COMPROMISE AMENDMENT 1

Draft report
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(PE719.734v01-00)

Establishing the 2030 Policy Programme “Path to the Digital Decade”

Proposal for a decision
Compromise Amendment
Martina Dlabajová

Proposal for a decision


AMENDMENTS BY THE EUROPEAN PARLIAMENT*

to the Commission proposal

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DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing the 2030 Policy Programme “Path to the Digital Decade”

(Text with EEA relevance)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council
  (COM(2021)0574),

– having regard to Article 294(2) and Article 173(3) of the Treaty on the Functioning of
  the European Union, pursuant to which the Commission submitted the proposal to
  Parliament (C9-0359/2021),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the European Economic and Social Committee¹,

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the opinions of the Committee on Employment and Social Affairs, the
  Committee on Internal Market and Consumer Protection and the Committee on Culture
  and Education,

– having regard to the report of the Committee on Industry, Research and Energy
  (A9-0000/2022),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces,
   substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the

* Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ▌.
¹ [OJ C 0, 0.0.0000, p. 0.].
national parliaments.

Whereas:

(1) In its Communication “2030 Digital Compass: the European way for the Digital Decade” of 9 March 2021\(^2\) (“Digital Compass Communication”) the Commission laid out its vision for 2030 to empower citizens and businesses through the digital transition. The Union way for the digital transformation of economy and society should encompass digital open strategic autonomy, global leadership, accessibility, inclusion, equality, sustainability, resilience, security, improving quality of life, availability of services and respect of citizens’ rights and aspirations and should contribute to a dynamic, resource efficient, and fair economy and society in the Union.

(2) In its statement of 25 March 2021, the European Council considered the Digital Compass Communication as a step towards charting Europe’s digital development for the next decade and confirmed the vision there set, including the idea of a Policy Programme with a robust governance structure and a framework to facilitate the implementation of multi-country projects that are necessary for Europe’s digital transition in critical areas. It also invited the Commission to widen the European Union’s policy toolbox for digital transformation, both at the European Union and national level, and to use all available instruments from industrial, trade and competition policy, skills and education, research and innovation policy and long-term funding instruments to facilitate the digital transformation.

(2 a) The 2030 Policy Programme “Path to the Digital Decade” should contribute to achieving the goals of the European Declaration on Digital Rights and Principles for the Digital Decade, (Signed XXXX), which puts people at the centre of the digital transformation.

(3) As outlined in the Commission’s Communication updating the 2020 new industrial strategy\(^3\), it is necessary for the European Union to identify systems of critical technologies and strategic sectors, to address strategic weaknesses and high-risk dependencies which could lead to supply shortages or cybersecurity risks, and to foster digital transition. This underlines the importance for Member States to join forces and to support industry’s efforts to address these dependencies and to develop strategic capacity needs. This also responds to the analysis in the 2021 Strategic Foresight Report\(^4\). In the framework of the Recovery and Resilience Facility and the preparation of national recovery and resilience plans, the Commission encouraged Member States to coordinate their efforts in favour of Multi-Country Projects in the digital area. This experience highlighted the need for the Commission to support coordination efforts by Member States, and for the Union to dispose of implementation mechanisms that facilitate joint investments, in order for Multi-Country Projects to materialise. In conjunction with other Commission’s initiatives such as the Observatory for Critical

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\(^2\) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions “2030 Digital Compass: the European way for the Digital Decade” COM/2021/118 final/2.

\(^3\) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions updating the 2020 new industrial strategy: Building a stronger Single Market for Europe’s recovery”, 5.5.2021 COM(2021) 350 final.


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Technologies\(^5\), a governance structure implementing the Digital Compass Communication should be established and should help to identify the Union’s current and possible future digital strategic dependencies and contribute to strengthening its digital open strategic autonomy.

(4) The Commission’s Communication on the European Green Deal\(^6\) emphasised that Europe should leverage the potential of the digital transformation, which is a key enabler for reaching the Green Deal objectives. The Union should promote and invest in the necessary digital transformation as digital technologies are a critical enabler for attaining the sustainability goals of the European Green Deal, the Paris Agreement and the United Nations Sustainable Development Goals in many different sectors. Digital technologies such as artificial intelligence, 5G, 6G, blockchain, cloud and edge computing and the internet of things should accelerate and maximise the impact of policies to deal with climate change and protect the environment. This means digital technologies and electronics need to become sustainable over their entire life cycle, including products, production processes, necessary infrastructures and waste management. Together with satellite navigation and localisation, digitalisation also presents new opportunities for distance monitoring of air and water pollution, and or for monitoring and optimising how energy and natural resources are used. Europe needs a digital sector that puts sustainability at its heart, ensuring that digital infrastructures and technologies become verifiably more sustainable, renewable and energy- and resource efficient, and contribute to a sustainable circular and climate-neutral economy and society in line with the European Green Deal. The twin digital and green transitions should not replace reliance on fossil fuels with reliance on critical raw materials.

(4 a) Policies and investments on digital infrastructure should also aim to ensure inclusive connectivity, with available and affordable Internet access, in order to close the digital divide across the Union with special attention to the territorial divide.


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and Regulation (EU) 2021/1153 of the European Parliament and of the Council\textsuperscript{11} and on the funds allocated for digital transition of Regulation (EU) 2021/241 of the European Parliament and of the Council\textsuperscript{12}. By this Decision, a Policy Programme “Path to the Digital Decade” should therefore be established in order to achieve, accelerate and shape a successful digital transformation of the Union’s economy and society.

\textit{(5 a)} The European Pillar of Social Rights enshrines the right to access essential services of good quality, including digital communications as well as the right to quality and inclusive education, training and life-long learning.

(6) In order to follow the trajectory of the Union regarding the pace of digital transformation, digital targets should be established. These targets should be linked to concrete areas, where progress should collectively be made within the Union. The targets follow the four cardinal points identified in the Digital Compass Communication, identified as the essential areas for the digital transformation of the Union: digital skills, digital infrastructures, digitalisation of businesses and of public services.

