



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Industry, Research and Energy

2014/0185(COD)

13.1.2015

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DRAFT REPORT

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 (ISA²)
Interoperability as a means for modernising the public sector
(COM(2014)0367 – C8-0037/2014 – 2014/0185(COD))

Committee on Industry, Research and Energy

Rapporteur: Carlos Zorrinho

Rapporteurs(*):

Liisa Jaakonsaari, Committee on the Internal Market and Consumer Protection

Jeroen Lenaers, Committee on Civil Liberties, Justice and Home Affairs

(*)Associated committees – Rule 54 of the Rules of Procedure

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ¶ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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(*) Associated committees – Rule 54 of the Rules of Procedure

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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 (ISA²)

**Interoperability as a means for modernising the public sector
(COM(2014)0367 – C8-0037/2014 – 2014/0185(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2014)0367),
 - having regard to Article 294(2) and Article 172 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0037/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on the Internal Market and Consumer Protection and the Committee on Civil Liberties, Justice and Home Affairs (A8-0000/2015),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a decision

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) In its resolution of 20 April 2012 on a competitive digital single market - eGovernment as a spearhead, the European Parliament pointed out that the barriers to eGovernment adoption are not necessarily only technological or linked to

interoperability and stressed the need to take account of and combat the digital divide.

Or. pt

Amendment 2

Proposal for a decision Recital 4

Text proposed by the Commission

(4) At Union level, interoperability facilitates successful implementation of policies. The following policies in particular rely on interoperability for their effective and efficient implementation:

Amendment

(4) At Union level, interoperability facilitates successful implementation of policies ***and offers great potential with a view to avoiding cross-border electronic barriers***. The following policies in particular rely on interoperability for their effective and efficient implementation:

Or. pt

Amendment 3

Proposal for a decision Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) With regard to freedom of movement and residence, interoperability within the local, national and European administration facilitates the goals set out by Parliament in its own-initiative report ‘EU Citizenship Report 2010: Dismantling the obstacles to EU citizens’ rights’ (2011/2182(INI)).

Or. pt

Amendment 4

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 the digital divide*** 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.

Or. pt

Amendment 5

Proposal for a decision Recital 22

Text proposed by the Commission

(22) With Decision No 922/2009/EC ceasing to apply on 31 December 2015, a new Union Programme on interoperability solutions for European public administrations, businesses and citizens (ISA²) is needed in order to map and analyse the overall interoperability landscape in Europe and avoid ***its***

Amendment

(22) With Decision No 922/2009/EC ceasing to apply on 31 December 2015, a new Union Programme on interoperability solutions for European public administrations, businesses and citizens (ISA²) is needed in order to map and analyse the overall interoperability landscape in Europe and avoid ***electronic***

fragmentation. The Programme will enable, support and promote a holistic approach to the collection, assessment, development, establishment, industrialisation, operation, improvement and maintenance of interoperability solutions, including solutions that facilitate the re-use of data as well as its exchange, in support of European public administrations' cross-border or cross-sector interactions with each other and with enterprises and citizens. Finally, the Programme will promote the re-usability, integration and convergence of existing solutions, including those derived from other Union policy areas.

barriers and fragmentation. The Programme will enable, support and promote a holistic approach to the collection, assessment, development, establishment, industrialisation, operation, improvement and maintenance of interoperability solutions, including solutions that facilitate the re-use of data as well as its exchange, in support of European public administrations' cross-border or cross-sector interactions with each other and with enterprises and citizens. Finally, the Programme will promote the re-usability, integration and convergence of existing solutions, including those derived from other Union policy areas. ***The ISA² programme should be based on the experience gained from the IDA, IDABC and ISA programmes.***

Or. pt

Amendment 6

Proposal for a decision

Recital 23

Text proposed by the Commission

(23) Solutions established or operated under the present ISA² Programme should, ***as far as possible***, form part of a consistent environment of services facilitating interaction between European public administrations, enterprises and citizens, and ensuring, facilitating and enabling cross-border or cross-sector interoperability.

Amendment

(23) Solutions established or operated under the present ISA² Programme should form part of a consistent environment of services facilitating interaction between European public administrations, enterprises and citizens, and ensuring, facilitating and enabling cross-border or cross-sector interoperability.

