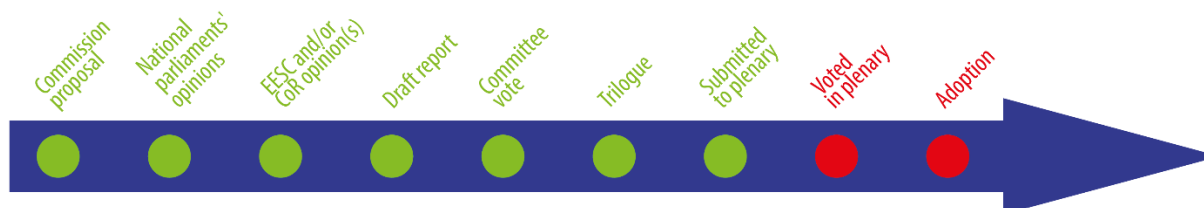# Interoperable Europe act

OVERVIEW

In November 2022, the European Commission published a proposal for a regulation laying down measures for a high level of public sector interoperability across the Union (the interoperable Europe act). The initiative seeks to ensure a consistent, human-centric EU approach to interoperability, create an interoperability governance structure that helps public administrations and the private sector to work together, and establish an ecosystem of interoperability solutions for the EU's public sector. The proposal should also cut red tape for citizens and businesses.

The proposal is now with the co-legislators. The Parliament adopted its position on the proposed regulation in September 2023, and the Council did so in October 2023. Shortly afterwards, in November 2023, the co-legislators reached a provisional agreement on the text (since endorsed by the ITRE committee and the Committee of Permanent Representatives of EU Member States). While maintaining the main points of the Commission proposal, the co-legislators have clarified several points, such as the scope of the regulation, its objectives, and the conditions of the mandatory interoperability assessment.

Parliament's plenary vote on the final agreement is scheduled for the February I plenary session.

Proposal for a regulation of the European Parliament and of the Council laying down measures for a high level of public sector interoperability across the Union (interoperable Europe act)		
Committee responsible:	Industry, Research and Energy (ITRE)	COM(2022) 720 18.11.2022
Rapporteur:	Ivars Ijabs (Renew Europe, Latvia)	2022/0379(COD)
Shadow rapporteurs:	Gheorghe Falcă (EPP, Romania) Josianne Cutajar (S&D, Malta) Jordi Solé (Greens/EFA, Spain) Johan Nissinen (ECR, Sweden) Marie Dauchy (ID, France)	Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')
Next steps expected:	Final first-reading vote in plenary	

Commission proposal · National parliaments' opinions · EESC and/or CoR opinion(s) · Draft report · Committee vote · Trilogue · Submitted to plenary · Voted in plenary · Adoption

EN

Introduction

While more and more [public services](#) have become digital and Member States have voluntarily worked towards cross-border interoperability, the level of interoperability of network and information systems supporting digital public services in the EU is still insufficient. This leads to [limited](#) digital public services and causes a number of problems for citizens, organisations and businesses, as well as for public authorities themselves. Problems can arise, for example, when a citizen wants to get a digital parking ticket in a city outside the country in which his or her car is registered, or when a hospital would like to share its spare intensive-care bed capacity with a hospital on the other side of the border. Limited digital public services also mean that citizens and businesses have to provide the same information again and again.

> **What is cross-border interoperability?**
>
> Cross-border interoperability is the possibility for network and information systems in different Member States and EU institutions, bodies and agencies to interact with each other and share data by means of electronic communication.
>
> Source: [European Commission](#), 2022.

There is a lot to gain from interoperable public services. Interoperable solutions help citizens to exercise their right to free movement. Interoperability also has an important impact on the free movement of goods, services and capital, as burdensome administrative procedures can create significant obstacles, especially for small and medium-sized enterprises (SMEs). Interoperability enables organisations to cooperate and work more efficiently towards common goals. It helps to avoid fragmentation, mitigates increasing cybersecurity risks[1] and facilitates information and knowledge sharing. This is all the more important in times of crisis, as shown by the COVID-19 pandemic.[2] Finally, interoperability could also help to safeguard Europe's digital sovereignty, by improving data sharing in the public sector across the EU.

