



EUROPEAN PARLIAMENT

2014 - 2019

---

*Committee on Civil Liberties, Justice and Home Affairs*

---

**2014/0185(COD)**

10.6.2015

## **OPINION**

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Industry, Research and Energy

on the proposal for a decision of the European Parliament and of the Council establishing a programme on interoperability solutions for European public administrations, businesses and citizens (ISA<sup>2</sup>)  
Interoperability as a means for modernising the public sector  
(COM(2014)0367 – C8-0037/2014 – 2014/0185(COD))

Rapporteur: Jeroen Lenaers

(\*) Associated committee – Rule 54 of the Rules of Procedure

PA\_Legam

## SHORT JUSTIFICATION

This proposal provides for the establishment of a programme on interoperability solutions for European public administration, businesses, and citizens (ISA<sup>2</sup>), which will be a welcome continuation and improvement of previous programmes (IDA, IDABC, ISA). As was agreed with the ITRE and IMCO Committees, the LIBE Committee, pursuant to Annex VI of the Rules of Procedure, will be exclusively competent for aspects relating to data protection and fundamental rights.

Although not all of the interoperability solutions that will be developed under ISA<sup>2</sup> will involve the processing of personal data, some solutions definitely will. The Rapporteur therefore considers it of importance to insert specific references to the Union's data protection *acquis*, since the current proposal of the European Commission does not sufficiently cover this aspect.

The amendments as proposed by the Rapporteur insert specific references to the Union's data protection *acquis*, especially Directive 95/46/EC and Regulation (EC) No 45/2001 of the European Parliament and the Council as to ensure that the rights of individuals are respected when the actions covered by ISA<sup>2</sup> will entail the processing of personal data.

Further, the principle of data protection by design is added to the general principles upon which actions under the ISA<sup>2</sup> Programme are taken. This will ensure that already at the development stage of an interoperability solution involving processing of personal data, data protection requirements are taken into consideration. Similar reference are inserted to the implementation, monitoring and evaluation phases in order to ensure that also during those phases due attention is given to the protection of personal data.

## AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Industry, Research and Energy, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a decision

#### Recital 3 a (new)

*Text proposed by the Commission*

*Amendment*

***(3a) Interoperability as regards data protection and stronger cross-border cooperation should reveal a substantial potential for better efficiency of Member States' public services, which, if used to***

*full capacity, could help achieving the goals of the European Semester.*

## Amendment 2

### Proposal for a decision

#### Recital 19

*Text proposed by the Commission*

(19) A single sector interoperability perspective is associated with the risk that the adoption of different or incompatible solutions at national or sectoral levels will throw up new e-barriers that impede the proper functioning of the internal market and the associated freedoms of movement, and undermine the openness and competitiveness of markets and the delivery of services of general interest to citizens and enterprises. In order to mitigate this risk, Member States and the Union should step up joint efforts to avoid market fragmentation and ensure cross-border or cross-sector interoperability in the implementation of legislation, while reducing administrative burdens and costs, and promote commonly agreed ICT solutions, while ensuring appropriate governance.

*Amendment*

(19) A single sector interoperability perspective is associated with the risk that the adoption of different or incompatible solutions at national or sectoral levels will throw up new e-barriers that impede the proper functioning of the internal market and the associated freedoms of movement, and undermine the openness and competitiveness of markets and the delivery of services of general interest to citizens and enterprises. In order to mitigate this risk, Member States and the Union should step up joint efforts to avoid market fragmentation and ensure cross-border or cross-sector interoperability in the implementation of legislation, while reducing administrative burdens and costs, and promote commonly agreed ICT solutions, while ensuring appropriate governance. ***Security of data use and cloud storage should also be covered by the ISA<sup>2</sup> Programme.***

## Amendment 3

### Proposal for a decision

#### Recital 33 a (new)

*Text proposed by the Commission*

*Amendment*

***(33a) The principles and provisions laid down in Union law concerning the protection of privacy and the protection of***

*individuals with regard to the processing of personal data and on the free movement of such data, in particular Directive 95/46/EC of the European Parliament and of the Council<sup>1a</sup> and Regulation (EC) No 45/2001 of the European Parliament and the Council<sup>1b</sup>, should apply to solutions developed, established and operated under the ISA<sup>2</sup> Programme that entail the processing of personal data.*

---

*<sup>1a</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).*

*<sup>1b</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).*

#### **Amendment 4**

##### **Proposal for a decision**

##### **Article 3 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) the assessment, update and promotion of existing common specifications and standards and the development, establishment and promotion of new common specifications and standards through the Union's standardisation platforms and in cooperation with European or international standardisation organisations as appropriate; and

