



2022/0379(COD)

28.3.2023

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DRAFT REPORT

on the 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)
(COM(2022)0720 – C9-0387/2022 – 2022/0379(COD))

Committee on Industry, Research and Energy

Rapporteur: Ivars Ijabs

Symbols for procedures

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

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

Amendments to a draft act

Amendments by Parliament set out in two columns

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

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

Amendments by Parliament in the form of a consolidated text

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

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

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the 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)
(COM(2022)0720 – C9-0387/2022 – 2022/0379(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0720),
 - having regard to Article 294(2) and 172 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0387/2022),
 - 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 Committee of ...¹,
 - having regard to the opinion of the Committee of the Regions of ...²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on the Internal Market and Consumer Protection,
 - having regard to the report of the Committee on Industry, Research and Energy (A9-0000/2023),
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 national parliaments.

¹ OJ C XX of ..., p. XX.

² OJ C XX of ..., p. XX.

Amendment 1

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) The organisation should publish the outcome of the interoperability assessment on its website. The publication of the outcome should not compromise intellectual property rights or trade secrets, and should be restricted where justified on the grounds of public order or security. The provisions of Union law governing the protection of personal data should be observed.

Amendment

(11) The organisation should publish the outcome of the interoperability assessment on its website ***and should share it electronically with the Commission for publication on the Interoperable Europe portal***. The publication of the outcome should not compromise intellectual property rights or trade secrets, and should be restricted where justified on the grounds of public order or security. The provisions of Union law governing the protection of personal data should be observed.

Or. en

Amendment 2

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) The European Interoperability Framework (EIF) should ensure coherence and be recognised as the single point of reference for the Union's approach to interoperability in the public service sector. In addition, specialised interoperability frameworks can address the needs of specific sectors, domains or administrative levels. Those frameworks should further promote the implementation of interoperability solutions.

Amendment

(15) The European Interoperability Framework (EIF) should ensure coherence and be recognised as the single point of reference for the Union's approach to interoperability in the public service sector. In addition, specialised interoperability frameworks can address the needs of specific sectors, domains or administrative levels. Those frameworks should further promote the implementation of interoperability solutions. ***They should take due account of the interoperability requirements provided for in Regulation [XX] (Data Act)***.

Or. en

Amendment 3

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) The EIF should apply the principle of multilingualism in the public service sector and should encourage the use of the most advanced technologies, such as artificial intelligence, to preserve linguistic diversity, while enhancing the efficiency of the exchanges between information systems across language boundaries.

Or. en

Amendment 4

Proposal for a regulation Recital 20

Text proposed by the Commission

Amendment

(20) An Interoperable Europe portal should be established as **a** point of reference for interoperability solutions, knowledge and community. The portal should be established as a link to official sources but should also be open to input from the Interoperable Europe Community.

(20) An Interoperable Europe portal should be established as **an easily accessible** point of reference for interoperability solutions, **assessments**, knowledge and community. The portal should be established as a link to official sources but should also be open to input from the Interoperable Europe Community.

Or. en

Amendment 5

Proposal for a regulation Recital 21

Text proposed by the Commission

Amendment

(21) The Interoperable Europe portal should make publicly available solutions that follow the EIF principles of openness, technical neutrality and security. As open source enables users to actively assess and

(21) The Interoperable Europe portal should make publicly available, **free of charge**, solutions that follow the EIF principles of openness, technical neutrality and security. As open source enables users

inspect the interoperability and security of the solutions, it is important that open source supports the implementation of interoperability solutions. In this context, the use of open source licences should be promoted to enhance legal clarity and mutual recognition of licences in the Member States.

to actively assess and inspect the interoperability and security of the solutions, it is important that open source supports the implementation of interoperability solutions. In this context, the use of open source licences should be promoted to enhance legal clarity and mutual recognition of licences in the Member States.

