



5.10.2018

DRAFT OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council
establishing the Digital Europe programme for the period 2021-2027
(COM(2018)0434 – C8-0256/2018 – 2018/0227(COD))

Rapporteur for opinion: Jeroen Lenaers

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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 regulation

Recital 5

Text proposed by the Commission

(5) Pursuant to paragraph 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016⁵⁴, there is a need to evaluate this Programme on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burdens, in particular on Member States. These requirements, where appropriate, **can** include measurable indicators, as a basis for evaluating the effects of the Programme on the ground.

⁵⁴ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

Amendment

(5) Pursuant to paragraph 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016⁵⁴, there is a need to evaluate this Programme on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burdens **for all beneficiaries**, in particular on Member States **and SMEs**. These requirements **should**, where appropriate, include measurable indicators, as a basis for evaluating the effects of the Programme on the ground.

⁵⁴ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

Or. en

Amendment 2

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) The Tallinn Digital Summit⁵⁵ of September 2017 and the Conclusions of the

Amendment

(6) The Tallinn Digital Summit⁵⁵ of September 2017 and the Conclusions of the

European Council⁵⁶ of 19 October 2017 indicated the need for Europe to invest in digitising our economies and addressing the skills gap to maintain and enhance European competitiveness, our quality of life and social fabric. The European Council concluded that the digital transformation offers immense opportunities for innovation, growth and jobs, will contribute to our global competitiveness, and enhance creative and cultural diversity. Seizing these opportunities requires collectively tackling *some of* the challenges posed by the digital transformation and reviewing policies affected by the digital transformation.

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<https://www.eu2017.ee/news/insights/conclusions-after-tallinn-digital-summit>

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<https://www.consilium.europa.eu/media/21620/19-euco-final-conclusions-en.pdf>

European Council⁵⁶ of 19 October 2017 indicated the need for Europe to invest in digitising our economies and addressing the skills gap to maintain and enhance European competitiveness, our quality of life and social fabric. The European Council concluded that the digital transformation offers immense opportunities for innovation, growth and jobs, will contribute to our global competitiveness, and enhance creative and cultural diversity. Seizing these opportunities requires collectively tackling the challenges posed by the digital transformation, *ensuring that the essential building blocks on which new technologies rely are put in place*, and reviewing policies affected by the digital transformation *with a view to creating an innovation-friendly environment in which the interests of users are fully safeguarded*.

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<https://www.eu2017.ee/news/insights/conclusions-after-tallinn-digital-summit>

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<https://www.consilium.europa.eu/media/21620/19-euco-final-conclusions-en.pdf>

Or. en

Amendment 3

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The general objective of the Programme should be to support the digital transformation of industry and to foster better exploitation of the industrial potential of policies of innovation, research and technological development, for the benefit of businesses and citizens all over

Amendment

(10) The general objective of the Programme should be to support the digital transformation of industry *and the public sector* and to foster better exploitation of the industrial potential of policies of innovation, research and technological development, for the benefit of businesses

the Union. The programme should be structured into five Specific Objectives reflecting key policy areas, namely: high-performance computing, cybersecurity, artificial intelligence, advanced digital skills, and deployment, best use of digital capacities and interoperability. For all these areas, the Programme should also aim at better aligning Union, Member States and regional policies, and pooling of private **and industrial** resources in order to increase investment and develop stronger synergies.

and citizens all over the Union. The programme should be structured into five Specific Objectives reflecting key policy areas, namely: **IT infrastructures including** high-performance computing, cybersecurity, artificial intelligence, advanced digital skills, and deployment, best use of digital capacities and interoperability. For all these areas, the Programme should also aim at better aligning Union, Member States and regional policies, and pooling of **public and** private resources in order to increase investment and develop stronger synergies, **so as to attain the greatest possible impact.**