Or. pt

Amendment 7

Proposal for a decision Recital 24 a (new)

Text proposed by the Commission

Amendment

(24a) The ISA² programme should respect the principle of legal certainty and fundamental rights and the principles recognised by the Charter of Fundamental Rights of the European Union.

Or. pt

Amendment 8

Proposal for a decision Recital 24 b (new)

Text proposed by the Commission

Amendment

(24b) The solutions found and implemented in the context of the ISA² programme should be based on the principle of technological neutrality and adaptability with the aim of ensuring that citizens, businesses and public administrations are free to choose the technology to be used.

Or. pt

Amendment 9

Proposal for a decision Recital 24 c (new)

Text proposed by the Commission

Amendment

(24c) Under Article 9 TFEU, in defining and implementing its policies and activities, the Union shall take into account requirements linked to the fight against social exclusion. The concepts of accessibility and design for all should be incorporated into the development of interoperability strategies at Union level.

Or. pt

Amendment 10

Proposal for a decision Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) The creation of common standards and a system of semantics making it easy to establish connections among public administrations and between public administrations and other sectors will make it possible to boost the global competitiveness of the European economy.

Or. pt

Amendment 11

Proposal for a decision Recital 27

Text proposed by the Commission

Amendment

(27) The modernisation of public administrations is one of the key priorities for successful implementation of the Europe 2020 Strategy. In this context, the Annual Growth Surveys published by the

(27) The modernisation of public administrations is one of the key priorities for successful implementation of the Europe 2020 Strategy. In this context, the Annual Growth Surveys published by the

Commission in 2011, 2012 and 2013 show that the quality of European public administrations has a direct impact on the economic environment and is therefore crucial to stimulating productivity, competitiveness **and** growth. This is clearly reflected in the country-specific recommendations, which call for specific action aimed at public administration reform.

Commission in 2011, 2012 and 2013 show that the quality of European public administrations has a direct impact on the economic environment and is therefore crucial to stimulating productivity, competitiveness, growth **and employment**. This is clearly reflected in the country-specific recommendations, which call for specific action aimed at public administration reform.

Or. pt

Amendment 12

Proposal for a decision Recital 29 a (new)

Text proposed by the Commission

Amendment

(29a) Interaction with the private sector and other entities has already demonstrated its efficiency and added value. Synergies with these stakeholders should be promoted to ensure that priority is given to available and market-supported solutions. In this context, the existing practice of holding conferences, workshops and other meetings should be continued with a view to interacting with this section of the public. The ongoing use of electronic platforms should be promoted, as should the use of all other suitable means of maintaining contact with stakeholders.

Or. pt

Amendment 13

Proposal for a decision Recital 30

Text proposed by the Commission

(30) National administrations can be supported in their endeavours through specific instruments under the European Structural and Investment Funds (ESIF). Close cooperation under the ISA² Programme should maximise the benefits expected from such instruments by ensuring that funded projects are aligned with the Union-wide interoperability frameworks and specifications such as the EIF.

Amendment

(30) National administrations can be supported in their endeavours through specific instruments under the European Structural and Investment Funds (ESIF) ***and encouraged jointly to develop solutions involving two or more States.*** Close cooperation under the ISA² Programme should maximise the benefits expected from such instruments by ensuring that funded projects are aligned with the Union-wide interoperability frameworks and specifications such as the EIF.

Or. pt

Amendment 14

**Proposal for a decision
Recital 35**

Text proposed by the Commission

(35) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the established rolling work programme, imperative grounds of urgency so require.

Amendment

(35) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the established rolling work programme, ***such as an interruption in the service, for example,*** imperative grounds of urgency so require.

