



Council of the
European Union

Brussels, 18 September 2015
(OR. en)

11649/15

LIMITE

TELECOM 171
COMPET 395
CODEC 1144

Interinstitutional File:
2014/0185 (COD)

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	10240/15 TELECOM 152 COMPET 318 CODEC 923
No. Cion doc.:	11580/14 TELECOM 139 COMPET 437 CODEC 1567
Subject:	Proposal for a Decision of the European Parliament and of the Council establishing a programme on interoperability solutions for European public administrations, businesses and citizens (ISA ²) Interoperability as a means for modernising the public sector - Confirmation of the final compromise text in view to agreement

Delegations will find in the ANNEX the text on the above-mentioned proposal, deletions are indicated in ~~striketrough~~ and additions in ***bold italics***.

**DECISION
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

of ...

**establishing a programme on interoperability solutions *and common frameworks* for
European public administrations, businesses and citizens (ISA²)
Interoperability as a means for modernising the public sector**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 172 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure³,

¹ OJ C 12, 15.1.2015, p. 99.

² OJ C 140, 28.4.2015, p. 47.

³ Position of the European Parliament of ... [(OJ ...)/(not yet published in the Official Journal)] and decision of the Council of

Whereas:

- (1) In a series of Ministerial Declarations (in Manchester on 24 November 2005, Lisbon on 19 September 2007, Malmö on 18 November 2009 and Granada on 19 April 2010), ministers invited the Commission to facilitate cooperation among Member States by implementing cross-border and cross-sector interoperability solutions that will enable more efficient and secure public services. Moreover, Member States recognised that better public services need to be delivered with fewer resources, and that the potential of e-Government can be boosted by promoting a culture of collaboration and improving the conditions for interoperability in European public administrations.
- (2) In its Communication of 19 May 2010 on A Digital Agenda for Europe(DAE), one of the flagship initiatives of its Europe 2020 Strategy, the Commission stressed that interoperability is essential to maximise the social and economic potential of ICT and that, consequently, the Digital Agenda can take off only if interoperability is ensured.
- (3) In its Communication of 16 December 2010 entitled Towards interoperability for European public services, the Commission introduced the European Interoperability Strategy (EIS) and the European Interoperability Framework (EIF).
- (4) At Union level, interoperability facilitates successful implementation of policies ***and offers great potential to avoid cross-border electronic barriers, further securing the emergence of new, or the consolidation of developing, common public services at Union level.*** The following policies in particular rely on interoperability for their effective and efficient implementation.(5) In the area of the internal market, Directive 2006/123/EC of the European Parliament and of the Council⁴ requires Member States to offer service providers the possibility of completing electronically and across borders all procedures and formalities needed to provide a service outside their home country.

⁴ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

- (5) In the area of the internal market, Directive 2006/123/EC of the European Parliament and of the Council⁵ requires Member States to offer service providers the possibility of completing electronically and across borders all procedures and formalities needed to provide a service outside their home country.
- (6) In the area of company law, Directive 2012/17/EU of the European Parliament and of the Council⁶ requires the interoperability of Member States' central, commercial and companies registers via a central platform. The interconnection of company registers will ensure cross-border exchange of information between registers and will facilitate Union-level access for businesses and citizens to data on companies, thus improving legal certainty in the business environment in the Union.
- (7) In the area of environment, Directive 2007/2/EC of the European Parliament and of the Council⁷ requires the adoption of common implementing rules laying down technical interoperability arrangements. In particular, that Directive requires national infrastructures to be adapted to ensure that spatial data and services are interoperable and accessible across borders in the Union.

⁵ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market. OJ L 376, 27.12.2006, p. 36.

⁶ Directive 2012/17/EU of the European Parliament and of the Council of 13 June 2012 amending Council Directive 89/666/EEC and Directives 2005/56/EC and 2009/101/EC of the European Parliament and of the Council as regards the interconnection of central, commercial and companies registers (***OJ L 156, 16.6.2012, p. 1***).