According to one European Commission Joint Research Centre [report](#), full interoperability implemented at all levels of administration could boost EU gross domestic product (GDP) by 0.4 %. It would also increase the number of citizens using online public services by 15 %. Annually, citizens could save up to 24 million hours (and up to €543 million)[3] and businesses up to 30 billion hours (and up to €568 billion).

Existing situation

Digital transformation is one of the EU's top priorities. Improving the interoperability of public services in the EU is part of the Commission's priority to create 'A Europe fit for the digital age'. The Commission has set a number of concrete digital [targets](#) for 2030, among them making key public services 100 % available online and providing all citizens with access to their medical records online and to a digital identity (eID). Digital public services are also one of the focus points of the [national recovery and resilience plans](#) (they must dedicate 20 % of resources to digital transformation). Many of these plans include reforms and investments aimed at introducing or improving e-government services.

The EU already has in place some structures that foster the interoperability of public administrations but it does not have binding overarching EU policy provisions for interoperability. The EU has created a **non-binding [European interoperability framework](#)**[4] (EIF) that has been offering guidance on the delivery of interoperable European public services for more than 15 years. The framework puts an emphasis on how Member States should apply interoperability principles and models in practice. It gives public administrations practical recommendations on how to improve the governance of their interoperability activities, establish cross-organisational relationships, support digital services and ensure that legislation supports interoperability. [Evaluations](#) of the current interoperability policy show, however, that being a non-binding measure, the EIF is not sufficient to remove all barriers for the EU public sector and that it has led to limited cross-border public services in the EU.

Interoperable Europe act

Various EU financing instruments (such as the ISA² programme (now completed) and the Digital Europe programme) have supported the implementation of the EIF. National implementation of the EIF is monitored through the national interoperability framework observatory (NIFO), which also provides information on digital public administration and interoperability issues in the EU. In 2021, the Commission created the Joinup online platform to enable public administrations, businesses and citizens to share and reuse interoperable, open and free IT solutions. Finally, the Commission has created the Innovative Public Services Observatory (IPSO), which analyses trends, identifies good and bad practices and assesses the impact of new technologies, such as artificial intelligence, on the public sector.

In addition to these non-binding initiatives, several EU laws and proposals in discussion include measures on interoperability. For example, the Commission's proposal for a regulation to establish a framework for a European digital identity seeks to make sure that citizens can use their electronic identities in all EU countries. The proposal for a data act sets up rules on interoperability of data between different sectors. The Data Governance Act also facilitates data-sharing across the EU and between sectors.

Parliament's starting position

The European Parliament has long been advocating for interoperable digital public services. For example, in a resolution of 3 May 2022, Parliament called on Member States to provide 'borderless, interoperable, personalised, user-friendly and end-to-end digital public services based on AI to all citizens at all levels of public administration'.

In addition, in its resolution of 20 May 2021, Parliament called on the Commission to strengthen 'financial and institutional support for the European digital economy in close coordination with Member States and stakeholders through measures such as … providing increased and broader access to easily readable and interoperable high quality industrial and public data'.

Some years earlier, in its resolution of 16 May 2017, Parliament highlighted the importance of interoperability and standardisation in implementing e-government structures, and welcomed the plan to revise the EIF.

Council and European Council starting position

The European Council and Member States have also highlighted the importance of interoperable digital public services repeatedly. For example, in its conclusions on 'Shaping Europe's digital future' of 9 June 2020 the Council pointed to the need to ensure interoperability and common standards to ensure secure and borderless public sector data flows and services. The importance of progress on data-sharing and interoperability was also highlighted in the European Council conclusions of 22 October 2021.

Preparation of the proposal

In preparing the proposal, the Commission consulted a broad range of stakeholders, such as EU, national and sub-national public authorities, non-governmental organisations, professional associations, business organisations, academics, and EU and non-EU citizens. It organised an open public consultation (from 1 February to 26 April 2021), a targeted online survey (from 19 January to 7 March 2021), workshops, studies, interviews with experts and stakeholders, and an inception impact assessment. The proposal is also supported by an impact assessment (IA).