Or. en

Amendment 4

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) A central role in the implementation of the Programme should be attributed to Digital Innovation Hubs, which should stimulate the broad adoption of advanced digital technologies by industry, **by public organisations** and academia. A network of Digital Innovation Hubs should ensure the widest geographical coverage across Europe⁵⁹. A first set of Digital Innovation Hubs **will** be selected based on Member States' proposals and then the network will be enlarged through an open and competitive process. The Digital Innovation Hubs **will** serve as access points to latest digital capacities including high performance computing (HPC), artificial intelligence, cybersecurity, as well as other existing innovative technologies such as Key Enabling Technologies, available also in fablabs or citylabs. They **shall** act as

Amendment

(11) A central role in the implementation of the Programme should be attributed to Digital Innovation Hubs, which should stimulate the broad adoption of advanced digital technologies by industry **of all sectors and sizes, by the public sector** and academia **and thereby address the strong digitisation discrepancies**. A network of Digital Innovation Hubs should ensure the widest geographical coverage across Europe⁵⁹. A first set of Digital Innovation Hubs **should** be selected **by the Commission** based on Member States' proposals and then the network will be enlarged through an open and competitive process. The Digital Innovation Hubs **should** serve as access points to latest digital capacities including high performance computing (HPC), artificial intelligence, cybersecurity, as well as other existing innovative

single-entry points in accessing tested and validated technologies and promote open innovation. They *will* also provide support in the area of advanced digital skills. The network of Digital Innovation Hubs should also *contribute to* the participation of the outermost regions in the Digital Single Market.

⁵⁹ As indicated in the Communication on Digitising European Industry (COM(2016) 180 final)

technologies such as Key Enabling Technologies *and distributed ledgers technologies*, available also in fablabs or citylabs. They *should* act as single-entry points in accessing tested and validated technologies and promote open innovation. They *should* also provide support in the area of advanced digital skills. The network of Digital Innovation Hubs should also *facilitate* the participation of the outermost regions in the Digital Single Market.

⁵⁹ As indicated in the Communication on Digitising European Industry (COM(2016) 180 final)

Or. en

Amendment 5

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) The support to the Union's intervention in this area was expressed by the Council⁶⁰ and, by the European Parliament⁶¹. Moreover, in 2017 nine Member States signed the EuroHPC Declaration⁶², a multi-government agreement where they commit to collaborate with the Commission to build and deploy state-of-the-art HPC and data infrastructures in Europe that would be available across the Union for scientific communities, public and private partners.

Amendment

(17) The support to the Union's intervention in this area was expressed by the Council⁶⁰ and, by the European Parliament⁶¹. Moreover, in 2017 nine Member States signed the EuroHPC Declaration⁶², a multi-government agreement where they commit to collaborate with the Commission to build and deploy state-of-the-art HPC and data infrastructures in Europe that would be available across the Union for scientific communities, public and private partners. ***European leadership in supercomputing can only be attained if Union intervention in this area also focusses on enhancing Union's attractiveness to European and international researchers and thereby reduce brain drain.***

⁶⁰ null

⁶¹ null

⁶² null

⁶⁰ null

⁶¹ null

⁶² null

Or. en

Amendment 6

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Developing capacity related to artificial intelligence is a crucial driver for the digital transformation of industry and also of the public sector . Ever more autonomous robots are used in factories, deep sea application, homes, cities and hospitals. Commercial artificial intelligence platforms have moved from testing to real applications in health and environment; all major car manufacturers are developing self-driving cars, and machine learning techniques are at the heart of all main web platforms and big data applications.

Amendment

(19) Developing capacity related to artificial intelligence is a crucial driver for the digital transformation of industry and also of the public sector. Ever more autonomous robots are used in factories, deep sea application, homes, cities and hospitals. Commercial artificial intelligence platforms have moved from testing to real applications in health and environment; all major car manufacturers are developing self-driving cars, and machine learning techniques are at the heart of all main web platforms and big data applications. ***European leadership in artificial intelligence can only be attained if Union intervention in this area also focusses on enhancing Union's attractiveness to European and international researchers and thereby reduce brain drain.***

Or. en

Amendment 7

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) In its resolution of 1 June 2017 on

Amendment

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digitising European industry⁶⁴ the European Parliament highlighted the importance of a common European cybersecurity approach, recognising the need to raise awareness and considered cyber-resilience as a crucial responsibility for business leaders and national and European industrial security policymakers.