⁷ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

- (8) In the area of home affairs and justice, enhanced interoperability among European databases is the basis of the Visa Information System (VIS)⁸, the Schengen Information System II (SIS II)⁹, the European dactyloscopy system (Eurodac)¹⁰ and the European e-Justice Portal¹¹. Furthermore, on 24 September 2012, the Council adopted conclusions calling for the introduction of the European Legislation Identifier and highlighting the need for interoperable searching and exchange of legal information published in national official journals and legal gazettes, through the use of unique identifiers and structured metadata. ***The collaboration between the European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) and the ISA² Programme could generate synergies that would be beneficial to achieving their respective goals.***
- (9) ***Interoperability within the local, national and European public administration facilitates the goals set out by the European Parliament in its resolution of 29 March 2012 on the EU Citizenship Report 2010: Dismantling the obstacles to EU citizens' rights.***
- (10) Interoperability has been a key factor to success in the area of Customs, Taxation and excise duties, in operating trans-European ICT systems spanning all Member States supporting interoperable business services funded by the Fiscalis 2013 and Customs 2013 programmes, implemented and operated by the Commission and national administrations. Assets created under Fiscalis 2013 and Customs 2013 programmes are available for sharing and re-use from other policy areas. ***In addition, the Member States and the Commission have been invited, in the Council conclusions of 26 May 2014 on the governance reform of the EU customs union, to develop a strategy of commonly managed and operated IT systems in all customs-related areas.***

⁸ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218, 13.8.2008, p. 60).

⁹ Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second-generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4).

¹⁰ Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 316, 15.12.2000, p. 1).

¹¹ <https://e-justice.europa.eu>

- (11) In the area of health, Directive 2011/24/EU of the European Parliament and of the Council¹² provides rules for facilitating access to safe, high-quality cross-border healthcare. Specifically, the Directive established the eHealth network to address the interoperability challenge between electronic health systems. The eHealth network can adopt guidelines on the minimum data set to be exchanged across borders in case of unplanned and emergency care and on ePrescription services across national borders.
- (12) In the area of European funds, Article 122 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council¹³ requires all exchanges of information between beneficiaries and managing authorities, certifying authorities, audit authorities and intermediate bodies to be carried out by means of electronic data-exchange systems. These systems are to facilitate interoperability with national and Union frameworks and allow beneficiaries to submit all requisite information only once.

¹² Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).

¹³ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

- (13) In the area of public sector information, Directive 2013/37/EU of the European Parliament and of the Council¹⁴ stresses that public sector bodies should, where possible and appropriate, make documents available through open and machine-readable formats together with their metadata, at the best level of precision and granularity, in a format that ensures interoperability, re-use and accessibility.
- (14) In the area of electronic ~~identity~~ **identification**, ~~the proposal of the Commission of 4 June 2012 for a Regulation (EU) No 910/2014 highlights the need for the Union to create an enabling for~~ of the European Parliament and of the Council¹⁵ ***provides for the establishment of the EIF for the purposes of the interoperability of electronic identification schemes.*** ~~framework to address cross-border interoperability and to improve the coordination of national supervision schemes on Union-wide accepted electronic identification and electronic authentication.~~
- (15) In the area of ICT standardisation, Regulation (EU) No 1025/2012 of the European Parliament and of the Council¹⁶ refers to interoperability as an essential outcome of standardisation.

¹⁴ Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information (OJ L 175, 27.6.2013, p. 1).

¹⁵ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).

¹⁶ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).