(7) Digital skills, basic and advanced, are essential to reinforce the collective resilience of the Union’s society, to reverse the brain drain and to enhance the Union’s attractiveness for high-skilled professionals. According to the Commission’s annual report on European SMEs 2020/2021 of July 2021, the COVID-19 pandemic has positively accelerated the deployment of digital solutions for business operations, and has increased the availability of e-government services available to citizens and businesses. However, severe gaps persist in the Union between the required number of professionals who have acquired advanced digital skills and their availability on the Union labour market. The Commission’s Digital Economy and Society Index (DESI) 2021 states that even before the pandemic, Union businesses, in particular small and medium-sized enterprises (SMEs), struggled to find ICT professionals in sufficient numbers. Digitally empowered and capable citizens will be able to take advantage of the opportunities of the Digital Decade. \textit{To pursue this aim, a focus on education should be made to ensure that teachers and the education community as a whole are adequately trained, skilled and equipped to use technology effectively in their teaching methods and to teach digital technologies. Moreover, digital training and education should support the upskilling and reskilling as well as life-long learning of the active population in order to ensure that full advantage is taken of the opportunities of the digitisation of industry and services and simultaneously better equipping students to enter the labour market in the short and longer term. The non-formal digital training provided by employers in the form of learning-by-doing should also be encouraged. Education and training will bring concrete career incentives to eliminate and avoid gender divides.}\textsuperscript{10}

\begin{thebibliography}{9}
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(7 a) An essential enabler for taking advantage of the benefits of digitisation, for further technological developments and for the Union’s digital leadership is a sustainable digital infrastructure for connectivity, microelectronics and the ability to process big data. In line with the Commission’s communication of 30 June 2021 on A long-term Vision for the EU’s Rural Areas - Towards stronger, connected, resilient and prosperous rural areas by 2040, reliable, fast and secure connectivity for everybody and everywhere in the Union, including in rural and remote areas, such as islands, mountainous and sparsely populated as well as outermost regions, is needed. Societal needs for upload and download bandwidth are constantly growing. By 2030, networks with gigabit speeds should become available to those who need or wish to have such capacity. All Union households and businesses, in particular SMEs, should be able to use Gigabit services that can in practice be provided to the user by various underlying technologies, such as fibre, satellite, 5G, 6G and next-generation Wi-Fi, based on their efficiency, and that should also include the last segment up to the end-user’s device. Convergent conditions for investments in digital infrastructures will be needed notably to developing adequate frameworks so that all market actors benefiting from the digital transformation assume their social responsibilities and contribute to a competitive and functioning environment for public goods, services and infrastructures, for the benefit of all Europeans.

(7 b) A technology neutral approach to connectivity is a principle that should guide Union and national digital policies. This is without prejudice to the fact that the Union needs a digital connectivity infrastructure of the highest performance, resilience, security and sustainability to enjoy prosperity. All technologies able to contribute to the achievement of the connectivity and green targets, including the current and upcoming advancements of fibre, Wi-Fi, satellite, 5G and 6G, should be treated equally, while duly considering their specific objective characteristics.

(7 c) Microprocessors are essential to most of the key strategic value chains and are expected to be in even higher demand in the future, in particular the most innovative areas. Climate neutral highly secure edge nodes guaranteeing access to data services with low latency wherever businesses are located, also guaranteeing a significant contribution to achieving a reduction of energy consumption, and quantum capacity are also expected to be critical enablers.

(8) Beyond enablers, all the above mentioned technologies and the technologies of the future will be at the core of new products, new manufacturing processes and new business models based on fair and secure sharing of data in the data economy, while ensuring effective protection of privacy and personal data. The transformation of businesses will depend on their ability to adopt new digital technologies rapidly and across the board, including in industrial and services ecosystems that are currently lagging behind. This transformation is particularly important for SMEs since they still face a significant digitalisation gap with larger undertakings.

(8 a) Member States are encouraged to apply the once-only principle within their public administration. In that context, public administration offices should take action if permitted to internally re-use this data, in accordance with the data protection rules, so that no additional burden falls on citizens or businesses.

(9) Democratic life and public services will also crucially depend on digital technologies and therefore they should be fully accessible to every citizen and business as a best-in-class digital environment providing for easy-to-use, efficient and personalised
services and tools with high security and privacy standards. **Offline accessibility of services should nevertheless be maintained while transitioning to digital tools.**

(9a) Digital technologies should contribute to achieving broader societal outcomes that are not limited to the digital sphere, but have positive effects on citizens’ everyday life and their wellbeing. If it is to be successful, the digital transition should go hand-in-hand with improvements as regards democracy, good governance, social inclusion and more efficient public services.

(10) The Commission should review these digital targets by June 2026 to assess whether they still meet the high level of ambition of the digital transformation and update them or introduce additional digital targets, if necessary.

(10a) Where public funds are used, it is crucial that maximum value is gained for society and businesses. Therefore, funding should be, whenever possible, contingent on the outputs of funded projects not being subject to any restrictions.

(11) A harmonious, inclusive and steady progress towards the digital transformation and towards the achievement of the digital targets in the Union, requires a comprehensive, robust, reliable, flexible and transparent form of governance, based on close cooperation and coordination between the Union institutions, bodies and agencies, and the Member States. An appropriate mechanism should ensure coordination of convergence, **transfer of best practices** and the consistency and effectiveness of policies and measures at Union and national level *and should also incentivise the activation of appropriate synergies between the Union and national funds, and also between the different Union initiatives and programmes*. To this end, the Commission should develop clear, **simple and practical guidelines to make best use of the most suitable types of synergies.** Considering all this, it is necessary to lay down provisions on a monitoring and cooperation mechanism implementing the Digital Compass Communication.

(12) This mechanism should include an enhanced monitoring system to identify gaps in the strategic digital capacities of the Union. It should also include a reporting mechanism, among others, on the progress towards the 2030 vision and corresponding digital targets as well as on the more general state of compliance with the objectives set in this Decision. It should establish a cooperative framework between the Commission and Member States to identify solutions addressing weaknesses and to propose targeted actions for effective remedies.

(13) **DESI** should become a part of the report on the state of the Digital Decade and should be used to monitor the progress towards the digital targets. This monitoring should include an analysis of the indicators measuring progress at Member States’ level, national policies and initiatives aimed at reaching the objectives of this Decision and the targets as well as horizontal and thematic analyses tracking the digital transformation of European economies and a ranking of Member States progress therein. In particular, DESI’s dimensions and indicators should be aligned with digital targets set out in this Decision. For each digital target, key performance indicators (‘KPIs) should be set out in **delegated** acts to be adopted by the Commission. The KPIs should be updated when necessary for continued effective monitoring and to take account of technological developments. The data collection mechanism within Member States should be

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13 DESI is an annual set of analyses and measurement indicators, which since 2014 have been used to monitor Europe’s overall progress and to benchmark individual Member States’ progress in digital, feeding into the European Semester process and the country specific recommendations.
reinforced to present a thorough state of play on the progress towards the digital targets, as well as information on the relevant policies, programmes, and initiatives at national level, and should include, where applicable, gender-disaggregated data. Based on the reviews and where needed, the Commission should prepare, in consultation with the Member States, a Union level roadmap to set out future data collection needs. In defining the DESI, the Commission should rely largely on official statistics collected in different Union surveys on the information society\(^{14}\). The Commission should use specific studies to collect data for those relevant indicators that are not measured in the Union surveys or collected through other reporting exercises, such as the Small Business Act strategy, including the annual SME Performance Review.

\(13\ a\) Since 2019 the DESI has incorporated the Women in Digital Scoreboard, which assesses Member States’ performance in the areas of Internet use, Internet user skills as well as specialist skills and employment based on 12 indicators. The inclusion of the Women in Digital Scoreboard in the report on the “State of the Digital Decade” should enable monitoring of the digital gender gap.