Or. en

Amendment 6

Proposal for a regulation Recital 35

Text proposed by the Commission

(35) An Interoperable Europe Agenda should be established as the Union's main instrument for the coordination of public investments in interoperability solutions. It should deliver a comprehensive overview of funding possibilities and funding commitments in the field, integrating where appropriate the related Union programmes. This should contribute to creating synergies and coordinating financial support related to interoperability development and avoiding duplication.

Amendment

(35) An Interoperable Europe Agenda should be established as the Union's main instrument for the coordination of public investments in interoperability solutions. It should deliver a comprehensive overview of funding possibilities and funding commitments in the field, integrating where appropriate the related Union programmes. This should contribute to creating synergies and coordinating financial support related to interoperability development and avoiding duplication. ***The Interoperable Europe Agenda should set clear objectives and should introduce key performance indicators for measuring the achievement of those objectives.***

Or. en

Amendment 7

Proposal for a regulation Article 1 – paragraph 2

Text proposed by the Commission

2. This Regulation applies to public sector bodies of Member States and institutions, bodies and agencies of the Union that provide or manage network or

Amendment

2. This Regulation applies to public sector bodies of Member States and institutions, bodies and agencies of the Union that provide or manage network or

information systems **that enable public services to be delivered or managed electronically**.

information systems.

Or. en

Justification

The scope of this regulation should not be limited only to those systems that electronically are delivering public services. All public sector IT systems interacting across borders with each other should be interoperable not depending on the reason for interaction – providing public service (G2C and G2B) or administration's internal needs (G2G).

Amendment 8

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘cross-border interoperability’ means the ability of **network and information systems to be used by** public sector bodies in different Member States and institutions, bodies, and agencies of the Union **in order** to interact with each other by sharing data by means of electronic communication;

Amendment

(1) ‘cross-border interoperability’ means the ability of **the** public sector bodies in different Member States and institutions, bodies, and agencies of the Union to interact with each other by sharing data by means of electronic communication;

Or. en

Amendment 9

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

(3) ‘interoperability solution’ means a technical specification, **including** a standard, **or another solution, including** conceptual **frameworks, guidelines and applications**, describing legal, organisational, semantic or technical requirements to be fulfilled by a network and information system in order to enhance cross-border interoperability;

Amendment

(3) ‘interoperability solution’ means a technical specification, a standard, **a conceptual framework, a guideline, an application, or similar guidance**, describing legal, organisational, semantic or technical requirements to be fulfilled by a network and information system in order to enhance cross-border interoperability;

Or. en

Amendment 10

Proposal for a regulation Article 2 – paragraph 1 – point 8 a (new)

Text proposed by the Commission

Amendment

(8a) ‘ICT technical specification’ means a technical specification as defined in Article 2, point (5), of Regulation (EU) No 1025/2012;

Or. en

Amendment 11

Proposal for a regulation Article 2 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) ‘public services’ mean services provided to Union citizens and businesses by public sector bodies including the areas of information in Annex I and the procedures in Annex II to Regulation (EU) No 2018/1724 of the European Parliament and of the Council^{1a};

^{1a} **Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).**

Or. en

Amendment 12

Proposal for a regulation Article 2 – paragraph 1 – point 9 b (new)

Text proposed by the Commission

Amendment

(9b) ‘cross-border services’ means public services that natural and legal persons access across different Member States or public services which are supported by data exchange between information systems, by means of dedicated functions and procedures across national jurisdictions.

Or. en

Amendment 13

Proposal for a regulation

Article 3 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Where a public sector body or an institution, an agency or body of the Union intends to set up a new or significantly modify an existing network and information system **that enables public services to be delivered or managed electronically**, it shall carry out an assessment of the impacts of the planned action on cross-border interoperability (‘interoperability assessment’) in the following cases:

Where a public sector body or an institution, an agency or body of the Union intends to set up a new or significantly modify an existing network and information system, it shall carry out an assessment of the impacts of the planned action on cross-border interoperability (‘interoperability assessment’) in the following cases:

Or. en

Amendment 14

Proposal for a regulation

Article 3 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) where the intended set-up or modification affects one or more network and information systems used for the provision of cross-border services across several sectors or administrations;

(a) where the intended set-up or modification affects one or more network and information systems used for the provision of cross-border services across several sectors or administrations **or used by public sector bodies across different Member States to interact with each other**

by sharing data by means of electronic communication;

Or. en

Amendment 15

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The public sector body or the institution, body or agency of the Union concerned shall publish a report presenting the outcome of the interoperability assessment on its website.