- (16) In the area of research and innovation, Regulation (EU) No 1291/2013 of the European Parliament and of the Council¹⁷, which establishes Horizon 2020, clearly mentions that interoperable solutions and standards in ICT are key enablers for the partnering of industries at Union level. Collaboration around common, open-technology platforms with spill-over and leverage effects will allow a wide range of stakeholders to benefit from new developments and create further innovations.
- (17) In public procurement, Directives 2014/25/EU¹⁸, 2014/24/EU¹⁹ and 2014/23/EU²⁰ of the European Parliament and of the Council require Member States to implement electronic procurement. They state that the tools and devices to be used for communicating by electronic means, as well as their technical characteristics, must be interoperable with the information and communication technology products in general use. Moreover, Directive 2014/55/EU of the European Parliament and of the Council²¹ provides for the development of a European standard on electronic invoicing in public procurement to ensure interoperability between electronic invoicing systems across the Union.
- (18) ***It is therefore important that policy relating to interoperability and its possible uses should be coordinated at Union level in the most effective and responsive manner possible. In order to eliminate fragmentation in the interoperability landscape in the Union, a common understanding of interoperability in the Union and a holistic approach towards interoperability solutions should be promoted.***

¹⁷ Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 – the Framework Programme for Research and Innovation 2014-2020 and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).

¹⁸ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

¹⁹ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

²⁰ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

²¹ Directive 2014/55/EU of the European Parliament and of the Council of 16 April 2014 on electronic invoicing in public procurement (OJ L 133, 6.5.2014, p. 1).

- (19) Interoperability is also a fundamental element of the Connecting Europe Facility (CEF) established by Regulation (EU) No 1316/2013 of the European Parliament and of the Council²² in the area of broadband infrastructure and services. ~~The Regulation~~ ***(EU) No 283/2014 of the European Parliament and of the Council***²³ on guidelines for trans-European networks in the area of telecommunications infrastructure explicitly mentions that ~~an~~ ***one of the operational priority priorities*** for the CEF to achieve its objectives is the interoperability, connectivity, sustainable deployment, operation and upgrading of trans-European digital service infrastructures as well as their coordination at Union level. ***In particular Regulation (EU) No 283/2014 provides for so-called building blocks, such as e-identification, e-delivery and automated translation, to facilitate cross-border interoperability.***
- (20) At political level, the Council has repeatedly called for even greater interoperability in Europe and for continued efforts to modernise European public administrations. ***On*** 24 and 25 October 2013, the European Council adopted conclusions stressing that the modernisation of public administrations should continue through the swift implementation of services such as e-government, e-health, e-invoicing and e-procurement, which rely on interoperability. ***The commitment of Member States is essential to ensure the rapid deployment of an interoperable e-society in the Union and the involvement of public administrations in encouraging the use of online procedures. Additionally, in order to establish a more effective, simplified and user-friendly e-administration, some adaptation in the European public administrations, with support from Member States, may be necessary. Efficient online public services are crucial for fostering the trust of businesses and citizens in digital services.***

²² Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).

²³ Regulation (EU) No 283/2014 of the European Parliament and of the Council of 11 march 2014 on guidelines for trans-European networks in the area of telecommunications infrastructure and repealing Decision No 1336/97/EC (OJ L 86, 21.3.2014, p. 14).

- (21) A single sector interoperability perspective is associated with the risk that the adoption of different or incompatible solutions at national or sectoral levels will throw up new e-barriers that impede the proper functioning of the internal market and the associated freedoms of movement, and undermine the openness and competitiveness of markets and the delivery of services of general interest to businesses and citizens. In order to mitigate this risk, Member States and the Union should step up joint efforts to avoid market fragmentation. ***They should*** ensure cross-border or cross-sector interoperability in the implementation of legislation, while reducing administrative burdens and costs, ***improving efficiency***, and promote commonly agreed ICT solutions while ensuring appropriate governance.
- (22) ***In the establishment, improvement or operation of common solutions all initiatives should, where appropriate, build on or be accompanied by the sharing of experience and solutions and the exchange and promotion of good practices, technological neutrality and adaptability, while principles of security, privacy and protection of personal data should always be applied. In this context, compliance with the EIF, open specifications and standards should be promoted.***

- (23) Several successive programmes have sought to ensure the coherent development and implementation of global and sectoral interoperability strategies, legal frameworks, guidelines, services and tools to address requirements under Union-wide policies, such as:
- the IDA Programme (1999-2004), established by Decision No 1719/1999/EC²⁴ and by Decision No 1720/1999/EC²⁵ of the European Parliament and of the Council,
 - the IDABC Programme (2005-09), established by Decision 2004/387/EC of the European Parliament and of the Council²⁶, and
 - the ISA Programme (2010-15), established by Decision No 922/2009/EC of the European Parliament and of the Council²⁷.