Or. pt

Amendment 15

**Proposal for a decision
Recital 36**

Text proposed by the Commission

(36) The objectives of this Decision are to

Amendment

(36) The objectives of this Decision are to

facilitate efficient and effective electronic cross-border or cross-sector interaction between European public administrations and between them and citizens and businesses, to enable the delivery of electronic public services supporting the implementation of Union policies and activities. Since this cannot be sufficiently achieved by the Member States acting alone because the coordination function at the European level would be difficult and costly to set up at the level of the Member States by Member States themselves and can therefore, by reason of the scale and effects of the proposed action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article 1, this Decision does not go beyond what is necessary in order to achieve those objectives,

facilitate efficient and effective electronic cross-border or cross-sector interaction between European public administrations and between them and citizens and businesses, to enable the delivery of electronic public services supporting the implementation of Union policies and activities. ***These electronic public services require an inclusive (e-inclusive) approach that will reduce disparities in the use of ICT solutions, promote the use of ICT to combat exclusion and contribute to economic growth, in order to generate job opportunities and with a view to quality of life, social participation and cohesion.*** Since this cannot be sufficiently achieved by the Member States acting alone because the coordination function at the European level would be difficult and costly to set up at the level of the Member States by Member States themselves and can therefore, by reason of the scale and effects of the proposed action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article 1, this Decision does not go beyond what is necessary in order to achieve those objectives,

Or. pt

Amendment 16

Proposal for a decision

Article 2 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) ‘imperative grounds of urgency’ means situations which, in the context of this programme and for the purposes of Article 10(3), might entail a risk of interruption in the delivery of services

*related to the activities referred to in
Article 3;*

Or. pt

Amendment 17

**Proposal for a decision
Article 3 – paragraph 1 – point g a (new)**

Text proposed by the Commission

Amendment

*(ga) the establishment of a repository of
reusable solutions and standards
accessible to public administrations
intending to adopt them or incorporate
them as components of new projects;*

Or. pt

Amendment 18

**Proposal for a decision
Article 3 – paragraph 1 – point h a (new)**

Text proposed by the Commission

Amendment

*(ha) the development of mechanisms to
safeguard privacy and security from the
perspective of public administrations,
citizens, and businesses;*

Or. pt

Amendment 19

**Proposal for a decision
Article 3 – paragraph 1 – point h b (new)**

Text proposed by the Commission

Amendment

(hb) the maintenance and wider

publicisation of a virtual one-stop shop acting as an access and discussion platform for the best practice resulting from this programme and as a means of disseminating the security solutions developed and in operation, thus serving to avoid overlapping.

Or. pt

Amendment 20

Proposal for a decision

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) be **based** on utility and driven by identified needs;

Amendment

(a) be **selected on the basis of** utility **and priorities** and driven by identified needs;

Or. pt

Amendment 21

Proposal for a decision

Article 5 – paragraph 2 – subparagraph 1 – indent 5

Text proposed by the Commission

– monitoring **and** control.

Amendment

– monitoring, control, **and ex post evaluation**.

Or. pt

Amendment 22

Proposal for a decision

Article 6 – title

Text proposed by the Commission

Implementation rules

Amendment

Eligibility, solution selection criteria, and

Amendment 23

**Proposal for a decision
Article 6 – paragraph 2**

Text proposed by the Commission

2. Involvement of the largest possible number of Member States in a project shall ***be encouraged***. Member States shall be able, and encouraged, to join a project at any stage.

Amendment

2. Involvement of the largest possible number of Member States in a project shall ***constitute a priority for selection***. Member States shall be able, and encouraged, to join a project at any stage.

Amendment 24

**Proposal for a decision
Article 6 – paragraph 8**

Text proposed by the Commission

8. The Commission shall monitor ***periodically*** the implementation and re-use of interoperability solutions across the Union, as part of the rolling work programme established pursuant to Article 7.

Amendment

8. The Commission shall monitor ***annually*** the implementation and re-use of interoperability solutions across the Union, as part of the rolling work programme established pursuant to Article 7.

Amendment 25

**Proposal for a decision
Article 6 – paragraph 10 – subparagraph 1 a (new)**

Text proposed by the Commission

Amendment

It shall be permitted, in justified cases, to link actions funded under the ISA² Programme directly to actions extending its scope for the benefit of citizens and businesses, making use where necessary of other sources of financing under European structural and investment funds.

Or. pt

Amendment 26

Proposal for a decision

Article 7 – paragraph 1 – subparagraph 1

Text proposed by the Commission

At the start of the ISA² Programme, the Commission shall adopt implementing acts establishing a rolling work programme and amending it at least once a year, for the implementation of actions for the entire period of application of this Decision. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).