(14) In order to keep the co-legislators informed about the progress of digital transformation in the Union, the Commission should submit to the European Parliament and the Council an annual report on the “State of the Digital Decade”, containing an overview and analysis of the digital transformation of the Union and an evaluation of the progress made with regard to the objectives of the Digital Decade and the digital targets for the period towards 2030. The report on the “State of the Digital Decade”, and in particular the DESI, should feed into the European Semester, including aspects relating to the Recovery and Resilience Facility, while the recommendations issued through the “State of the Digital Decade” Report should complement the Country Specific Recommendations.

(15) In particular, the Commission should report on how effectively the objectives of this Decision have been translated into the planning and development of projects, as well as the progress towards the digital targets, detailing the degree of Union progress in relation to the projected trajectories for each target, the assessment of the efforts necessary to reach each target, including investment gaps in digital capacities and innovation as well as raising awareness about the actions needed to increase digital open strategic autonomy. The report should also include an assessment of the implementation of relevant regulatory proposals as well as of the actions undertaken at Union and Member States level.

(16) On the basis of this analysis the report would include specific recommended policies, measures and actions. When recommending policies, measures or actions in the report, the Commission should take into account the most recent data available, the joint commitments undertaken, the policies and measures defined by Member States as well as progress regarding recommended actions identified in earlier reports and addressed in the course of the annual cooperation. In addition, the Commission should take into account the differences in individual Member States’ potential to contribute to the digital targets, as well as the policies, measures and actions already in place and

considered appropriate to achieve the targets, even if their effects have not yet materialised.

(17) The annual report on the “State of the Digital Decade” should present the implementation of the digital principles as endorsed in the [insert title of solemn Declaration].

(18) With a view to ensuring that the Digital Decade objectives and digital targets, as laid down in this Decision, are achieved, and that all Member States effectively contribute to that end, the design and implementation of the monitoring and cooperation mechanism should ensure exchanges of information and best practices through a constructive and inclusive dialogue between Member States and the Commission and timely exchanges of information with the European Parliament.

(19) The Commission should, together with Member States, develop projected trajectories for the Union to reach the digital targets as laid down in this Decision. These projected trajectories should then be translated by Member States into national trajectories, taking due account of the subnational dimension, where appropriate. The different potential and different starting points of Member States to contribute to the digital targets should be taken into account and reflected in national trajectories. These trajectories should help assess progress over time at Union and national level respectively.

(20) In order to ensure that cooperation between the Commission and the Member States is efficient and effective, Member States should submit to the Commission national Digital Decade strategic roadmaps covering the period up to 2030 (‘national Digital Decade strategic roadmaps’) proposing, where possible and measurable at national level, national trajectories, describing all the instruments adopted, planned or implemented with a view to contributing to the achievement at Union level of the objectives of this Decision and the digital targets. These national Digital Decade strategic roadmaps should be drafted after consulting key stakeholders such as business organisations, including SME representatives, social partners and civil society, including the elderly and youth, as well as local and regional authorities and should be a crucial tool for the coordination of the policies of the Member States and for ensuring predictability for the market. Member States should take into account relevant sectoral initiatives, both at Union and national level, and ensure consistency with relevant initiatives at regional level. During the annual cycle of cooperation, Member States could propose adjustments to their national Digital Decade strategic roadmaps to take into account the evolution of the digital transition at Union and national level and to respond, in particular, to the Commission recommended policies, measures and actions.

(21) The timely availability of and access to radio spectrum are key for reaching the connectivity targets of the “Path to the Digital Decade”. In this context, the Member States and spectrum users require predictability and certainty that ensures sufficient access over time to ensure investment returns as well as, where the continuity of the services requires it, and at the same time flexibility (based on the evolving needs) for the planning of milestones for spectrum availability. Particularly under the fast evolving digital and green transformation process, early information about a future spectrum availability and input on setting any milestones from key stakeholders (such as public authorities, public and private operators and users) would increase legal certainty and investment predictability.
Since spectrum is essential to achieve the digital targets, and in particular a secure, performant and sustainable digital infrastructure enabling users to benefit from connectivity, Member States should also report on their adopted and future policies and measures regarding the availability and possibility to use radio spectrum for existing users and prospective investors and operators. Without prejudice to the possibility for the Commission to propose new strategic spectrum policy orientations or mechanisms under Article 4 (4) of Directive (EU) 2018/1972 of the European Parliament and of the Council\(^\text{15}\) appropriate guidance could be provided by the Commission in that regard in order to meet the general objectives and digital targets laid down in this Decision.

The cooperative dialogue between the Commission and the Member States should commence with the assessment of their national Digital Decade strategic roadmaps and should be based on the data provided and assessment made in the report of the state of the Digital Decade, as well as on the feedback received by relevant stakeholders, such as business organisations, including SME representatives, social partners and civil society, as well as local and regional authorities.

The cooperation should subsequently be structured within an annual cycle. The timing of the annual cooperation should take into account the need to reflect the results of the cooperation thus far, as well as measures, action and adjustments to the national Digital Decade strategic roadmaps proposed in the report of the following year.

In order to progress towards achieving the targets in alignment with the projected trajectories, Member States which are considered in the report as having made insufficient progress in a given area, should propose adjustment measures and actions they intend to undertake to foster progress in that critical area. Furthermore, the Commission and Member States should examine how recommended policies, measures and actions made in the previous year’s report have been addressed by Member States collectively and individually. A Member State \(\text{should}\) request a peer review process to be launched in order to give other Member States an opportunity to comment on proposals it intends to present in its national Digital Decade strategic roadmap, in particular as regards their suitability to achieve a specific target. The Commission \(\text{should}\) also propose the launch of a peer review process in respect of a Member State’s Digital Decade strategic roadmap.

The Commission and one or more Member States may undertake joint commitments regarding coordinated actions they would like to undertake in order to achieve the targets, establish Multi-Country Projects, and agree on any other measures and actions at Union and national level with the objective to progress towards achieving the targets in alignment with the projected trajectories.

The effective implementation of the recommended policies, measures and actions and of the national Digital Decade strategic roadmaps and their adjustments, is crucial for the achievement of objectives and digital targets. If a Member State fails to effectively implement these measures, and the reasons provided for failing to do so are considered to be insufficient, the Commission \(\text{should}\) adopt a distinct recommendation, without prejudice of Commission’s powers under the Treaty. Such recommendations should take into account and be complementary to the latest country-specific recommendations issued in the context of the European Semester.

(28) The Member State concerned should take the recommendation into utmost account and where appropriate adjust its national Digital Decade strategic roadmap. In case a Member State does not intend to implement the recommendation, it should provide reasons as to why it decides not to do so and make those reasons public.