The ISA² Programme should be based on the experience acquired during these programmes.

²⁴ Decision No 1719/1999/EC of the European Parliament and of the Council of 12 July 1999 on a series of guidelines, including the identification of projects of common interest, for trans-European networks for the electronic interchange of data between administrations (IDA) (OJ L 203, 3.8.1999, p. 1).

²⁵ Decision No 1720/1999/EC of the European Parliament and the Council of 12 July 1999 adopting a series of actions and measures in order to ensure interoperability of and access to trans-European networks for the electronic interchange of data between administrations (IDA) (OJ L 203, 3.8.1999, p. 9).

²⁶ Decision 2004/387/EC of the European Parliament and of the Council of 21 April 2004 on interoperable delivery of pan-European eGovernment services to public administrations, businesses and citizens (OJ L 144, 30.4.2004, p. 62 and OJ L 181, 18.5.2004, p. 25 (Corrigendum)).

²⁷ Decision No 922/2009/EC of the European Parliament and of the Council of 16 September 2009 on interoperability solutions for European public administrations (ISA) (OJ L 260, 3.10.2009, p. 20).

- (24) Activities under the IDA, IDABC and ISA Programmes have made important contributions to ensuring interoperability in the electronic exchange of information between public administrations of the Union. In its Resolution of 20 April 2012 on a competitive digital single market – e-Government as a spearhead, the European Parliament recognised the contribution of the ISA Programme and its overarching role in defining, promoting and supporting the implementation of interoperability solutions and frameworks for European public administrations, achieving synergies, promoting the re-use of solutions and translating their interoperability requirements into specifications and standards for digital services.
- (25) With Decision No 922/2009/EC ceasing to apply on 31 December 2015, a new Union Programme on interoperability solutions for European public administrations, businesses and citizens (ISA²) is needed to *develop, maintain* and promote a holistic approach *towards interoperability in order to eliminate fragmentation in the interoperability landscape and avoid electronic barriers in the Union, to facilitate efficient and effective electronic* cross-border or cross-sector *interaction between European public administrations and between them* and businesses and citizens, *to identify, create and operate interoperability solutions supporting the implementation of Union policies and activities, and to facilitate the reuse of interoperability solutions by European public administrations.*
- (26) *In addition to European public administrations, businesses and citizens are also end-users of interoperability solutions as a result of their use of electronic public services provided by public administrations. User-centricity notably refers to the end-users of interoperability solutions. Business should be understood to include, in particular, SMEs and micro enterprises, given their valuable contribution to the Union economy.*
- (27) *Common frameworks and solutions* established or operated under the present ISA² Programme should, as far as possible, form part of *an eco-system* facilitating interaction between European public administrations, businesses and citizens, and ensuring, facilitating and enabling cross-border or cross-sector interoperability. *Implementation of actions may follow an iterative methodology.*

