 56). IT competence in general needs to be strengthened. To this end, computer science should be introduced as a compulsory subject at schools (p. 17). Digital skills are considered to be the most effective means to combat hate speech and disinformation (p. 17).

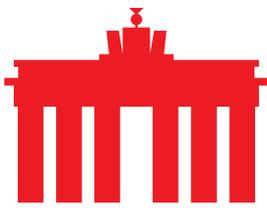
The FDP would like to integrate more flexibility regarding work locations and requirements into labour legislation (p. 32).

Furthermore, research and development should receive better tax incentives (p. 7). The FDP seeks to create “digital freedom zones” in which key digital technologies can be tested under reduced regulatory requirements (p. 25).

- **Key statements in the field of: Digitalisation, innovation and future technologies**

The FDP aims to promote the use of artificial intelligence with an AI roadmap and regulatory room for experimentation (sandbox) with reduced regulatory requirements (p. 31). In general, the party also sees a need to promote more interoperability and portability of data (p. 44). Innovative companies should be promoted through new depreciation regulations (p. 7). Public administration, furthermore, should be comprehensively digitalised. The party wants to ensure that all dealings with the authorities can be conducted digitally and calls for the introduction of a once-only principle (pp. 23/30). A citizen account should pool and consolidate all access to administrative services. Public administration should switch to open source software (p. 30).

In order to streamline public administration and exploit synergy effects, the FDP seeks the establishment of a Federal Ministry for Digital Transformation (p. 29).



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▪ Evaluation

In its election manifesto, the FDP addresses a broad spectrum of issues pertaining to both digital and Internet policy. Their intended restriction of state surveillance measures such as the “State Trojan” and blanket data retention stand out in particular. However, the “quick freeze” procedure that the party calls for as an alternative could also result in substantial expense and strain. IT security also plays a central role here, with the FDP arguing for more and stronger regulatory interventions such as the exclusion of certain companies or the right to encryption.

The FDP calls for accelerated network roll-out and proposes a number of different smaller individual measures. It remains unclear whether these measures really would accelerate the desired roll-out.

In the area of competition design, the FDP sees the need for greater regulatory intervention, especially towards companies in key roles. The suggested obligations concerning data portability or interoperability could pose an additional challenge for companies.

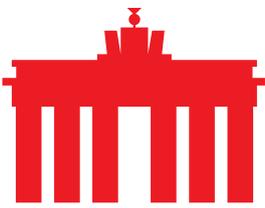
The manifesto also demonstrates a clear focus on data protection and data policy, which the party wants to see codified more strongly in the future. In the area of climate protection, the FDP sees digital technologies and digitalisation as an opportunity to achieve climate goals. In the area of e-government and digital administration, the party has expressed very concrete and far-reaching demands.

IV. Evaluation of the DIE LINKE Election Manifesto for the 2021 Bundestag Election

At its Party Conference on 19 and 20 June, DIE LINKE adopted its Bundestag election manifesto: [“Time to act! For social security, peace and climate justice”](#).

▪ Key statements in the field of: Digital infrastructures and networks

DIE LINKE considers Internet availability to be a core part of fundamental services – which should not be withheld, even when there is a backlog of payments. Future network roll-out should be oriented towards achieving reliable supply and public welfare. To this end, the party wants to transfer the roll-out and operation of broadband and mobile networks to the public sector. DIE LINKE is seeking to have



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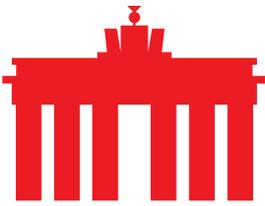
the fibre optics roll-out funded with €10 billion annually – among other things, they would like to see private homes being equipped with a fibre optic connection (FFTH). The party would like mobile phone networks to be merged and operated by a federally-owned company and believe that telecommunications companies should be able to offer their services via the public network (p. 93 ff.). DIE LINKE also wants to see net neutrality secured in the constitution (p. 94).

▪ **Key statements in the field of: Civil rights and IT security**

DIE LINKE opposes blanket data retention, access to inventory data, interception at the source (“Quellen-TKÜ”) and online searches (“State Trojans”) as well as non-individualised interception of radio cells, video surveillance, the use of visual and audio bugging devices and dragnet investigations (p. 120). The party also opposes extending federal police powers so as to enable the use of Trojans to combat threats (p. 122).