digitising European industry⁶⁴ the European Parliament highlighted the importance of a common European cybersecurity approach, recognising the need to raise awareness and considered cyber-resilience as a crucial responsibility for business leaders and national and European industrial security policymakers. ***Furthermore, in its resolution of 3 October 2017 on the fight against cybercrime^{65a} the European Parliament underlined the fact that cross-border cybercrime is increasing rapidly which makes it necessary to step up the response at Union and Member State level urgently, and furthermore stressed that the importance to combat cybercrime is, next to the necessary legal measures, first and foremost about technological challenges, in particular safeguarding and hardening critical infrastructures and other networked devices.***

⁶⁴ Document ref. A8-0183/2017, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2017-0240>

⁶⁴ Document ref. A8-0183/2017, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2017-0240>

^{65a} ***Document ref. A8-0183/2017, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2017-0366>***

Or. en

Amendment 8

Proposal for a regulation Recital 22

Text proposed by the Commission

(22) Cybersecurity is a challenge for the whole Union that cannot continue to be addressed only with fragmented national

Amendment

(22) Cybersecurity is a challenge for the whole Union that cannot continue to be addressed only with fragmented national

initiatives. Europe's cybersecurity capacity should be reinforced to endow Europe with the necessary capacities to protect its citizens and businesses from cyber threats. In addition consumers should be protected when using connected products that can be hacked and compromise their safety. This should be achieved together with Member States and private sector by developing, and ensuring coordination between, projects reinforcing Europe's capacities in cybersecurity and ensuring the wide deployment of latest cybersecurity solutions across the economy, as well as by aggregating the competences in this field to ensure critical mass and excellence.

initiatives. Europe's cybersecurity capacity should be reinforced to endow Europe with the necessary capacities to protect its citizens and businesses from cyber threats. In addition consumers should be protected when using connected products that can be hacked and compromise their safety. This should be achieved together with Member States and private sector by developing, and ensuring coordination between, projects reinforcing Europe's capacities in cybersecurity and ensuring the wide deployment of latest cybersecurity solutions across the economy, ***including by promoting public-private cooperation and by means of awareness raising measures***, as well as by aggregating the competences in this field to ensure critical mass and excellence.

Or. en

Amendment 9

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Modernising public administrations and services through digital means is crucial to reducing administrative burden on industry and on citizens in general by making their interactions with public authorities faster, more convenient and less costly, as well as by increasing the efficiency and the quality of the services provided to citizens and businesses. Since a number of services of public interest already have a Union dimension, the support to their implementation and deployment at Union level should ensure that citizens and businesses will benefit from the access to high quality digital services across Europe.

Amendment

(29) Modernising public administrations and services through digital means is crucial to reducing administrative burden on industry and on citizens in general by making their interactions with public authorities faster, more convenient and less costly, as well as by increasing the efficiency and the quality of the services provided to citizens and businesses ***while at the same time increasing the efficiency of public spending***. Since a number of services of public interest already have a Union dimension, the support to their implementation and deployment at Union level should ensure that citizens and businesses will benefit from the access to high quality digital services across Europe.

Amendment 10**Proposal for a regulation****Recital 32***Text proposed by the Commission*

(32) The modernisation of European public administrations is one of the key priorities for successful implementation of the Digital Single Market Strategy. The mid-term evaluation of the Strategy highlighted the need to strengthen the transformation of public administrations and to ensure citizens have easy, trusted, and seamless access to public services.

Amendment

(32) The modernisation of European public administrations is one of the key priorities for successful implementation of the Digital Single Market Strategy. The mid-term evaluation of the Strategy highlighted the need to strengthen the transformation of public administrations and to ensure citizens have easy, trusted, **secure** and seamless access to public services.