Amendment

The public sector body or the institution, body or agency of the Union concerned shall publish a report presenting the outcome of the interoperability assessment on its website ***and shall share it electronically with the Commission. The Commission shall ensure that such reports are published on the Interoperable Europe portal and that automated translations into any official languages of the institutions of the Union are available.***

Or. en

Justification

The regulation should include provisions for sharing reports from interoperability assessments using a single repository managed by the Commission. The Commission shall then ensure that such reports are published and made automatically translated into any official EU language through means of an automated translation. This should lead to lower costs for interoperability assessments by sharing good practice and by sharing experiences from such assessments.

Amendment 16

Proposal for a regulation

Article 3 – paragraph 3

Text proposed by the Commission

3. The national competent authorities and the interoperability coordinators shall provide the necessary support to carry out the interoperability assessment. The Commission ***may*** provide technical tools to support the assessment.

Amendment

3. The national competent authorities and the interoperability coordinators shall provide the necessary support to carry out the interoperability assessment. The Commission ***shall*** provide technical tools to support the assessment.

Amendment 17

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. A public sector body or an institution, body or agency of the Union shall make available to any other such entity that requests it, ***interoperability solutions that support the public services that it delivers or manages electronically. The shared content shall include the technical documentation and, where applicable, the documented source code.*** This obligation to share shall not apply to any of the following interoperability solutions:

Amendment

1. A public sector body or an institution, body or agency of the Union shall make ***interoperability solutions*** available to any other such entity that requests it. This obligation to share shall not apply to any of the following interoperability solutions:

Or. en

Amendment 18

Proposal for a regulation

Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Interoperable Europe Board shall adopt guidelines on the sharing of interoperability solutions by ... [one year after the date of entry into force of this Regulation], including practical check lists.

Or. en

Justification

These guidelines are essential because they provide practical checklists that can help ensure that all parties can share and use interoperability solutions effectively. The practical checklists will provide clear and concise instructions on how to share interoperability solutions. Ultimately, this will reduce the risk of errors and interoperability issues, leading to a smoother and more efficient exchange of data and services across the EU.

Amendment 19

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

1. The Interoperable Europe Board shall develop a European Interoperability Framework (EIF)⁴³ and propose to the Commission to adopt it. The Commission may adopt the EIF. The Commission shall publish the EIF in the Official Journal of the European Union.

⁴³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions European Interoperability Framework – Implementation Strategy, COM/2017/0134 final.

Amendment

1. The Interoperable Europe Board shall develop a European Interoperability Framework (EIF)⁴³ and propose to the Commission to adopt it. The Commission may adopt the EIF. ***In the event that the Commission adopts the EIF***, the Commission shall publish the EIF in the Official Journal of the European Union.

⁴³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions European Interoperability Framework – Implementation Strategy, COM/2017/0134 final.

Or. en

Amendment 20

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

The Interoperable Europe Board shall recommend interoperability solutions for the cross-border interoperability of network and information systems which are used to provide or manage public services to be delivered or managed electronically in the Union. When an interoperability solution is recommended by the Interoperable Europe Board, it shall carry the label ‘Interoperable Europe solution’ and shall be published on the Interoperable Europe portal.

Amendment

The Interoperable Europe Board shall recommend interoperability solutions for the cross-border interoperability of network and information systems which are used to provide or manage public services to be delivered or managed electronically in the Union. When an interoperability solution is recommended by the Interoperable Europe Board, it shall carry the label ‘Interoperable Europe solution’ and shall be published on the Interoperable Europe portal. ***The Interoperable Europe Board may withdraw such recommendations, upon which the ‘Interoperable Europe solution’***

label shall be removed from the relevant interoperability solutions and the interoperability solutions shall be deleted from the portal, where appropriate.