Respondents from various EU and non-EU countries considered the objectives outlined in the impact assessment to be meaningful but wished to add several other goals, such as moving towards proactive and self-sovereign services, applying the 'once-only' principle, centralising users' information, and emphasising the value of interoperability for civil rights, digital inclusion, diversity, and the democratisation of public knowledge. They also mentioned the need for agreed and open

standards and specifications, and called for interoperability policy to be made more practical and consistent with other EU policies.

Impact assessment

The IA accompanying the Commission proposal was published on 18 November 2022. It examines the nature and scale of the problem, who it would affect and how, and how the problem would evolve without further EU intervention. The IA analyses three policy options (in addition to the baseline scenario – no policy change):

➤ gradual continuous development of the EIF;

➤ regulatory intervention that concentrates on building a structural cooperation mechanism;

➤ more far-reaching regulatory intervention that focuses on enshrining directly applicable EU interoperability minimum requirements in law. These requirements would be revised by implementing decisions.

The IA finds that option 2 is the preferred option, as structured cooperation would provide Member States with stability and (legal) predictability, while also allowing flexibility to continue developing shared interoperability solutions in response to changing policy needs. This option also focuses on developing participatory processes.

EPRS has carried out an initial appraisal of the Commission's impact assessment accompanying the proposal. It found that the IA presented sufficiently broad and realistic policy options, but criticised the limited explanations on the content of the proposed policy measures and how the identified problem would evolve in the future.

The changes the proposal would bring

The proposal includes various measures relating to the cross-border interoperability of the network and information systems that are used to provide or manage public services in the EU. It applies to public sector bodies of Member States as well as to EU institutions, bodies and agencies. The legal basis is Article 172 of the Treaty on the Functioning of the European Union, TFEU. The proposal was accompanied by a Commission communication.

Interoperability solutions

The interoperable Europe act introduces a **mandatory cooperation framework** for interoperability between public administrations across the EU. It introduces an obligation to **share certain interoperability solutions** (such as open-source software) and data between public sector bodies, institutions, bodies and agencies of the Union, with a focus on removing unnecessary burdens (such as legal, organisational, semantic and technical obstacles). The aim is to save citizens, businesses, and the public sector itself, money and time.

Interoperability assessment

The act also introduces **mandatory interoperability assessments**. Namely, public sector bodies and institutions, as well as EU agencies or bodies, would have to evaluate the impact of changes in information technology (IT) systems on EU cross-border interoperability. This assessment would have to describe at least the intended operation and its impact on cross-border interoperability, the level of the systems' alignment with the EIF and with the interoperable Europe solutions, and the application programming interfaces that enable machine-to-machine interaction with the data considered relevant for cross-border exchange with other systems.

Interoperable Europe portal

The proposal suggests setting up a free-of-charge **interoperable Europe portal**, which would act as a single point of entry for information on the cross-border interoperability of network and information systems. The portal would make interoperability solutions publicly available, in formats that are open, machine-readable, accessible, findable and re-usable.

Governance structure

The Commission proposes to establish a two-layer governance structure. First, it proposes to set up an **interoperable Europe board** to facilitate cooperation and the exchange of information on cross-border interoperability of network and information systems. The board would be composed of representatives of the Member States, the Commission, the European Committee of the Regions and the European Economic and Social Committee. It would have various tasks, such as supporting the implementation of national interoperability frameworks, adopting guidelines on the content of the interoperability assessment, monitoring the overall coherence of the interoperability solutions, recommending interoperable Europe solutions, adopting the interoperable Europe agenda, and developing the EIF. Second, the Commission proposes to establish an **interoperable Europe community**, which would offer the interoperable Europe board expertise and advice. This community would bring together public and private stakeholders, including representatives of academia, business and public administrations.