Or. en

Amendment 11**Proposal for a regulation****Recital 34***Text proposed by the Commission*

(34) Interoperability of European public services concerns all levels of administration: Union, national, regional and local. Besides removing barriers to a functioning Single Market, interoperability facilitates successful implementation of policies and offers great potential to avoid cross-border electronic barriers, further securing the emergence of new, or the consolidation of developing, common public services at Union level. In order to eliminate fragmentation of European services, to support fundamental freedoms and operational mutual recognition in the EU, a holistic cross-sector and cross-border approach to interoperability should be promoted in the manner that is the most

Amendment

(34) Interoperability of European public services concerns all levels of administration: Union, national, regional and local. Besides removing barriers to a functioning Single Market, interoperability facilitates successful implementation of policies and offers great potential to avoid cross-border electronic barriers, further securing the emergence of new, or the consolidation of developing, common public services at Union level **as well as preventing unnecessary double-storage**. In order to eliminate fragmentation of European services, to support fundamental freedoms and operational mutual recognition in the EU, a holistic cross-sector and cross-border approach to

effective, **and** the most responsive to end-users. This implies that interoperability is to be understood in a broad sense, spanning from technical to legal layers and encompassing policy elements in the field. Accordingly, the span of activities would go beyond the usual lifecycle of solutions to include all the interventions elements that would support the necessary framework conditions for sustained interoperability at large.

interoperability should be promoted in the manner that is the most effective, the most responsive to end-users **and ensuring a high level of data protection**. This implies that interoperability is to be understood in a broad sense, spanning from technical to legal layers and encompassing policy elements in the field. Accordingly, the span of activities would go beyond the usual lifecycle of solutions to include all the interventions elements that would support the necessary framework conditions for sustained interoperability at large.

Or. en

Amendment 12

Proposal for a regulation Recital 40

Text proposed by the Commission

(40) **The General Data Protection Regulation (GDPR)**, applicable **from** May 2018 **onwards**, by providing for a single set of rules directly applicable in the Member States legal orders, **will guarantee** the free flow of personal data between **EU** Member States and **reinforce** trust and security of the individuals, two indispensable elements for a real Digital Single Market. **The** actions undertaken under this Programme, when they involve the processing of personal data, should therefore **support the application of the GDPR, for instance in the field of artificial intelligence and blockchain technology**.

Amendment

(40) Regulation (EU) 2016/679 of the **European Parliament and of the Council**^{1a}, applicable **since** May 2018, by providing for a single set of rules directly applicable in the Member States legal orders, **guarantees** the free flow of personal data between Member States and **reinforces** trust and security of the individuals, two indispensable elements for a real Digital Single Market. **All** actions undertaken under this Programme, when they involve the processing of personal data, should therefore **be in full compliance with that Regulation. To the extent that the processing involves electronic communications data, due respect is to be paid to Directive 2002/58/EC of the European Parliament and of the Council**^{1b}.

^{1a} Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of

natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

^{1b} Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.07.2002, p. 3747).

Or. en

Amendment 13

Proposal for a regulation Recital 42

Text proposed by the Commission

(42) Bodies implementing this Programme should ***comply with the*** provisions ***applicable to the*** Union ***institutions, and with national*** legislation regarding the handling of information, ***in particular sensitive non-classified information and EU classified information.***

Amendment

(42) ***To the extent that*** bodies implementing this Programme ***handle sensitive non-classified information or Union classified information, they*** should ***respect the relevant*** provisions ***laid down in Union acts or national*** legislation regarding the handling of information, ***as applicable.***

Or. en

Amendment 14

Proposal for a regulation Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) Specific Objective 1: High Performance Computing

Amendment

(a) ***IT Infrastructure, including*** Specific Objective 1: High Performance

Amendment 15

Proposal for a regulation

Article 4 – title

Text proposed by the Commission

High Performance Computing

Amendment

IT Infrastructure including High Performance Computing

Or. en

Amendment 16

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

The financial intervention by the Union under Specific Objective 1. High Performance Computing shall pursue the following operational objectives:

Amendment

The financial intervention by the Union under Specific Objective 1. ***IT Infrastructure, including*** High Performance Computing shall pursue the following operational objectives:

Or. en

Amendment 17

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) deploy, coordinate at the Union level and operate an integrated world-class exascale⁷⁷ supercomputing and data infrastructure in the Union that shall be accessible on a non-commercial basis to

Amendment

(a) deploy, coordinate at the Union level and operate an integrated world-class exascale⁷⁷ supercomputing and data infrastructure in the Union that shall be accessible on a non-commercial basis to

public and private users and for **publicly funded** research purposes;

public and private users and for research purposes;

⁷⁷ Billions of billions of floating operations per second

⁷⁷ Billions of billions of floating operations per second

Or. en

Amendment 18

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) deploy and operate a post-exascale⁷⁸ infrastructure, including the integration with quantum computing technologies and develop new research infrastructures for computing science.