(29) In order to ensure transparency and public participation, the Commission should engage with all interested stakeholders. To that end, the Commission should closely cooperate with stakeholders including private and public actors, such as bodies governed by public laws of the educational or health sector, and consult them on measures to accelerate the digital transformation at Union level. When consulting stakeholders, it is necessary to be as inclusive as possible and involve also those bodies that are instrumental to promoting girls’ and women’s participation in digital education and professional careers, aiming to promote the most gender-balanced approach when implementing the national strategic roadmaps. The involvement of stakeholders would be important at the level of Member States as well, in particular when adopting their national Digital Decade strategic roadmaps and their adjustments. Both at Union and national level, the Commission and the Member States should involve business organisations, including SME representatives, social partners and civil society in a timely manner, while setting deadlines for feedback that are consistent with their limited resources.

(29 a) Science, innovation and R&D will be indispensable to attain the objectives of an inclusive digital transformation and European digital sovereignty. Therefore, more investment in research, innovation, science and the scientific community is needed, as they are the driving force of the technological and digital revolution.

(30) Multi-Country Projects involving several Member States should allow for large-scale intervention in key areas necessary for the achievement of the digital targets, notably by pooling resources from the Union, Member States, and where appropriate private sources. Where necessary for the achievement of the digital targets, Member States can decide to involve the participation of Union associated countries in Multi-Country Projects. They should be implemented in a coordinated manner, in close cooperation between the Commission and Member States. For that reason, the Commission should play a central role in accelerating the deployment of Multi-Country Projects through the identification of Multi-Country projects ready for implementation among the projects categories indicatively included in Annex, in advising Member States on the choice of the most suitable existing implementation mechanism, on the choice of the sources of funding and their combination, on other strategic matters related to the implementation of those projects. Where existing implementation mechanisms are not suitable for the goals of a Multi-Country-Project, the Commission should provide guidance on the setting-up of a European Digital Infrastructure Consortium (EDIC) as an implementation mechanism.

(31) Public support to the Multi-Country Projects should be used notably to address market failures or sub-optimal investment situations, in a proportionate manner, without distorting the level playing field, duplicating or crowding out private financing. Multi-Country Projects should have a clear European added value, and should be implemented in compliance with applicable Union law and national law consistent with Union law.

(32) Multi-Country Projects should be able to attract and combine, in an efficient manner, various sources of Union and Member States’ and where applicable Union associated countries’ funding, finding, where possible, synergies among them. Notably, the
combination of the funds from centrally managed Union programme with resources committed by Member States should be possible, including, under certain conditions, contributions from the Recovery and Resilience Facility, as explained in Part 3 of the Commission guidance to Member States on Recovery and Resilience Plans\textsuperscript{16}, as well as contributions from European Regional Development and Cohesion funds. Whenever justified by the nature of a given Multi-Country Project, it should also be open to contributions from entities other than the Union and Member States, including private contributions.

(33) The Commission, in cooperation with the Member States and acting as the coordinator of Multi-Country Projects, should assist Member States in the identification of their interests in Multi-Country Projects, give guidance regarding the selection of optimal implementation mechanisms and provide assistance in the implementation, contributing to the widest possible participation.

(34a) The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the key performance indicators. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making\textsuperscript{17}. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States’ experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(35) In order to ensure uniform conditions for the implementation of this Decision implementing powers should be conferred on the Commission as regards setting up the EDIC. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council\textsuperscript{18},

HAVE ADOPTED THIS DECISION:

\textbf{CHAPTER 1}

\textbf{SUBJECT MATTER, OBJECTIVES AND DEFINITIONS}

\textit{Article 1}

\textbf{Subject matter}

\textsuperscript{17} \textit{OJ L 123, 12.5.2016, p. 1.}
(1) This Decision establishes a Policy Programme “Path to the Digital Decade” and sets out a monitoring and cooperation mechanism for that programme consisting of measures to:

(a) set a clear direction for the digital transformation of the Union and for delivery of the digital targets by 2030 based on measurable indicators;
(b) structure and stimulate cooperation between the Union institutions and Member States;
(c) ensure the consistency, comparability, transparency and completeness of the monitoring and reporting by the Union.

(2) This Decision also establishes a framework for Multi-Country Projects.

Article 2
General objectives

The Union institutions and the Member States shall cooperate to support and achieve the following general objectives (objectives):

(a) promote a human-centred, inclusive, ethical, secure, open, transparent and interoperable digital environment, where digital technologies and services respect and enhance Union principles, rights and values;
(b) reinforce Member States’ collective resilience and bridge the digital divides, whether social, economic, geographical or gender-based, notably by promoting continuous opportunities for each individual, to develop basic and advanced digital skills and competencies as well as by fostering the development of horizontal high-performing digital education and training systems through vocational and professional training, reskilling, upskilling and lifelong learning;
(c) ensure the Union’s digital, open strategic autonomy, notably by a secure and accessible digital and data infrastructures capable of processing vast volumes of data that enables other technological developments, supporting the competitiveness and sustainability of the Union’s industry and economy, in particular of SMEs, and the resilience of the Union’s value chains;
(d) promote the deployment and the use of digital capabilities, reducing the geographical digital divide and giving access to digital technologies and data on open, accessible and fair terms, while ensuring the protection of fundamental rights including security, in order to achieve a high level of digital intensity and innovation in Union’s enterprises, in particular small and medium sized ones;
(d a) develop a comprehensive and sustainable ecosystem of interoperable digital infrastructures where high performance, edge, cloud, quantum computing, artificial intelligence, data management and network connectivity work in convergence, to promote their uptake in the Union businesses, to create opportunities for growth and jobs through research, development and innovation;
(d b) promote the development of regulatory standards to ensure that Union undertakings, especially SMEs, can compete fairly along global value chains;
(e) ensure that democratic life, public services and health and care services are accessible online for everyone, in particular disadvantaged groups including persons with
disabilities, offering inclusive, efficient, **interoperable** and personalised services and tools with high security and privacy standards;

(f) ensure that digital infrastructures and technologies **as well the supply of critical raw materials** become more sustainable, **resilient**, and energy- and resource efficient, **are used more efficiently** and contribute to a sustainable circular and climate-neutral economy and society in line with the European Green Deal, **including by promoting research and innovation which contribute to that end**;

(fa) ensure that robust methodologies for measuring energy and resource efficiency are **developed and used**;

(g) facilitate convergent conditions for **public and private** investments in digital transformation throughout the Union, including by strengthening the synergies between the use of Union and national funds, and developing predictable regulatory **and support** approaches, **that also involve the regional and local level**;

(h) ensure that all policies and programmes which are relevant to the achievement of the digital targets, are taken into account in a coordinated and coherent way to fully contribute to the **twin green and digital transition**, while avoiding overlaps and **minimising administrative burdens**.

(ha) improve resilience to cyberattacks, contribute towards increasing risk-awareness and knowledge of cybersecurity processes, increasing the efforts of public and private organisations to achieve at least basic levels of cybersecurity.