- (28) *As more and more public services become 'digital by default' it is important to maximise the efficiency of public spending on ICT solutions. This should be facilitated by ensuring that the provision of such services is planned at an early stage and, where possible, by sharing and reusing solutions in order to maximise the value of public spending. The ISA² Programme should make a contribution to this goal.*
- (29) *Interoperability and, consequently, the solutions established and operated under the ISA² Programme, are instrumental to the full exploitation of e-government and e-democracy potentialities by enabling the implementation of “one-stop” shops and the provision of end-to-end and transparent public services leading to fewer administrative burdens and lower costs.*
- (30) *As end-users, businesses enterprises and citizens should also benefit from common, re-usable and interoperable front-office services resulting from better integration of processes and exchange of data through the European public administrations’ back-offices.*
- (31) *In its activities, the Union should observe the principle of equality of its citizens who should receive equal attention from its institutions, bodies, offices and agencies. The Union should also take into account requirements linked to the fight against social exclusion. In this regard, accessibility for all should be incorporated into the development of interoperability public services strategies across the Union, taking into consideration the most disadvantaged citizens and the most unpopulated areas in order to combat the digital divide and exclusion as called for in the European Parliament in its resolution of 20 April 2012 on a competitive digital single market – eGovernment as a spearhead. The implementation of electronic public services by European public administrations requires an inclusive (e-inclusion) approach that, when necessary, will provide technical support and training so as to reduce disparities in the use of ICT solutions and will incorporate multi-channel delivery, including the maintenance of traditional means of access when appropriate.*

- (32) *Interoperability solutions developed under the ISA² Programme should be in accordance with the right of end-users to access and distribute information and content, use and provide applications and services, and use terminal equipment of their choice, irrespective of the end-user's or provider's location or the location, origin or destination of the information, content, application or service, via their internet access service provided for in Regulation ...²⁸.*
- (33) The ISA² Programme should be an instrument for *the modernisation of European public administrations. Modernising European administrations and increasing their interoperability is an important contribution to the completion of the digital single market to enable European citizens to fully benefit from interoperable e-services, from e-government to e-health, prioritising the removal of obstacles such as unconnected e-services.*
- (34) *The lack of interoperability often undermines the implementation of digital end-to-end services and the development of one-stop shops for businesses and citizens.*
Interoperability is directly connected with, and dependent on the use of, *open specifications and* standards. The ISA² Programme should promote and, where appropriate, support the partial or full standardisation of existing interoperability solutions. This should be achieved in cooperation with other standardisation activities at Union level, European standardisation organisations and other international standardisation organisations.

²⁸ *Regulation ... of the European Parliament and of the Council of ... laying down measures concerning open internet and amending Directive 2002/22/EC on universal service and user's rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (OJ L ...).*

(35) *By assuring interoperability, public administrations will remain open and flexible enough to evolve and be capable of incorporating new challenges and new areas. Interoperability is a condition for avoiding technological lock-in, enabling technical developments and fostering innovation.*

By developing interoperable solutions and common frameworks, the ISA² Programme should contribute to interoperability between public administrations respecting technological neutrality so as to avoid lock-in and enable increased competition and innovation which will boost the global competitiveness of the Union.

(36) The modernisation of public administrations is one of the key priorities for successful implementation of the Europe 2020 Strategy *and the Digital Single Market (DSM)*. In this context, the Annual Growth Surveys published by the Commission in 2011, 2012 and 2013 show that the quality of European public administrations has a direct impact on the economic environment and is therefore crucial to stimulating productivity, competitiveness *economic cooperation*, growth *and employment*. This is clearly reflected in the country-specific recommendations, which call for specific action aimed at public administration reform (thematic objective 11).

(37) Regulation (EU) No 1303/2013 includes a thematic objective of ‘enhancing institutional capacity of public authorities and stakeholders and an efficient public administration’. In this context, the ISA² Programme should tie in with *other initiatives contributing to the modernisation of European public administrations, in particular in relation to work on interoperability* ~~programmes and initiatives contributing to the modernisation of public administrations like e.g. the DAE, and related networks like e.g. the European Public Administration Network (EUPAN)~~ and seek synergies with them.

(38) Interoperability of European public administrations concerns all levels of administration: European, local, regional and national. It is therefore important *to ensure the widest possible participation in the ISA² Programme and* that solutions take into account their respective needs, as well as those of businesses and citizens, where relevant.