⁷⁸ A thousand times faster than exascale

Amendment

(c) deploy and operate a post-exascale⁷⁸ infrastructure, including the integration with quantum computing technologies and develop new research infrastructures for **high-performance** computing science.

⁷⁸ A thousand times faster than exascale

Or. en

Amendment 19

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) build up and strengthen core artificial intelligence capacities in the Union, including data resources and libraries of algorithms in compliance with data protection legislation;

Amendment

(a) build up and strengthen core artificial intelligence capacities in the Union, including data resources and libraries of algorithms in **full** compliance with data protection legislation;

Or. en

Amendment 20

Proposal for a regulation

Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) make those capacities accessible to all businesses and public administrations;

Amendment

(b) make those capacities accessible to all businesses, **public research institutions** and public administrations;

Or. en

Amendment 21

Proposal for a regulation

Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) reinforce **and network** existing artificial intelligence testing and experimentation facilities in Member States;

Amendment

(c) reinforce existing artificial intelligence testing and experimentation facilities in Member States **and facilitate cooperation between such facilities across the Union**;

Or. en

Amendment 22

Proposal for a regulation

Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) support the best use of European knowledge, capacity and skills related to cybersecurity;

Amendment

(b) support **the development, exchange and** the best use of European knowledge, capacity and skills related to cybersecurity;

Or. en

Amendment 23

Proposal for a regulation

Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) ensure a wide deployment of the latest cybersecurity solutions across the economy;

Amendment

(c) ensure a wide deployment of the latest cybersecurity solutions across the economy, ***including by raising awareness about those solutions among businesses and citizens;***

Or. en

Amendment 24

Proposal for a regulation

Article 6 – paragraph 1 – point d

Text proposed by the Commission

(d) reinforce capabilities within Member States and private sector to help them meet Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union⁷⁹.

Amendment

(d) reinforce capabilities within Member States and ***the*** private sector to help them meet ***the requirements laid down in*** Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union⁷⁹.

⁷⁹ OJ L 194, 19.7.2016, p. 1–30

⁷⁹ OJ L 194, 19.7.2016, p. 1–30

Or. en

Amendment 25

Proposal for a regulation

Article 7 – paragraph 1 – point c

Text proposed by the Commission

(c) support on-the-job trainings and traineeships for students, young

Amendment

(c) support on-the-job trainings and traineeships for students, young entrepreneurs and graduates ***and the***

entrepreneurs and graduates.

workforce.

Or. en

Amendment 26

Proposal for a regulation Article 8 – paragraph 1 – point h

Text proposed by the Commission

(h) support cooperation towards achieving a European ecosystem for trusted infrastructures using distributed ledger services and applications, including support for interoperability and standardisation and fostering the deployment of EU cross-border applications;

Amendment

(h) support cooperation towards achieving a European ecosystem for trusted infrastructures using distributed ledger services and applications, including support for interoperability, *encryption* and standardisation and fostering the deployment of EU cross-border applications;

Or. en

Amendment 27

Proposal for a regulation Article 9 – paragraph 2 – point b

Text proposed by the Commission

(b) up to EUR **2 498 369 000** for Specific Objective 2, Artificial Intelligence

Amendment

(b) up to EUR **2 248 533 000** for Specific Objective 2, Artificial Intelligence

Or. en

Amendment 28

Proposal for a regulation Article 9 – paragraph 2 – point c

Text proposed by the Commission

(c) up to EUR **1 998 696 000** for Specific Objective 3, Cybersecurity and

Amendment

(c) up to EUR **2 248 532 000** for Specific Objective 3, Cybersecurity and

Trust

Trust

Or. en