**Article 3**

**Definitions**

For the purposes of this Decision, the following definitions apply:

(1) ‘Digital Economy and Society Index (‘DESI’)’ means an annual set of analysis and measurement indicators on the basis of which the Commission monitors the Union’s and Member States’ overall digital performance across several policy dimensions, including their progress towards the digital targets set out in Article 4;

(2) ‘Multi-Country Projects’ means large scale projects facilitating the achievement of the digital targets set out in Article 4, including the Union’s and Member States’ financing, and meeting the requirements set out in Article 12;


(4) ‘peer review’ means a review mechanism whereby **Member States** comment on specific aspects of the policies, measures and actions proposed by a given Member State, and in particular on their **efficiency and suitability** to contribute to achieving a specific target of the digital targets set out in Article 4, in the context of the annual

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cooperation established in Article 8 and which can serve to exchange best practices and promote further cooperation;

(5) ‘projected trajectory’ means the assumed path per digital target until 2030, to achieve the digital targets set out in Article 4 and based on historical data where available.

(5 a) ‘digital intensity’ means the aggregated value attributed to an undertaking, based on the number of technologies it uses, against a scoreboard of different technologies, in line with the DESI

(5 b) ‘basic digital skill’ means a basic ability to use digital devices and online applications, for instance with the purpose of accessing, searching and managing information and personal data, creating and sharing content, communicating and collaborating as well as identifying and critically evaluating AI technologies;

(5 c) ‘advanced digital skill’ means a specialised ability to use digital technologies, such as skills in designing, developing, managing and deploying technologies.

(5 d) ‘unicorn’ means

(a) realised unicorn, namely undertakings founded after 1990 that have had an IPO or trade sale above EUR 1 billion; or

(b) unrealised unicorn, namely undertakings that have been valued at or over EUR 1 billion in their last private venture funding round (meaning the valuation has not been confirmed in a secondary transaction), according to the Commission communication of 9 March 2021 on 2030 Digital Compass: the European way for the Digital Decade;

(5 e) ‘small or medium sized enterprise’ or ‘SME’ means a micro, small or medium-sized enterprise as defined in Article 2 of the Annex to Commission Recommendation 2003/361/EC

CHAPTER 2
DIGITAL TARGETS

Article 4

Digital targets

(1) The Union institutions and Member States shall cooperate to achieve the following digital targets in the Union by 2030 (‘digital targets’):

(1) a digitally skilled population and highly skilled digital professionals:

(a) at least 80% of those aged 16-74 have at least basic digital skills;

https://digital-agenda-data.eu/datasets/digital_agenda_scoreboard_key_indicators
(b) at least 20 million information and communications technology (ICT) specialists are employed within the Union, promoting the access of women to this field, with the aim of achieving gender parity and increasing the number of ICT graduates;

(2) secure, performant and sustainable digital infrastructures:

(a) all European households, business premises and educational institutions are covered by a Gigabit network, reaching the last segment up to the end user device, with all populated areas covered by next generation high-speed networks, while keeping in mind the principle of technological neutrality;

(b) the sustainable production of cutting-edge and sustainable semiconductors in the Union is at least 20% of world production in value in accordance with Regulation [European Chips Act];

(c) at least 10 000 climate neutral highly secure “edge nodes” are deployed in the Union, distributed in a way that guarantees access to data services with low latency (few milliseconds) wherever businesses are located;

(d) by 2025, the Union has its first computer with quantum acceleration, paving the way for the Union to be at the cutting edge of quantum capabilities by 2030.

(d a) by 2030, the Union has a competitive and sustainable data cloud infrastructure in place, with high security and privacy standards and complying with the Union's data protection rules.

(3) digital transformation of businesses:

(a) at least 75% of Union enterprises have taken up one or more of the following, in line with their business operations:

1. cloud computing services;
2. big data;
3. artificial intelligence;

(b) more than 90% of Union Small and Medium Enterprises (‘SME’) reach at least a basic level of digital intensity;

(c) the Union facilitates the growth of its innovative scale ups and improves their access to finance, leading to at least doubling the number of unicorns and ensures the smooth functioning of the European Digital Innovation Hubs in order to increase the Union’s strategic open autonomy in terms of providers of European digital products, services and solutions;

(4) digitalisation of public services:

(a) 100% online accessible provision of key public services and administration for Union citizens and businesses;

(b) 100% of Union citizens have access to their medical records (electronic health records (EHR));
(c) 100 % of Union citizens have access to a secure digital identification (ID) solution recognised throughout the Union and ensuring the users’ full control of their personal data.

(2) The Commission shall review the digital targets set out in paragraph 1 by 2026. The Commission shall submit a report to the European Parliament and to the Council regarding the outcome of the review and shall submit a legislative proposal to revise the digital targets in paragraph 1 where it considers this to be necessary to address technical, economic and societal developments for a successful digital transformation of the Union.

CHAPTER 3
GOVERNANCE: MONITORING AND COOPERATION MECHANISM

Article 5
Monitoring of progress

(1) The Commission shall monitor the progress of the Union against the objectives and digital targets set out in Articles 2 and 4. To this end, the Commission shall rely upon Digital Economy and Society Index (DESI), and for the purpose of this decision, in accordance with Article 25 (2), shall adopt a delegated act setting out the key performance indicators (‘KPIs’) for each digital target.

(2) Member States shall provide to the Commission in a timely manner the necessary statistics and data required for the effective monitoring of the digital transition and of the degree of achievement of the objectives and digital targets with data disaggregated where possible to the regional level. This shall include relevant information on the availability and accessibility of spectrum. Where the relevant statistics from Member States are not yet available, the Commission may use an alternative data collection methodology, such as studies or direct collection of data from the Member States, in consultation with the Member States, in order to ensure that the regional level is properly documented. The use of that alternative data collection methodology shall not affect the tasks of Eurostat as laid down in Commission Decision 2012/504/EU. Where applicable, data shall be gender-disaggregated.

(3) In close cooperation with Member States and the European Parliament, the Commission shall define Union-level projected trajectories for the attainment of each of the digital targets, which would serve as basis for the monitoring and the national Digital Decade strategic roadmaps. Where necessary, in light of technical, economic or societal developments, the Commission shall update one or more of these projected trajectories.

(4) Member States shall provide to the Commission in a timely manner the necessary information required for the effective monitoring of the progress in the implementation of the principles enshrined in the [insert title of solemn Declaration].

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Article 6

Report on the “State of the Digital Decade”

(1) The Commission shall submit and present annually to the European Parliament and the Council a comprehensive report on the “State of the Digital Decade”. The comprehensive report shall cover progress with regard to the digital transformation of the Union and it shall include the Digital Economy and Society Index (DESI). The first report shall be submitted by [16 months after entry into force of this Decision].

(2) In the report on the “State of the Digital Decade”, the Commission shall provide an assessment of the progress of the Union’s digital transition against the digital targets as well as the state of compliance with the general objectives and the principles enshrined in the [insert title of solemn Declaration]. The assessment of the progress made shall be based, in particular, on the analysis and key performance indicators in the DESI as compared to Union, Member State and, where possible national projected trajectories, and, where applicable, on the establishment of and progress regarding Multi-Country Projects.