- (39) National, *regional and local* administrations can be supported in their endeavours through specific instruments under the European Structural and Investment Funds (ESIF) *in particular, thematic objective 11, and including training of the European public administrations staff when appropriate*. Close cooperation under the ISA² Programme should maximise the benefits expected from such instruments by ensuring that funded projects are aligned with the Union-wide interoperability frameworks and specifications such as the EIF.
- (40) This Decision lays down a financial envelope for the entire duration of the ISA² Programme, which constitutes the prime reference amount within the meaning of Point 17 of the Interinstitutional Agreement of 2 December 2013²⁹ between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, for the European Parliament and the Council during the annual budgetary procedure.
- (41) Consideration should be given to the possibility of using pre-accession funds to facilitate candidate countries' participation in the ISA² Programme and the adoption and further implementation in those countries of solutions provided under it.

²⁹ Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management (OJ C 373, 20.12.2013, p. 1).

- (42) The ISA² Programme should contribute to the implementation of any follow-on initiatives in the context of Europe 2020 and the DAE. In order to avoid any duplication of effort, it should take account of other Union programmes *and initiatives* in the field of ICT solutions, services and infrastructures, in particular, the CEF , Horizon 2020 *and the European eGovernment Action Plan 2011-2015 established in the Commission's Communication of 15 December 2010, and its future updates. The Commission should coordinate those actions when implementing the ISA² Programme and when planning future initiatives which would affect interoperability. For the purpose of rationalisation, the scheduling of the ISA² Programme committee meetings should, as far as possible, take into account scheduling of meetings related to other relevant Union initiatives and programmes.*
- (43) *The principles and provisions laid down in Union law concerning the protection of individuals with regard to the processing of personal data and on the free movement of such data, in particular Directive 95/46/EC of the European Parliament and of the Council³⁰, Directive 2002/58/EC of the European Parliament and of the Council³¹ and Regulation (EC) No 45/2001 of the European Parliament and of the Council³², should apply to solutions operated under the ISA² Programme that entail the processing of personal data. Accordingly, these solutions should implement appropriate technical and organisational measures to ensure compliance with Union law data protection requirements. In particular, by default, personal data should be processed only if they are adequate, relevant and not excessive in relation to the purpose for which they are collected. When developing and establishing interoperability solutions due consideration should be given to the impact on the protection of personal data.*

³⁰ *Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).*

³¹ *Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).*

³² *Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).*

- (44) *When evaluating the ISA² Programme, the Commission should pay particular attention to whether the solutions created and implemented have a positive or negative impact on modernising the public sector and facilitating the needs of businesses and citizens, for example by reducing their administrative burden and costs and by enhancing the overall interconnection between European public administrations on the one hand, and businesses and citizens.*
- (45) *Procuring external services for the purposes of the ISA² Programme where required is subject to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council³³ and to Directives 2014/25/EU, 2014/24/EU and 2014/23/EU.*
- (46) In order to ensure uniform conditions for the implementation of this Decision, implementing powers should be conferred on the Commission *to adopt a rolling work programme*. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³⁴.
- (47) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the established rolling work programme, *such as an interruption in the service, for example*, imperative grounds of urgency so require.

³³ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

³⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.12.2011, p. 13).

(48) The objectives of this Decision are to *develop, maintain and promote a holistic approach towards interoperability, to* facilitate efficient and effective electronic cross-border or cross-sector interaction between European public administrations and between them and businesses and citizens, to *identify, create and operate interoperability solutions* supporting the implementation of Union policies and activities *and to facilitate the reuse of interoperability solutions by European public administrations*. Since *those objectives* cannot be sufficiently achieved by the Member States acting alone because the coordination function at Union level would be difficult and costly to set up at the level of the Member States by Member States themselves but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article 1, this Decision does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS DECISION:

1. This Decision establishes, for 2016-20, a programme on interoperability solutions ***and common frameworks*** for European public administrations, businesses and citizens ('the ISA² Programme').