DIE LINKE advocates for the strengthening of data protection and for consumers to be able to decide what will happen with their data, free from any discrimination (p. 79). In addition, the party wants to create an employee data protection law to prevent the processing of personal data from work activities as well as workplace surveillance (p. 92). The party believes that large platforms should be obliged to share data with the authorities (p. 93), and that the use of publicly accessible offers online should be made possible without the commercial use of data generated in the process (tracking) (p. 95). DIE LINKE is in favour of consolidating the GDPR and improving data protection supervision (p. 96). The party wants to have the German Freedom of Information Act reshaped as a transparency law and would like to promote open source operating systems and applications for public administration and enforce the mandatory use thereof (p.95). At the same time, it argues that opportunities for digital participation should be created, and the digitalisation of public administration should be strengthened. DIE LINKE wants to prohibit the disclosure of information to third parties by public offices (p.98). Seeking informational self-determination, the party opposes the criminalisation of end-to-end encryption sought by the EU Commission (p. 95) and is of the opinion that the public sector should create forms of communication (email and chat) based on end-to-end encryption (p. 94).

DIE LINKE advocates for the strengthening of manufacturer liability for IT security issues as well as requirements for security by design and by default at the European



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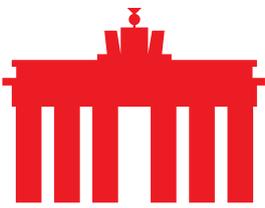
level, by means of a regulation. The party opposes the purchase and mandatory installation of security vulnerabilities. It believes that the independence of the Federal Office for Information Security (BSI) should be strengthened and its range of services expanded in order to ensure protection against digital attacks (p. 95). To protect whistle-blowers, DIE LINKE intends to draft a whistle-blower protection law (p. 79).

▪ **Key statements in the field of: Competition and industry**

In the party's view, the market and monopoly power of large digital corporations and platforms must be curbed and democratically controlled, e.g., through the establishment of a supervisory structure that is not tied to the state (p. 129). In order to strengthen the market position of public platform operators, DIE LINKE would like to draft a platform structure law that would oblige large platform operators to provide more data protection, interoperability and portability, with sanctions for non-compliance. In addition, the party contends that platforms should be obliged to share their data with competitors (p. 93).

The party would like to prevent the competition for attractive tax conditions, advocating for a global or European solution for the minimum taxation of companies. In future, DIE LINKE wants the taxation of companies to occur where they are economically active. In addition, the party believes that those who have profited from the Covid-19 crisis, e.g., players in online trade, should pay an excess profit tax to limit their own market power (p. 87).

The party wants to have fossil fuels replaced by renewable energies by 2035 (p. 58) and advocates for the completion of the phase-out of coal by 2030 (p. 67). In addition, the party plans to structurally reform the Renewable Energy Sources Act (EEG) to enable financing of the EEG levy from the federal budget (p. 71). The party aspires towards the creation of a legal basis for the mandatory utilisation of waste heat from data centres and believes that all data centres should be recorded in a cadastre and that an energy certificate should be developed. In order to enable energy-efficient operation of IT, DIE LINKE wants to have specifications for energy-saving software programming developed and to have energy-saving standard settings for streaming and on-demand services defined. Due to the high levels of energy and resources crypto currencies often require, DIE LINKE would consider a ban on these currencies (p. 101).



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- **Key statements in the field of: People and digital education**

When it comes to hybrid forms of learning, no one should be left behind – to ensure this, DIE LINKE wants to provide pupils from low-income households with digital devices and access to data volumes on the basis of loans (p. 94) or subsidies (p. 10). In addition, technical and administrative equipment in schools should be implemented more permanently and schools should be equipped with fast and efficient broadband connections and WLAN (p. 49). The party also wants to ensure that both media (p. 49) and digital skills are taught at an early stage (p. 94). To this end, the party believes that learning digital skills and digital teaching methods should become a fixed component of teacher training. In order to expand teachers' competences, the party would like to see the promotion and funding of teachers' further training (p. 55).

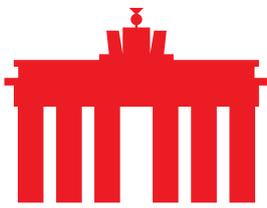
To support workers, DIE LINKE sees the need for creating a legal right to further education and the respective necessary reductions in working hours (p.19). The costs of further education should be financed from a fund into which all employers would pay (p. 20).