(3) In the report on the “State of the Digital Decade”, the Commission shall identify significant gaps and shortages and recommend policies, measures or actions to be taken by Member States in areas where progress was insufficient to achieve the objectives and digital targets. Those recommended policies, measures or actions may, in particular, address:

   (a) the collective level of ambition of contributions and initiatives proposed by Member States, with a view to achieving objectives and digital targets;  
   (b) policies, measures and actions at Member State and regional level and other policies and measures of potential cross-border relevance;  
   (c) any additional policies, measures or action that might be required in the adjustments of national Digital Decade strategic roadmaps;  
   (d) interactions between and consistency of existing and planned policies, measures and actions.

(4) The report shall take into account joint commitments as referred to in Article 8(4) as well as their implementation.

(5) The report shall also include information on progress regarding recommended policies, measures or actions referred to in paragraph 3 of this Article and recommendations adopted pursuant to Article 9 and their implementation.

(6) The report shall also assess the need for any additional policies, measures or actions that might be required at the Union level.

Article 7

National Digital Decade strategic roadmaps

(1) By [six months after the entry into force of this Decision- specific date to be inserted by OP], each Member State shall submit to the Commission its national Digital
Decade strategic roadmap. Those roadmaps shall be consistent with, and contribute to achieving at Union level, the objectives and digital targets. They shall take into account relevant sectoral initiatives and ensure consistency with them.

(2) Each roadmap shall comprise the following:

(a) the Member State's main implemented, adopted and planned policies, measures and actions that contribute to the objectives and digital targets;

(b) national projected trajectories contributing to relevant digital targets measurable at national and regional level and a description of how the objectives are translated in these trajectories;

(c) the timing and expected impact of the implemented, adopted and planned policies, measures and actions referred to in point (a) on the objectives and each of the targets;

(d) the timing for implementation of the adopted and planned policies, measures and actions as well as an estimate of the timing when those policies, measures and actions are expected to produce an impact on the achievement of the digital targets.

(3) The policies, measures and actions referred to in paragraph 2 shall relate to one or more of the following:

(a) directly applicable Union or national laws are in force;

(b) one or more commitments to adopt policies, measures or actions have been undertaken;

(c) allocated financial resources;

(d) mobilised human resources;

(e) radio spectrum resources have been or are committed to be allocated or assigned by the relevant national authorities;

(f) they constitute other important enablers related to objectives and digital targets.

(4) Member States shall provide a general overview of the investment needed to contribute to the achievement of objectives and digital targets as set out in their roadmaps, as well as a general description of the sources of that investment, including, where applicable, planned use of Union programmes and instruments. The roadmaps may include proposals for Multi-Country Projects.

(4 a) Member States may provide regional roadmaps that are aligned with the national roadmaps referred to in this Article in order to ensure that the general objectives and digital targets are pursued throughout their territory.

(5) Member States shall ensure that their national Digital Decade strategic roadmaps take into consideration the latest country-specific recommendations issued in the context of the European Semester. Adjustments to national Digital Decade strategic roadmaps shall take into account the recommended policies, measures and actions under Article 6(3) and the recommendations adopted under Article 9.

(6) The Commission shall issue guidelines to assist Member States in the preparation of their roadmaps, including on how to establish at national level, and where possible at regional level, appropriate projected trajectories which can effectively contribute to
the achievement of Union-level projected trajectories. *The Commission shall also provide support to Member States in the preparation of their roadmaps.*

**Article 8**

**Annual cooperation between the Commission and the Member States**

(1) Member States and the Commission shall closely cooperate to identify ways to address deficiencies in areas where progress was insufficient to achieve one or more of the digital targets or where significant gaps and shortages have been identified based on the results of the report on the “State of the Digital Decade”. This analysis shall take into account, in particular, the different capacities of Member States to contribute to some of the digital targets and the risk that delays on certain of these targets may have a detrimental effect on the achievement of other digital targets.

(2) Within two months from the publication of the report on the “State of the Digital Decade”, the Commission and the Member States shall discuss the Member State’s preliminary observations, notably as regards policies, measures and actions recommended by the Commission in the report on the “State of the Digital Decade”.

(3) Within five months from the publication of the report on the “State of the Digital Decade”, the Member States concerned shall submit to the European Parliament and to the Commission adjustments to their national Digital Decade strategic roadmaps consisting of policies, measures and actions they intend to undertake, including, where relevant, proposals for Multi-Country Projects, to foster progress in the areas concerned by the digital targets and to achieve the objectives. The European Parliament and its competent committee may invite the Member State concerned to present the adjustments. If a Member State considers that no action is required and that its national Digital Decade strategic roadmap does not require updating, it shall provide its reasons in writing.

(4) At any point of the annual cooperation, the Commission and one or more Member States may undertake joint commitments, consult with other Member States on policy, measures or actions or establish Multi-Country Projects as provided for in Article 12. The Commission or a Member State which has proposed a policy, a measure or an action may also request a peer review process to be launched regarding specific aspects of that policy, measure or action, and in particular on its suitability to contribute to achieving a specific digital target. The outcome of the peer review process may be included in the following Report on the “State of the Digital Decade”.

(5) The Commission shall inform Member States about the recommended policies, measures and actions it intends to include in the report on the “State of the Digital Decade” before the publication of the report.

**Article 9**

**Recommendations**

(1) If a Member State fails to implement the appropriate adjustments to its national Digital Decade strategic roadmap following policies, measures or actions recommended by the Commission under Article 6 (3) without providing sufficient reasons, the Commission may adopt a recommendation, including a specific analysis of how this
failure could impact the achievement of the objectives and digital targets of this Decision.

(2) The Member State concerned shall take the Commission’s recommendation into utmost account and, where appropriate, adjust accordingly its national Digital Decade strategic roadmap within three months. If the Member State concerned considers that it should not adjust the national Digital Decade strategic roadmap in accordance with the recommendation or a substantial part thereof, it shall provide its reasons to the Commission in writing and make it public within three months.

(3) The recommendations shall be complementary to the latest country-specific recommendations (CSRs) issued in the context of the European Semester, and shall be coherent with recommendations included in the SME Performance Review and the Industrial and SME Strategies Implementation Reports.

(4) In addition, where the Commission concludes that national measures are insufficient and put at risk the timely achievement of the objectives and digital targets, it may propose measures as appropriate and exercise its powers under the Treaties in order to ensure the collective achievement of those objectives and digital targets.

(5) In case a Member State continuously deviates from the national projected trajectory for several years, or alternatively does not intend to adopt corrective action based on a previous Commission recommendation, the Commission shall initiate a targeted dialogue with the Member State in question and inform the European Parliament and Council thereof. The European Parliament and its competent committee may invite the Commission and the Member States concerned to participate in an exchange of views on the matter.

(6) The Commission shall inform the European Parliament and the Council of any recommendation adopted pursuant to this Article.