Or. en

Amendment 21

Proposal for a regulation

Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission shall provide a portal ('the Interoperable Europe portal') as a single point of entry for information related to cross-border interoperability of network and information systems which are used to provide or manage public services to be delivered or managed electronically in the Union. The portal shall be electronically accessible and free of charge. The portal shall have at least the following functions:

Amendment

1. The Commission shall provide a portal ('the Interoperable Europe portal') as a single point of entry for information related to cross-border interoperability of network and information systems which are used to provide or manage public services to be delivered or managed electronically in the Union. The portal shall be *easy to access* electronically and free of charge. The portal shall have at least the following functions:

Or. en

Amendment 22

Proposal for a regulation

Article 8 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) other functions established by the Interoperable Europe Board.

Or. en

Justification

The Board should be able to influence the development of the portal and assign additional functionalities.

Amendment 23

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

1. Regulatory sandboxes shall provide **a controlled** environment for the development, testing and validation of innovative interoperability solutions **supporting the cross-border interoperability of network and information systems which are used to provide or manage public services to be delivered or managed electronically** for a limited period of time before putting them into service.

Amendment

1. Regulatory sandboxes shall provide **an** environment for the development, testing and validation of innovative interoperability solutions for a limited period of time before putting them into service.

Or. en

Amendment 24

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. The Commission shall organise training courses on interoperability issues at Union level to enhance cooperation and the exchange of best practices between the staff of public sector bodies, institutions, bodies and agencies of the Union. The courses shall be announced on the Interoperable Europe portal.

Amendment

2. The Commission shall organise training courses on interoperability issues at Union level to enhance cooperation and the exchange of best practices between the staff of public sector bodies, institutions, bodies and agencies of the Union. The courses shall be announced on the Interoperable Europe portal **and shall be free of charge.**

Or. en

Amendment 25

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

2. The peer review shall be conducted by interoperability experts drawn from

Amendment

2. The peer review shall be conducted, **at the request of a public sector body**, by

Member States other than the Member State where the public sector body undergoing the review is located. The Commission may, after consulting the Interoperable Europe Board, adopt guidelines on the methodology and content of the peer-review.

interoperability experts drawn from Member States other than the Member State where the public sector body undergoing the review is located. The Commission may, after consulting the Interoperable Europe Board, adopt guidelines on the methodology and content of the peer-review.

Or. en

Justification

Clarifies that the peer review as such is voluntary.

Amendment 26

Proposal for a regulation

Article 15 – paragraph 2 – point b – point i a (new)

Text proposed by the Commission

Amendment

(ia) *the European Parliament ;*

Or. en

Amendment 27

Proposal for a regulation

Article 15 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) support the implementation of national interoperability frameworks and other relevant national policies, strategies or guidelines;

(a) support the implementation of national interoperability frameworks and other relevant ***Union or*** national policies, strategies or guidelines;

Or. en

Amendment 28

Proposal for a regulation

Article 15 – paragraph 4 – point r a (new)

Text proposed by the Commission

Amendment

(ra) *propose new functionalities for the*

Amendment 29

**Proposal for a regulation
Article 16 – paragraph 5**

Text proposed by the Commission

5. The Interoperable Europe Board shall organise once a year an online assembly of the Interoperable Europe Community.

Amendment

5. The Interoperable Europe Board shall organise ***at least*** once a year an online assembly of the Interoperable Europe Community.

Amendment 30

**Proposal for a regulation
Article 19 – paragraph 2 – point d a (new)**

Text proposed by the Commission

Amendment

(da) the main objectives of the Agenda and the key performance indicators for measuring the achievement of those objectives.