Support and innovation measures

The act would also introduce support measures. The interoperable Europe board could propose that the Commission set up projects to support public sector bodies in the digital implementation of EU policies, ensuring the cross-border interoperability of network and information systems. The board could also propose that the Commission take innovative measures, including regulatory sandboxes for policy experimentation and GovTech projects based on private-public cooperation. These regulatory sandboxes would provide a controlled environment for the development, testing and validation of innovative interoperability solutions.

Monitoring and evaluation

The Commission would have general monitoring tasks such as monitoring the implementation of the EIF, the take-up of the interoperability solutions and the development of open source solutions. Monitoring results would be published on the interoperable Europe portal. The Commission would also have to present a report on the application of the regulation to the European Parliament and the Council (3 years after the date of application of the regulation, and every 4 years thereafter).

Advisory committees

The [European Economic and Social Committee](#) (EESC) adopted its opinion on 22 March 2023 (rapporteur: Vasco de Mello, Employers – Group I, Portugal). The EESC highlighted the importance of ensuring adequate staffing for the development and operation of digital services and warned that some technological solutions could be highly energy-intensive. The committee was also concerned that the digitalisation of public services should not be to the detriment of services provided in person.

The [European Committee of the Regions](#) (CoR) adopted its opinion on 24 May 2023 (rapporteur: Michele Pais, ECR, Italy). The CoR highlighted that local and regional authorities need to have a say on how fast and to what extent interoperability solutions are being implemented. They should also have sufficient financial and human resources to implement these solutions. The CoR held a [stakeholder consultation](#) on this file on 27 February 2023.

National parliaments

The subsidiarity [deadline](#) for national parliaments was 8 February 2023. No reasoned opinion was issued by this date.

Stakeholder views[5]

Only a few stakeholders have published specific recommendations on this proposal. In general, stakeholders (such as the [European Digital SME Alliance](#) and the Finnish IT Centre for Science, [CSC](#)) welcome the Commission proposal. Paulo Valente, Chair of Digital SME's 'Focus Group Smart Communities' believes that the act 'is an important step towards scalable and replicable methods which empowers SMEs to grow and deliver on the new data usage challenges'. He also praised the draft regulation for combining 'a framework for the existing models with the innovation that can be experimented on regulatory sandboxes'.

CSC warns, however, that the obligations imposed by the interoperable Europe act should not create unnecessary red tape, in particular in sectors that already have strong structures for interoperability. It also points out that sharing interoperability solutions should not compromise security. Furthermore, CSC notes that the mandate of the interoperable Europe board should be broad enough to cover issues relating to all four levels of interoperability (legal, organisational, semantic and technical). Finally, CSC stresses the importance of building on existing work and structures, as well as solutions developed by international organisations.

The [European Data Protection Supervisor](#) (EDPS) points out that the interoperability of network and information systems affects one of the most fundamental principles of data protection: purpose limitation. The EDPS considers it essential to consider further the risks that are created when technical obstacles to information exchange are removed, and is glad that the European Commission must consult the EDPS prior to authorising the establishment of regulatory sandboxes in which no EU institution, body or agency participates. It nevertheless recommends thinking about whether possible use cases for the regulatory sandboxes exist that meet the standard of necessity. If not, the EDPS recommends removing the legal basis for personal data processing from the proposal. In addition, the EDPS proposes further safeguards to ensure that test data does not become data in the production environment.

Legislative process

In Parliament, the file was assigned to the Committee on Industry, Research and Energy (ITRE), with Ivars Ijabs (Renew Europe, Latvia) as rapporteur. The Committee on Civil Liberties, Justice and Home Affairs (LIBE) is associated under Rule 57. The Committees on Budgets (BUDG), Regional Development (REGI) and Internal Market and Consumer Protection (IMCO) were also invited to provide opinions. BUDG decided not to give an opinion.

The rapporteur published his [draft report](#) on 28 March 2023. While welcoming the Commission proposal, he wished to strengthen the provisions for accessibility and free-of-charge access.[6] He considered that the EIF should respect the principle of multilingualism in public services and encourage use of the most advanced technologies (such as artificial intelligence). Finally, he suggested that the European Parliament should be represented on the interoperable Europe board.