For work that can be done remotely, DIE LINKE wants to have a right to teleworking created which would allow a portion of work to be done from home. The party seeks to have the conditions for teleworking possibilities defined through collective labour agreements, so-called "Tarifverträge" (p. 18). Platform workers are regarded by the party as requiring guaranteed employment and codetermination rights along with social security provisions (p. 92). The party would like to see a further regulation of fixed-term employment contracts and an obligation for employers to pay social security contributions for platform workers (p. 16).

Instead of relying on censorship, DIE LINKE wants to have media education strengthened across generations in order to counter disinformation (p. 93). The party believes that, in future, platform operators should no longer be obliged to delete content without a court order. In addition, DIE LINKE wants to ensure that platform community standards are not used to create parallel legal structures (p. 93). The party seeks legal recognition of digital violence and improved prosecution thereof (p. 96) and opposes upload filters (p. 93).

- **Key statements in the field of: Digitalisation, innovation and future technologies**

DIE LINKE wants to have districts, cities and municipalities supported in implementing digital infrastructures (p. 45). By means of a digital pact for universities, the party is seeking to make more funds available for the digitalisation of universities (p. 55). DIE LINKE wants the use of artificial intelligence (AI) to be regulated by law and oriented towards public welfare. In addition, it believes that



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independent bodies should check that algorithms are non-discriminatory. When using personal data, the party considers that applications must ensure compliance with data protection and the right to freedom of expression (p. 97), and that anonymous digital payment of small amounts should be made possible. However, the party is committed to preventing the privatisation of sovereign tasks, such as money and currency.

DIE LINKE wants to promote research on IT security issues and prevent the criminalisation thereof (p. 95).

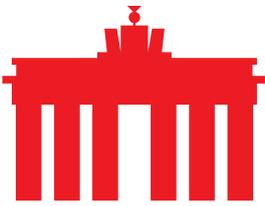
▪ Evaluation

In DIE LINKE's election manifesto, the party addresses numerous aspects of both digital and Internet policy and incorporates several of eco's demands in certain topic areas.

Questions regarding future regulation and nationalisation or re-municipalisation play a central role in the election manifesto. While DIE LINKE calls for a nationwide grid roll-out, the party also believes this should be organised by the state. From the perspective of private-sector companies, these plans are to be evaluated critically. The extent to which such an approach would be possible remains questionable, considering the constitutional priority of private-sector roll-out and operation, the fundamental rights of companies, and European fundamental freedoms. The party wants to support municipalities, cities and districts in the roll-out of digital infrastructures; however, which infrastructures should be rolled out is not made specifically clear.

A point which merits highlighting is DIE LINKE's fundamental opposition to the ICT-based surveillance of citizens. In addition, the party is clearly in favour of the encryption of communications. Although data protection is at the core of the party's manifesto, it completely ignores the possible consequences for the business models of the companies concerned. The manifesto also includes plans for the regulation of AI that are not described in detail.

With regard to companies in the Internet industry, DIE LINKE's manifesto is primarily geared towards further regulation of business models. For this purpose, the party believes common regulations should be created both on taxation and on the limitation of companies' market powers.



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V. Evaluation of the BÜNDNIS 90/DIE GRÜNEN Election Programme for the 2021 Bundestag Election

At their digital party conference from 11 to 13 June, the BÜNDNIS 90/DIE GRÜNEN party adopted their Bundestag election manifesto: “[Germany. Everything is in.](#)” In addition, on 3 August, the Green Party Co-Chairs Annalena Baerbock and Robert Habeck presented the immediate climate protection programme “[Save the Climate, Protect the People](#)”.

▪ Key statements in the field of: Digital infrastructures and networks

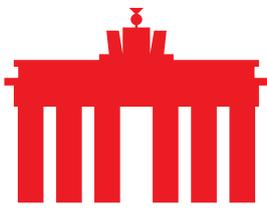
For the BÜNDNIS 90/DIE GRÜNEN party, fast Internet is part of the services for the public. The party wants to provide every household with fibre to the home (FTTB). A legal entitlement to fast basic Internet service is to be made less bureaucratic, and its enforcement simplified. The Greens want the subsidies provided for network roll-out to be paid out more quickly and open access for competitors to be strengthened. In case of deviations from the contractually agreed data transmission rates, the Greens want to create lump-sum claims for damages and regulations on fines.