The objective of the ISA² Programme is to:

- (a) develop, maintain and promote a holistic approach towards interoperability in the Union in order to eliminate fragmentation in the interoperability landscape in Union;***
- (b) facilitate efficient and effective electronic cross-border or cross-sector interaction between European public administrations and between them and businesses and citizens and to contribute to the development of a more effective, simplified and user-friendly e-administration at the national, regional and local levels of public administration;***
- (c) identify, create and operate interoperability solutions*** supporting the implementation of Union policies and activities;
- (d) facilitate the re-use of interoperability solutions by European public administrations.***

The ISA² Programme shall take into account social, economic and other aspects of interoperability, as well as the specific situation of micro, small and medium-sized enterprises, in order to improve interaction between European public administrations on the one hand, and businesses and citizens on the other.

- ~~2. Through the ISA² Programme, the Union shall identify, create and operate interoperability solutions implementing Union policies. These solutions shall subsequently be provided for unlimited use to other Union institutions and bodies, and to national, regional and local public administrations, thus facilitating cross-border or cross-sector interaction between them.~~
2. ***The ISA² Programme shall ensure a common understanding of interoperability through the EIF and its implementation in Member States' administrations and monitor its implementation.***
- ~~3. The ISA² Programme shall develop interoperability solutions autonomously or complement and support other Union initiatives by piloting interoperability solutions as a solution incubator or by ensuring their sustainability as a solution bridge.~~
3. The ISA² Programme succeeds the Union programme on interoperability solutions for public administrations established by Decision No 922/2009/EC ('the ISA Programme') and shall consolidate, promote and expand its activities.

Article 2
Definitions

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

- (1) 'interoperability' means the ability of disparate and diverse organisations to interact towards mutually beneficial and agreed common goals, involving the sharing of information and knowledge between the organisations, through the business processes they support, by means of the exchange of data between their respective information and communication technology (ICT) systems;

- (2) *An interoperability framework is an agreed approach to interoperability for organisations that wish to work together towards the joint delivery of public services. Within its scope of applicability, it specifies a set of common elements such as vocabulary, concepts, principles, policies, guidelines, recommendations, standards, specifications and practices;*

- ~~(3) acting as a 'solution incubator' means the development of, or support for, interoperability solutions during their pilot phase, before they become operational under other Union programmes or initiatives;~~

- ~~(4) acting as a 'solution bridge' means the further development of, and support for, fully operational interoperability solutions before their delivery under other Union programmes or initiatives;~~

- (3) 'interoperability solutions' means common *services* and generic tools facilitating cooperation between disparate and diverse organisations, either autonomously funded and developed by the ISA² Programme or developed in cooperation with other Union initiatives, based on identified requirements of European public administrations;

- (4) ‘common frameworks’ means ***common reference architectures***, specifications, ***concepts, principles, policies, recommendations***, standards, methodologies, guidelines, ~~common~~ semantic assets and similar approaches and documents, ***taken individually or together in a set***;
- (5) ‘common services’ means the organisational and technical capacity to deliver a common outcome to ~~users~~ ***European public administrations***, including operational systems, applications and digital infrastructures of a generic nature which meet common user requirements across policy or geographical areas, along with their supporting operational governance;
- (6) ‘generic tools’ means systems, reference platforms, shared and collaborative platforms, and generic components which meet common user requirements across policy or geographical areas;
- (7) ‘actions’ means projects, solutions already in their operational phase and accompanying measures;
- (8) ‘project’ means a time-limited sequence of well-defined tasks addressing identified user needs through a phased approach;
- (9) ***‘suspended actions’ means the actions of the ISA² Programme which financing is suspended for a certain period of time, but which objective is still valid and which remain subject to monitoring and evaluation of the ISA² Programme;***

(10) ‘accompanying measures’ means:

- ~~strategic and awareness-raising measures;~~
- ***information, communication of the benefits of the ISA² Programme, and awareness-raising measures, aimed at European public administrations and, where appropriate, at businesses and citizens;***
- measures in support of the management of the ISA² Programme;
- measures in relation to the sharing of experience and the exchange and promotion of good practices;
- measures to promote the re-use of existing interoperability solutions;
- measures aimed at community-building and capability-raising; and
- measures aimed at establishing synergies with initiatives relevant to interoperability in other areas of Union policy;