In its [opinion](#), the LIBE committee added further safeguards to privacy and data protection and proposed to establish 'innovation' rather than 'regulatory' sandboxes. The IMCO committee highlighted in its [opinion](#) issues relating to accessibility and the importance of involving local and regional administrations in implementing interoperability solutions.

The lead committee, ITRE, adopted its [report](#) on the proposal on 27 July 2023 (61 in favour, 2 against and 9 abstentions). The report broadens the subject matter and scope of the regulation by specifying that it also aims to enhance the efficiency of public administrations and that it also applies to EU offices. The report strengthens the provisions on accessibility, multilingualism and free-of-

charge access to training. It also introduces several amendments seeking to ensure greater involvement of local and regional authorities. Furthermore, the amended text proposes to establish 'innovation' as opposed to 'regulatory' sandboxes and to include the European Parliament and the EU Cybersecurity Agency (ENISA) in the interoperable Europe board. The European Cybersecurity Competence Centre and Network should be able to participate as an observer. The amended text proposes that besides the European Commission, the interoperable Europe board too should be responsible for monitoring how cross-border interoperable public services are being developed. The committee's decision to enter into trilogue negotiations was backed by Parliament during its September 2023 plenary session.

The Council agreed on a negotiating mandate on 6 October 2023. Its position maintained the main points of the Commission proposal but made some changes to it, seeking to provide further details on how interoperability assessments would be carried out, ensure that the interoperable Europe act is in line with the artificial intelligence act, and give the interoperable Europe board a stronger role.

The co-legislators reached a provisional agreement on the text on 13 November 2023. They retained the main provisions of the Commission proposal, such as the obligation for EU entities and public sector bodies to carry out an interoperability assessment, create a multi-level governance framework steered by the interoperable Europe board, and share interoperability solutions via the interoperable Europe portal. They also kept the idea of establishing interoperability regulatory sandboxes.

The co-legislators did however make amendments to the proposal, as follows:

➢ **composition of the interoperable Europe board**: under the provisional agreement it is composed of one representative of each Member State and one from the European Commission. Experts (one per entity), designated by the Committee of the Regions, the EU Cybersecurity Agency (ENISA) and the European Cybersecurity Competence Centre (ECCC) will participate as observers;

➢ the agreement clarified the **scope of the regulation**, including the concept and definition of 'trans-European digital public services';

➢ it also brought clarification concerning the objectives and conditions of **mandatory interoperability**;

➢ the Commission will have to present an **annual report** to the Parliament and the Council on interoperability in the EU;

➢ modifications were made concerning **training on interoperability** to ensure that training is publicly accessible, free of charge and offered to employees at local and regional level too.

The ITRE committee endorsed the agreement on 28 November 2023 (with 47 votes in favour, 2 against and 6 abstentions); the Committee of Permanent Representatives of EU Member States (Coreper) had earlier done so on 22 November 2023. The agreement must now be approved by Parliament as a whole and by the Council.

EUROPEAN PARLIAMENT SUPPORTING ANALYSIS

Frizberg D., Interoperable digital public services in the EU, Initial appraisal of a European Commission impact assessment, EPRS, European Parliament, February 2023.

OTHER SOURCES

Measures for a high level of public sector interoperability across the Union (Interoperable Europe Act), Legislative Observatory (OEIL), European Parliament.

ENDNOTES

1   Because Member States would apply a more coordinated approach to cybersecurity.

2   When it was, for example, crucial to share data on hospitals' available intensive care beds.

3   The monetary savings were calculated by multiplying the number of hours saved by the hourly wage rate per country.

4   First formulated in 2004. The latest version was published in 2017 as an annex to the Commission communication 'European Interoperability Framework – Implementation Strategy'.

5   This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'European Parliament supporting analysis'.

6   For example to training courses on interoperability issues at EU level.

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Third edition. The 'EU Legislation in Progress' briefings are updated at key stages during the legislative procedure.