Article 10

Cooperation

(1) The Commission and the Member States shall closely cooperate for the purposes of the implementation of the obligations and tasks established in this Decision. To that end Member States may initiate a dialogue either with the Commission or with the Commission and the other Member States on any subject relevant to achieving the digital targets and objectives. The Commission shall provide all appropriate technical assistance services, expertise and shall organize a structured exchange of information, best practices and coordination.

(1 a) The Member States concerned or the Commission may request to launch a peer review process for the purposes of the implementation of the obligations and tasks established in this Decision.
Article 11

Stakeholder consultations

(1) The Commission shall in a timely and transparent manner closely and continuously cooperate with private and public stakeholders, including SME representatives, social partners and civil society to collect information and develop recommended policies, measures and actions for the purposes of the implementation of this Decision. All meetings shall be recorded in the EU Transparency register.

(2) The Member States shall in a timely manner cooperate with private and public stakeholders, including SME representatives, social partners, civil society, as well as regional and local representatives, in line with the national legislation, when adopting their national Digital Decade strategic roadmaps and their adjustments.

CHAPTER 4
FRAMEWORK FOR MULTI-COUNTRY PROJECTS

Article 12

Multi-Country Projects

(1) The general objective of the Multi-Country Projects shall be to facilitate the achievement of the digital targets.

(2) Multi-Country Projects shall aim at one or more of the following specific goals:

(a) improving the cooperation of the Union and of Member States in the achievement of the objectives of the Digital Decade by respecting the principles of technology neutrality and sustainability in the allocation of funds;

(b) reinforcing the Union’s technological excellence and industrial competitiveness in critical technologies, complementary technology combinations, digital products, services and infrastructures that are essential for economic recovery and growth and for the security and safety of individuals;

(c) addressing strategic vulnerabilities and dependencies of the Union along the digital supply chains in order to enhance their resilience;

(d) increasing the availability of and promoting best use of safe digital solutions in areas of public interest and the private sector;

(e) contributing to an inclusive and sustainable digital transformation of society and the economy that benefits all citizens and businesses, in particular SMEs, across the Union;

(e a) promoting digital skills for citizens through education, training and life-long learning, with focus on fostering a gender balanced participation to education and career opportunities;

(e b) strengthening the functioning of the Digital Single Market and its competitiveness through facilitating cross-border operations and removing unjustified barriers to trade;
The Annex sets out an indicative list of possible areas of activity in which Multi-Country Projects addressing these specific objectives could be established.

(3) A Multi-Country Project shall involve the participation of at least three Member States.

(3 a) Where appropriate, a Member State participating in a Multi-Country Project may delegate the implementation of its part of that project to a region, in line with its national roadmap.

(4) Applicable Union law and national law consistent with Union law shall continue to apply to Multi-Country projects.

(5) The Commission may recommend, pursuant to Article 6(3) and Article 8(4) that Member States set up a Multi-Country Project or to invite a Member State to participate in a Multi-Country Project meeting the requirements of paragraphs (1) to (3), taking into account the progress in implementing the national roadmaps. The Commission and Member States may also undertake to set up, or join, a Multi-Country Project as a joint commitment.

**Article 13**

**Selection and implementation of Multi-Country Projects**

(1) Taking into account proposals for Multi-Country Projects in the national Digital Decade strategic roadmaps and joint commitments, the Commission shall, in close cooperation with Member States, prepare and publish, as an annex to the report on the “State of the Digital Decade”, the strategic principles and priorities in the implementation of Multi-Country Projects and a progress report on the Multi-Country Projects selected for implementation at the time of the publication of the report of that year.

(2) All Union programmes and investment schemes may contribute to a Multi-Country Project, in line with the rules arising from the programmes’ legal basis.

(2 a) A Union associated country can be involved in the participation of a Multi-Country Project, where this participation is necessary to facilitate the achievement of the digital targets of the Union and of the Member States. Such an associated country, including its financial contributions, shall comply with the rules arising from the Union programmes and investment schemes deployed in the Multi-Country Project.

(3) Other entities, whether public or private, may contribute to Multi-Country Projects where appropriate. Private contributions must not result in restrictions to the availability of the outcomes of the projects for individuals and businesses in the Union.

(4) Multi-Country Projects may be implemented by the following implementation mechanisms:

(a) Joint Undertakings;

(b) European Research Infrastructure Consortia;

(c) the Union’s agencies;
(d) independently by Member States concerned;
(e) to promote the execution of Important Projects of Common European Interest under Article 107(3), point (b) of the Treaty;
(f) European Digital Infrastructure Consortia in accordance with Chapter 5 of this Decision;
(g) any other appropriate implementation mechanism.

Article 14

Multi-Country Projects Accelerator

(1) Following a Commission’s recommendation referred to in Article 12(5), joint commitments or at the request of the participating Member States, the Commission shall coordinate the implementation of a Multi-Country Project, acting as a Multi-Country Project Accelerator.

(2) In a first step of coordination, the Commission publishes a call for expression of interest addressed to all Member States. The call for expression of interest shall aim to establish whether a Member State intends to participate in the Multi-Country Project and what financial or non-financial contribution it proposes to provide.

(3) In a second step of coordination, if at least three Member States express interest in a Multi-Country Project and at the same time propose financial or non-financial commitments to that project, the Commission, having consulted all Member States, shall give guidance on the choice of the appropriate implementation mechanism, on the sources of funding and on their combination within the project, as well as other strategic aspects related to the implementation of that project. The Commission may also propose on its own initiative to coordinate a Multi-Country Project in accordance with the steps described in paragraphs 2 and 3 to the participating Member States.

(4) The Commission may give guidance regarding the setting-up of a new European Digital Infrastructure Consortium, in accordance with Article 15.

(5) The Commission shall support the implementation of Multi-Country Projects by providing, as appropriate, services and resources referred to in Article 10.

CHAPTER 5
EUROPEAN DIGITAL INFRASTRUCTURE CONSORTIUM

Article 15

Objective and status of the European Digital Infrastructure Consortium (EDIC)

(1) Member States may implement a Multi-Country Project by means of an European Digital Infrastructure Consortium (‘EDIC’).

(2) An EDIC shall have legal personality from the date of entry into force of the Commission decision referred to in Article 16 (3), point (a).

(3) An EDIC shall have in each Member State the most extensive legal capacity accorded to legal entities under the law of that Member State. It may, in particular, acquire, own
and dispose of movable, immovable and intellectual property, conclude contracts and be a party to legal proceedings.

(4) An EDIC shall have a statutory seat, which shall be located on the territory of one of the participating Member States.

Article 16

Setting up the EDIC

(1) Member States applying for the setting-up of an EDIC (“applicants”) shall submit an application to the Commission. The application shall be submitted in writing and shall contain the following:

(a) a request to the Commission to set up the EDIC;
(b) the proposed Statutes of the EDIC;
(c) a technical description of the Multi-Country project to be implemented by the EDIC;
(d) a declaration by the host Member State recognising the EDIC as an international body within the meaning of Articles 143, point (g) and 151(1), point (b) of Council Directive 2006/112/EC and as international organisation within the meaning of Article 12(1), point (b), of Council Directive 2008/118/EC, as of its setting up. The limits and conditions of the exemptions provided for in those provisions shall be laid down in an agreement between the members of the EDIC.