In the area of mobile telephony, the party wants to achieve nationwide coverage. Where no cooperation agreements are concluded, obligations for national roaming against the corresponding remuneration are to be created, if necessary. The BÜNDNIS 90/DIE GRÜNEN party wants to create dynamic coverage requirements for upcoming frequency auctions. The Greens want to safeguard and consistently enforce net neutrality (p. 57).

▪ Key statements in the field of: Civil rights and IT security

The BÜNDNIS 90/DIE GRÜNEN party wants to strengthen IT security by standardising certification at the European level. In future tenders, aspects of IT security are to be taken into account, and only trustworthy companies are to be admitted as bidders. The party wants to strengthen the independence of the German Federal Office for Information Security (BSI) and to create strong data protection (p. 32). The Greens want to promote the availability of free and open standards for the general public (p. 75). In addition to protecting whistleblowers (p. 83), they want to decriminalise and strengthen encryption (p. 100).

The Greens oppose biometric identification in public spaces, as well as the retention of data without any reason, general technical backdoors in devices, etc., online state searches and source telecommunication surveillance. For monitoring, the party



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wants to develop an overall monitoring account with a corresponding empirical approach (p. 84).

In order to strengthen data-driven business models, the BÜNDNIS 90/DIE GRÜNEN party wants to facilitate access to non-personal data as well as anonymised personal data. In addition, regulations on the use of data pools are to be developed (p. 30). On the basis of a Federal Transparency Act, the Greens want to promote Open Data and simplify the use of public sector data (p. 69).

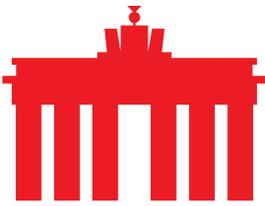
With the help of e-government, the party wants to abolish the written form requirement and create digital participation formats. To implement this, they want to develop open, technology-neutral digital identities that are available across Europe (p. 68).

▪ **Key statements in the field of: Competition and industry**

In the Act against Restraints of Competition (GWB), the Greens want to create a right to comment for data protection authorities in the context of the merger control role. The opinion and the data protection aspects are to be included in the merger decision of the Bundeskartellamt, the German federal competition authority (p. 28). Competition-relevant company acquisitions, so-called killer acquisitions, are to be examined by the Bundeskartellamt – in the case of approval, obligations for the interoperability of software, services, etc., are to be made. The BÜNDNIS 90/DIE GRÜNEN party strives for quality and security standards for online trade on a European level to limit their market power. The party advocates an ambitious implementation of the Digital Markets Act (DMA) and wants to implement a digital supervisory authority under the umbrella of an EU antitrust authority that constantly monitors market events as an early warning system. The Greens do not rule out company splits – outside the abuse of market power (p. 31).

With regard to the taxation of internationally operating companies, the BÜNDNIS 90/DIE GRÜNEN party advocates an international solution – a set of rules for global minimum taxation. It wants to ambitiously implement a global solution at the European and national levels (p. 38).

The party wants to convert the federal government's data centres to sustainable operation. In order to achieve incentives to reduce the electricity consumption of data centres, it wants to strengthen the use of water-based cooling systems and promote projects for the CO₂-neutral operation of data centres (p. 5). The Greens want to create a regulatory framework for the use of waste heat from efficient commercial and industrial plants. In order to be able to purchase renewable electricity at competitive prices, the party wants to reform the tax and levy system



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(p. 4) and reduce the Renewable Energy Law (EEG) levy (p. 6). It wants to complete the coal phase-out by 2030 (p. 7).

▪ **Key statements in the field of: People and digital education**

For broad digital participation, the party wants to provide children from low-income households with devices. The BÜNDNIS 90/DIE GRÜNEN party sees digital education as a joint task of educational institutions, parents and support organisations that needs to be strengthened. It is committed to modernising curricula and integrating technology-based teaching methods into the classroom. The Greens want to promote the use of open source and secure learning platforms as well as video conferencing systems in schools and implement the right to erasure for the personal data of pupils (p. 62).

For working people, the party wants to create a legal right to further education and a further education allowance. For furlough or reduced-hours periods, it wants to develop a furlough qualification allowance (p. 5).