*Amendment*

(g) the assessment, update and promotion of existing common specifications and standards and the development, establishment and promotion of new common specifications and standards through the Union's standardisation platforms and in cooperation with European or international standardisation organisations as appropriate, **including**

*with regard to the security of data transmission, processing and storage; and*

## **Amendment 5**

### **Proposal for a decision**

#### **Article 3 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

*(ha) facilitation of the re-use of data by enterprises and citizens in a beneficial and practical manner, in accordance with the applicable law on, inter alia, data protection.*

## **Amendment 6**

### **Proposal for a decision**

#### **Article 4 – point b – indent 4**

*Text proposed by the Commission*

*Amendment*

– security *and* privacy;

– security, *respect for* privacy *and a high level of data protection*;

## **Amendment 7**

### **Proposal for a decision**

#### **Article 4 – point b – indent 4 a (new)**

*Text proposed by the Commission*

*Amendment*

– *privacy by default and by design*;

## Amendment 8

### Proposal for a decision Article 6 – paragraph 4

#### *Text proposed by the Commission*

4. The establishment or improvement of interoperability solutions shall, where appropriate, build on or be accompanied by the sharing of experience and the exchange and promotion of good practices. The sharing of experience and good practices between all stakeholders and relevant public consultations shall be encouraged

#### *Amendment*

4. The establishment or improvement of interoperability solutions shall, where appropriate, build on or be accompanied by the sharing of experience and the exchange and promotion of good practices. ***This shall include a due consideration of the impact of interoperability solutions on privacy and data protection.*** The sharing of experience and good practices between all stakeholders and relevant public consultations shall be encouraged.

## Amendment 9

### Proposal for a decision Article 6 – paragraph 11

#### *Text proposed by the Commission*

#### *Amendment*

***11. Actions and interoperability solutions that require processing of personal data, shall, where appropriate and possible, be preceded by a data protection impact assessment.***

## Amendment 10

### Proposal for a decision Article 11 – paragraph 3 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***3a. The interim and final evaluation of***

*the ISA<sup>2</sup> Programme shall include an analysis of compliance with Union law concerning the protection of individuals with regard to the processing of personal data and on the free movement of such data in all relevant actions and interoperability solutions that require the processing of personal data.*

## **Amendment 11**

### **Proposal for a decision Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 13a*

#### *Data protection*

*Solutions developed, established and operated under the ISA<sup>2</sup> Programme, including any form of cooperation with third countries and international organisations, which entail the processing of personal data shall strictly comply with Union law concerning the protection of individuals with regard to the processing of personal data and on the free movement of such data.*





## PROCEDURE

<b>Title</b>	Interoperability solutions for European public administrations, businesses and citizens (ISA2) Interoperability as a means for modernising the public sector			
<b>References</b>	COM(2014)0367 – C8-0037/2014 – 2014/0185(COD)			
<b>Committee responsible</b> Date announced in plenary	ITRE 3.7.2014			
<b>Opinion by</b> Date announced in plenary	LIBE 3.7.2014			
<b>Associated committees - date announced in plenary</b>	15.1.2015			
<b>Rapporteur</b> Date appointed	Jeroen Lenaers 3.12.2014			
<b>Discussed in committee</b>	5.2.2015	5.3.2015	6.5.2015	26.5.2015
<b>Date adopted</b>	26.5.2015			
<b>Result of final vote</b>	+: –: 0:	48 2 0		
<b>Members present for the final vote</b>	Martina Anderson, Malin Björk, Caterina Chinnici, Rachida Dati, Agustín Díaz de Mera García Consuegra, Tanja Fajon, Laura Ferrara, Kinga Gál, Nathalie Griesbeck, Sylvie Guillaume, Jussi Halla-aho, Monika Hohlmeier, Brice Hortefeux, Iliana Iotova, Eva Joly, Timothy Kirkhope, Barbara Kudrycka, Marju Lauristin, Juan Fernando López Aguilar, Vicky Maeijer, Roberta Metsola, Claude Moraes, József Nagy, Judith Sargentini, Birgit Sippel, Branislav Škripek, Csaba Sógor, Helga Stevens, Marie-Christine Vergiat, Beatrix von Storch, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský			
<b>Substitutes present for the final vote</b>	Carlos Coelho, Anna Maria Corazza Bildt, Pál Csáky, Miriam Dalli, Gérard Deprez, Miltiadis Kyrkos, Jeroen Lenaers, Maite Pagazaurtundúa Ruiz, Emilian Pavel, Christine Revault D’Allonnes Bonnefoy, Petri Sarvamaa, Elly Schlein, Josep-Maria Terricabras, Ruža Tomašić, Axel Voss			
<b>Substitutes under Rule 200(2) present for the final vote</b>	Andrey Novakov, Annie Schreijer-Pierik			