Amendment

At the start of the ISA² Programme, the Commission shall adopt implementing acts establishing a rolling work programme and, ***where strictly necessary***, amending it at least once a year, for the implementation of actions for the entire period of application of this Decision. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).

Or. pt

Amendment 27

Proposal for a decision

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The rolling work programme shall identify, prioritise, document, select, design, implement and evaluate the actions

Amendment

The rolling work programme shall identify, prioritise, document, select, design, implement and evaluate the actions

referred to in Article 5, as well as *promote* their results.

referred to in Article 5, *in accordance with the criteria set out in Article 7*, as well as *promoting* their results *and making them known to the European Parliament through its appropriate committee*.

Or. pt

Amendment 28

Proposal for a decision Article 7 – paragraph 2

Text proposed by the Commission

2. The inclusion of actions in the rolling work programme shall be subject to compliance with a set of *rules and admission criteria before being included in the rolling work programme*. Those *rules and criteria and any amendments thereof* shall be an integral part of the rolling work programme.

Amendment

2. The inclusion of actions in the rolling work programme shall be subject to compliance with a set of *administrative procedures*. Those *administrative procedures* shall be an integral part of the rolling work programme.

Or. pt

Amendment 29

Proposal for a decision Article 11 – paragraph 4

Text proposed by the Commission

4. The evaluations shall examine issues such as *the* relevance, effectiveness, efficiency, utility, sustainability and coherence of Programme actions. The final evaluation shall, in addition, examine the extent to which the Programme has achieved its objective.

Amendment

4. The evaluations shall examine issues such as relevance, effectiveness, efficiency, utility, *citizens' and business satisfaction, and the* sustainability and coherence of Programme actions. The final evaluation shall, in addition, examine the extent to which the Programme has achieved its objective.

Or. pt

EXPLANATORY STATEMENT

The rapporteur welcomes the Commission proposal establishing a programme on interoperability solutions for European public administrations, businesses, and citizens (ISA²).

Since 1995, when it launched the programme for the interchange of data between administrations (IDA), the Commission, together with the Member States, has been promoting solutions enabling data to be exchanged in administration contexts and between administrations and EU institutions.

This latest decision continues the approach pursued to date, exemplified most obviously in the ISA programme – still in force – on interoperability solutions for European public administrations, while also marking the start of a new phase, in which technological advances, the new needs of administrations and civil society, and the new opportunities offered by cloud computing will have to be taken into account.

The fact of aiming the ISA² programme at businesses and citizens signals a significant departure and implies that the Commission, when determining the implementation and assessment criteria to be applied, cannot confine itself to an exclusively supply-side perspective, but, on the contrary, will have to emphasise the demand-side perspective, that is to say, the ability to modernise the public sector to make it respond more effectively and efficiently to civil society's needs.

Interoperability is increasingly enhancing the potential quality of public services and creating an environment in which businesses can become more competitive and citizens can obtain greater satisfaction. It is thus a powerful ally of the European growth and jobs strategy.

The ISA² programme dovetails with other initiatives that are helping public administrations in Europe to modernise and hence stand out to advantage, whether they are addressing overall economic competitiveness or people's quality of life.

It is thus a building-block of the digital single market and for the implementation of an ambitious, world-leading, and socially inclusive European Digital Agenda.

The rapporteur believes that, in order to exploit the potential of the decision under consideration, stronger emphasis needs to be laid on economic and social ownership of the programme, in keeping with the key themes below.

1. Developing common semantics to link public administrations together and connect them to other sectors, thereby providing a way to make the European economy more competitive overall.
2. Establishing a repository of solutions and standards to be used directly by administrations or incorporated into new projects.
3. Developing a one-stop shop for best practice (Joinup platform).
4. Safeguarding privacy and security from the perspective of administrations, businesses, and citizens.
5. Simplifying procedures and exploring avenues for widening the programme's scope.
6. Giving encouragement to develop solutions in cooperation involving administrations in two or more Member States.
7. Measuring the success of the programme according to impacts and the satisfaction of

business and citizens' needs.