The BÜNDNIS 90/DIE GRÜNEN party wants to create a right to mobile working (p. 43). It wants to better regulate digitally mediated and performed work in order to protect workers (p. 44).

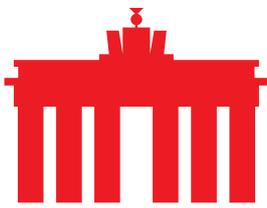
In order to better protect children and young people on the Internet, the party wants to develop a prevention strategy and define mandatory default settings for platform accounts of young users (p. 41). The Greens reject the mandatory use of upload filters. The BÜNDNIS 90/DIE GRÜNEN party advocates an ambitious Digital Services Act and its swift implementation (p. 75).

The party wants to continue the Pact for the Rule of Law, which expires at the end of 2021, with a federal government-state digital pact for justice (p.70).

▪ **Key statements in the field of: Digitalisation, innovation and future technologies**

In order to promote the digitalisation of companies, the Greens want to strengthen state investments and favour private investments with an adjustment of tax regulations (temporary depreciation of 25 percent) (p. 25).

The party would like to improve the tax-deductibility of research and development activities, especially for SMEs and start-ups. On the basis of strengthened funding programmes and dormant holdings by the state, it wants to remove structural



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barriers to spin-offs (p. 27). In order to strengthen technological sovereignty and competitiveness, the Greens want to particularly promote innovations such as AI, quantum computing, communication technologies as well as IT security (p. 31). For the use of AI applications, the party wants to develop a regulatory framework for AI and algorithmic systems – especially on aspects of non-discrimination and transparency – at the European level (p. 32).

▪ **Evaluation**

With their election manifesto, the BÜNDNIS 90/DIE GRÜNEN party addresses numerous aspects of digital and Internet policy and takes up some of eco's demands.

In the election manifesto, both the ecological transformation and issues relating to the regulation of digital companies play a central role. The party calls for an ambitious and nationwide network expansion, which is to be anchored with a legal entitlement. This does not take into account that individual demands have already been implemented with the last amendment of the Telecommunications Act. In addition to measures to strengthen IT security, the Greens want to decriminalise encryption. Here the party leaves open what exactly is intended. State surveillance should be reviewed in its entirety; the party rejects backdoors, Trojans and data retention.

A core element of the digital policy of the BÜNDNIS 90/DIE GRÜNEN party is the further regulation of digital business models. In parallel to the regulation under competition and cartel law, the party wants to address further obligations to the platform operators, e.g., on default settings of platform accounts of young users.

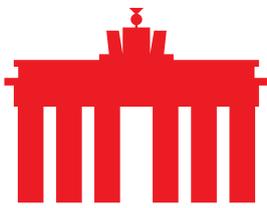
To strengthen the industrial location, the Greens want to reform the levy and tax system for energy and reduce the Renewable Energy Law (EEG) levy. The party does not present a concrete timetable for its energy and climate policy intentions.

VI. Analysis of the Election Manifestos

▪ **Focal topics for the upcoming legislative term**

In reviewing the various election manifestos of the parties, a number of topics stand out which it can be assumed will be addressed by a federal government in the coming legislative term. These topics are cited in all of the parties' manifestos and can be seen as a focal point of their digital policy positions.

All parties have identified the roll-out of broadband infrastructures in Germany as one of their own goals. The proposed approaches to this are predominantly market-



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driven – with the exception of DIE LINKE, which would like to achieve broadband roll-out in particular through remunicipalisation of the networks. The Greens want to achieve a legal entitlement to high-speed Internet through the strengthening of consumer rights. The CDU/CSU and the FDP aim for a market-driven broadband roll-out involving various individual measures.

An additional area prioritised for further development is that of data protection. For all parties, digital identities play a central role. Various approaches are envisaged for the promotion of these digital identities, which are intended to be made available to citizens. All parties hope that this will also strengthen digital public administration. Overall, it can be assumed that the data protection regime established with the GDPR will be further concretised and rolled out. Although the parties are pursuing different approaches in this regard, all of them – aside from the CDU and CSU – have already set out ideas on how to make the data protection rules more concrete, and some parties also anticipate making these rules more stringent. However, the question remains as to whether (and, if so, where) concrete changes will be pursued.