EXPLANATORY STATEMENT

The Rapporteur welcomes the Regulation for a high level of public sector interoperability across the Union. The proposal presents a timely and logical step in the evolution of a process that has started in 1994 with the first EU programmes in support of the development and dissemination of interoperability solutions for public administrations and businesses and setting up cross-border digital services infrastructures ‘to enable citizens of the Union, economic operators and regional and local communities to derive full benefit from the setting-up of an area without internal frontiers’

Digital transformation is amongst the highest priorities for public administrations, and Member States are investing heavily in their digitisation. This process does not happen in legal vacuum and in this respect the rapporteur believes that the new Regulation should take due account of legal developments and most importantly in regards of the interoperability requirements to be set in the upcoming Data Act.

While more and more services provided by the EU public sector become digital, their level of interoperability is still insufficient. The Regulation is a very welcomed development to address the need for further progress and in his draft the rapporteur proposes that the annual strategic planning exercise ‘Interoperable Europe Agenda’ should also measure the progress achieved against clear key performance indicators.

Raising the level of Interoperability is a mighty lever in reducing the costs to citizens in interacting with public administrations. It is also critical for reducing the costs of doing business in the EU. To this end the draft report seeks to further strengthen the provisions for accessibility and free of charge access.

The availability and the speed of provision of public services also heavily depend on the ability of public administrations to communicate efficiently with each other. What is harder to measure, but not less important is the value of interoperability for civil rights, digital involvement for all, diversity and democratising public knowledge.

The Rapporteur believes that the European Interoperability Framework (EIF) should further the principle of multilingualism in the public service sector and encourage use of the most advanced technologies (such as artificial intelligence) to preserve linguistic diversity while enhancing efficiency of the exchanges between information systems across language boundaries.

Strengthening public sector interoperability also widens the opportunities for innovation, better planning ahead (e.g. in crisis situations) and improved technological sovereignty of the EU. In this respect the draft suggests a widening of the scope of the regulation beyond only those systems that electronically are delivering public services. All public sector IT systems interacting across borders with each-other should be interoperable not depending on the reason for interaction – providing public service (G2C and G2B) or administration’s internal needs (G2G).

An excellent innovation introduced by the proposal is the new system of peer reviews. To safeguard that it remains a mechanism facilitating mutual learning and sharing of best practices, and not of comparisons mechanism between public entities with very different budgets and staffing numbers, the rapporteur introduced a proposal that the reviews shall be conducted only at the request of a public sector body.

The proposal represents a further step in the development of the EIF which was first established in 2004, by setting up a governance structure to support its development and establishing it as a benchmark for the new interoperability assessments. The Interoperable Europe Board (IEB), overseeing the EIF will now also recommend interoperability solutions,

distinguishing them with the label ‘Interoperable Europe solution’. The rapporteur believes that the value of the recommendation as a mark of excellence could be better guaranteed if the IEB can also remove the ‘Interoperable Europe solution’ label, when necessary.

The proposal also formalises and strengthens the ‘Interoperable Europe Community’ already emergent between relevant stakeholders in the field of cross-border and cross-sector interoperability, and re-energises and rebrands their online platform JoinUp, which has already more than 10 years history, as a one-stop-shop ‘Interoperable Europe portal’. In support of the entities sharing and re-using solutions the draft report foresees that the IEB shall adopt clear guidelines to guarantee the ease of use and comparison.

Last but not least the proposal has in its scope the European Institutions, Bodies, Agencies and offices. In this respect the rapporteur believes that the European Parliament should be represented in the IEB.

Member States and the Union have been working for more than two decades to support the modernisation of administrations through digital transformation and foster the deep interconnections needed for a truly European digital space. With this regulation we will be creating a strong legal foundations for the next digital decade.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The Rapporteur and/or his assistants have met representatives of

- the Permanent Representations to the EU of Spain, Belgium, Latvia, Estonia
- Hanbury Strategy (TR 884060637263-03)
- Committee of Regions

and received written input from Microsoft Europe and Red Hat