(2) The Commission shall assess the application, taking into account the objectives of this Decision and practical considerations related to the implementation of the Multi-Country project to be implemented by EDIC.

(3) The Commission shall, taking into account the results of the assessment referred to in paragraph 2, and in accordance with the examination procedure referred to in Article 25(2) adopt one of the following decisions by means of implementing acts:

(a) setting up the EDIC after it has concluded that the requirements laid down in this Chapter are met;
(b) rejecting the application if it concludes that the requirements laid down in this Chapter are not met, including in the absence of the declaration referred to in Article 16(1), point (d). In this case, Member States may still form a consortium by way of an agreement but it shall not carry the name EDIC, nor benefit from the implementation structure laid down in this Chapter.

(4) The decision referred to in paragraph 2 shall be notified to the applicants. Where the application is rejected, the decision shall be explained in clear and precise terms to the applicants.

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(5) The decision setting up the EDIC shall be published in the Official Journal of the European Union. *The Commission shall create a public register of the EDICs and update it in a timely manner.*

(6) The essential elements of the Statutes of the EDIC, as set out in Article 19(1), points (a) and (c), and, if applicable, contained in the application shall be annexed to the decision setting up the EDIC.

**Article 17**

**Membership**

(1) The membership of EDIC shall include at least three Member States. Only Member States that provide a financial or non-financial contribution shall be members of EDIC with voting rights.

(2) Following the adoption of a decision setting up an EDIC, other Member States may join as members at any time on fair and reasonable terms specified in the Statutes.

(3) Member States that do not provide a financial or non-financial contribution may join EDIC as observers without voting rights.

(4) An EDIC may be open to the participation of entities other than Member States, which may include inter alia *Union associated countries*, *international organizations of European interest* and private entities, as specified in the Statutes. If this is the case, Member States shall hold jointly the majority of the voting rights in the assembly of members regardless of the amount of contributions from entities other than Member States.

**Article 18**

**Governance**

(1) An EDIC shall have at least the following two bodies:

(a) an assembly of members made up of the Member States, other entities referred to in Article 17(4) and of the Commission as the body having full decision-making powers, including the adoption of the budget;

(b) a director, appointed by the assembly of members, as the executive body and legal representative of the EDIC.

(2) The Commission shall participate in the deliberations of the assembly of members without voting rights. However, where a centrally-managed Union programme financially contributes to a Multi-Country Project, the Commission shall have a veto right on the decisions of the assembly. *Decisions of the assembly including results of votes and a particular vote decision of each member shall be publicly available within 15 days of its adoption.*

(3) The Statutes of an EDIC shall establish specific provisions concerning the governance, within the requirements of paragraphs 1 and 2.
Article 19
Statutes of the EDIC

(1) The Statutes of an EDIC shall contain at least the following:

(a) a list of members, observers and the procedure for changes in membership and representation, which shall respect the right of non-participating Member States to join an EDIC;

(b) the detailed description of the Multi-Country Project, the tasks of Members, if applicable, and indicative timeline;

(c) the statutory seat and name;

(d) the rights and obligations of the members, including the obligation to make contributions to the budget;

(d a) the liability regime, in accordance with Article 20;

(e) voting rights;

(f) rules on the ownership of infrastructure, intellectual property, profit and other assets, as applicable.

(2) The amendments of the essential elements of the Statutes annexed to the decision setting up an EDIC pursuant to Article 16(6) shall be subject to the procedure referred to in Article 16.

Article 20
Liability

(1) An EDIC shall be liable for its debts.

(2) The financial liability of the members for the debts of the EDIC shall be limited to their respective contributions provided to the EDIC. The members may specify in the Statutes that they will assume a fixed liability above their respective contributions or unlimited liability.

(3) The Union shall not be liable for an EDIC’s debts.

Article 21
Applicable law and jurisdiction

(1) The setting-up and internal functioning of an EDIC shall be governed:

(a) by Union law, in particular this Decision;

(b) by the law of the Member State where the EDIC has its statutory seat in the case of matters not, or only partly, regulated by acts referred to in point (a);

(c) by the Statutes and their implementing rules.

(2) Without prejudice to the cases in which the Court of Justice of the European Union has jurisdiction under the Treaties, the law of the Member State where the EDIC has its statutory seat shall determine the competent jurisdiction for the resolution of
disputes among the Members in relation to the EDIC, between the members and the EDIC, and between an EDIC and third parties.

Article 22
Winding up

(1) The Statutes shall determine the procedure to be followed for the winding-up of an EDIC following a decision of the assembly of members. Winding-up may include the transfer of activities to another legal entity.

(2) The insolvency rules of the Member State where the EDIC has its statutory seat shall apply in the event that the EDIC is unable to pay its debts.

Article 23
Reporting and control

(1) An EDIC shall produce an annual activity report, containing a technical description of its activities and a financial report. It shall be approved by the assembly of members and transmitted to the Commission. This report shall be made publicly available.

(2) The Commission shall provide guidance regarding the matters covered in the annual activity report.

Chapter 6
Final Provisions

Article 24
Provision of information

(1) Upon request from the Commission, Member States shall provide the Commission with the information necessary to carry out its tasks under this Decision, in particular regarding information necessary for the implementation of Articles 7, 8 and 9. The information requested by the Commission shall be proportionate to the performance of those tasks. Where the information provided refers to information previously provided by undertakings at the request of a Member State, such undertakings shall be informed thereof no later than 10 days prior to providing information to the Commission.

Article 24 a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 5 shall be conferred on the Commission for an indeterminate period of time from ...[date of entry into force of this Decision].

3. The delegation of power referred to in Article 5 may be revoked at any time by the
European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 5 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

Article 25
Committee

(1) The Commission shall be assisted by a committee (‘the Communications Committee’). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

(2) Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply, having regard to Article 8 thereof.

Article 26
Entry into force

(1) This Decision shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX - Areas of activity

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Non-exhaustive areas of activity:

(a) European common data infrastructure and services;
(b) Endowing the Union with the next generation of low-power trusted processors;
(c) Developing the pan-European deployment of 5G corridors;
(d) Acquiring supercomputers and quantum computers, connected with the EuroHPC;
(e) Developing and deploying an ultra-secure quantum and space-based communication infrastructures;
(f) Deploying a network of security operations centres;
(g) Connected public administration;
(h) European blockchain services infrastructure;
(i) European digital innovation hubs;
(j) High-tech partnerships for digital skills through the Pact for Skills;
(ja) **Skills and training in cybersecurity**;

(k) Other projects which meet all the criteria of Article 12 of this Decision and which become necessary to the achievement of the objectives of the Digital Decade policy programme over time due to emerging social, economic or environmental developments.

Or. en