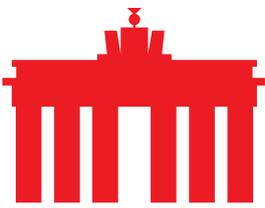
When it comes to the field of IT security, there's a high level of common ground between all parties, all of whom see the strengthening of IT security as an essential element. In this respect, the majority of the parties are contemplating liability rules in connection with the establishment of security standards. Security by design is also an aspect which is to be both promoted and demanded. In this respect, the approach of the CDU/CSU appears to be the least stringent, with this approach focusing primarily on a European regulation for liability rules in the field of IT security.

All parties also see a focus for action in the area of standardisation. The interoperability and portability of applications, especially in the area of cloud computing, is on the agenda of all parties. The spectrum here ranges from the amplification of existing projects such as Gaia-X to specifications for the interoperability of software platforms and specifications for the provision of open source software.

▪ **Contentious topics in the upcoming legislative term**

Alongside these commonalities – which still leave a lot of room for further concretisation and elaboration in the coming legislative term – there are contentious topics that are addressed very differently by the parties, but which feature prominently in all election manifestos.

All of the election manifestos address the topic of hate speech on the Internet. Each party is striving towards a stronger and more effective fight against hate speech on the Internet. With the exception of the FDP and DIE LINKE, the parties advocate for the existing foundations of the Network Enforcement Act (NetzDG), which, in their view, should be further developed or concretised.



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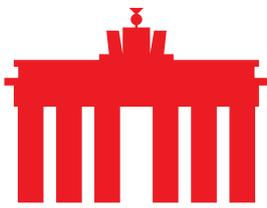
The climate policy aspects of digitalisation are also being accorded far more attention. Different approaches are outlined for the further handling of climate protection, environmental protection and digitalisation. Almost all parties are calling for climate protection and digitalisation to be brought more closely in line with each other. The FDP also advocates for the Internet industry to be more involved in climate protection measures, for example in the utilisation of waste heat from data centres. The Greens want to create incentives to reduce the electricity consumption of data centres and are seeking to have state data centres operated in a carbon-neutral manner. DIE LINKE is also striving for similar measures. On this topic, the plans of the CDU/CSU and SPD are far less specific.

In the field of internal security and security laws, the CDU/CSU takes a very different stance than its political competitors. In particular, it wants to ensure that data retention is in line with fundamental rights and to strengthen the use of other instruments such as the State Trojan. The SPD, on the other hand, would like to make users identifiable on the Internet so that, in the instance of legal violations, these users could be prosecuted. The Greens, DIE LINKE and the FDP are either sceptical or opposed to such plans. They are seeking an overall surveillance bill (Greens and FDP), or want to have considerable restrictions placed on corresponding measures.

▪ **Summary and outlook**

A large “common denominator” across all party lines cannot be distinctly identified in German digital policy for the 20th legislative term of the German Bundestag. Nonetheless, there is a clear increase in the focus of all parties on the roll-out of telecommunications infrastructures and networks, on the further shaping of data protection, and on stricter regulation of digital platforms. As such, related political initiatives and activities can be expected in the upcoming legislative term – regardless of who will be in government – although here too there is still a strong internal differentiation between the political actors.

The analysis of the election manifestos has revealed that the parties have very different priorities in digital policy for the coming legislative period. The creation of a Ministry for Digitalisation, which would bring the central topics of digitalisation together into one department, is only explicitly addressed by certain parties (CDU/CSU and FDP) in their election manifestos. The evaluations of the election manifestos also show that, at numerous points, there are still significant differences concerning how topics should be approached in general. For example, the CDU/CSU and the FDP primarily see the creation of “real-world laboratories” or “test fields” parallel to existing and ongoing regulation as an effective approach to regulating artificial intelligence, while the Greens, DIE LINKE and the SPD place an emphasis on stronger regulation of artificial intelligence and the algorithms on which it is based.



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From an Internet policy perspective, the federal election on 26 September and the subsequent coalition negotiations are therefore also of great importance. They set the course for the success of Germany's digital transformation.

About eco

With more than 1,100 member companies, eco is the largest Internet industry association in Europe. Since 1995, eco has been instrumental in shaping the Internet, fostering new technologies, forming framework conditions, and representing the interests of members in politics and international committees. The focal points of the association are the reliability and strengthening of digital infrastructure, IT security, trust, and ethically oriented digitalisation. That is why eco advocates for a free, technology-neutral, and high-performance Internet.