(11) ***‘supporting instruments for public administrations’ means the interoperability tools, frameworks, guidelines, specifications that support European public administrations when designing, implementing and operating interoperability solutions;***

(12) ***‘European public administrations’ means public administrations at Union, national, regional and local levels;***

(13) ***‘end-users’ of the ISA² Programme means the European public administrations, businesses, including SMEs and micro-enterprises, and citizens;***

(14) ***‘key interoperability enablers’ means interoperability solutions that are necessary to enable the efficient and effective delivery of public services across administrations;***

- (15) ‘European Interoperability Reference Architecture’ or ‘EIRA’ means an architecture of a generic structure, comprising a set of principles and guidelines applying to the implementation of interoperability solutions in the Union;
- (16) ‘European Interoperability Cartography’ or ‘EIC’ means a repository of interoperability solutions for European public administrations provided by Union institutions and Member States, presented in a common format and complying with specific re-usability and interoperability criteria that can be represented on the EIRA.

Article 3

Activities

The ISA² Programme shall support and promote:

- (a) the assessment, improvement, ~~establishment, industrialisation~~ operation and re-use of existing cross-border or cross-sector interoperability solutions **and common frameworks**;
- (b) the development, establishment, ~~industrialisation~~ **bringing to maturity**, operation and re-use of new cross-border or cross-sector interoperability solutions **and common frameworks**;
- (c) the assessment of the ICT implications of proposed or adopted Union legislation;
- (d) the identification of legislation gaps, **at Union and national level**, that hamper **cross-border or cross-sector** interoperability between European public administrations;
- (e) ~~the establishment, maintenance and improvement of the EIRA;~~
- (f) ~~the establishment and maintenance of the EIC as an instrument to facilitate the re-use of existing interoperability solutions and to identify the areas where such solutions are still lacking;~~

- (e) *the development of mechanisms that measure and quantify the benefits of interoperability solutions including methodologies for assessing the cost-savings;*
- (f) *the mapping and analysis of the overall interoperability landscape in Union through the establishment, maintenance and improvement of the EIRA and the EIC as instruments to facilitate the re-use of existing interoperability solutions and to identify the areas where such solutions are still lacking;*
- (g) *the maintenance, update, promotion and monitoring of the implementation of the EIS, the EIF and the EIRA;*
- (h) the assessment, update and promotion of existing common specifications and standards and the development, establishment and promotion of new common specifications and *open specifications and* standards through the Union's standardisation platforms and in cooperation with European or international standardisation organisations as appropriate;
- ~~(h) the development of mechanisms that will measure and quantify the benefits of interoperability solutions.~~
- (i) *the maintenance and publication of a platform allowing access and collaboration on best practices. This platform functions as means of raising awareness and dissemination of available solutions, including security and safety frameworks. It helps avoiding overlapping efforts while encouraging the reusability of solutions and standards;*
- (j) *bringing new interoperability services and tools to maturity, and maintaining and operating existing interoperability services and tools on an interim basis;*

- (k) *identification and promotion of best practices, to develop guidelines to coordinate interoperability initiatives and to animate and support communities working on issues relevant to the area of electronic cross-border or cross-sector interaction between and among end users .*

By ...^{}, the Commission shall develop a communication strategy, aiming to enhance information and increase awareness with regard to ISA² Programme and its benefits, also targeted at citizens and SMEs, and employing user-friendly means on the ISA² Programme's webpage.*

Article 4

General principles

Actions launched or continued under the ISA² Programme shall:

- (a) be based on utility and driven by identified needs *and programme objectives*;
- (b) comply with the following set of principles:
 - subsidiarity and proportionality;
 - user-centricity;
 - inclusion and accessibility;
 - *delivery of public services in such a way as to prevent digital divide*;
 - security, *respect for privacy and data protection*;
 - multilingualism;
 - administrative simplification *and modernisation*;

*

OJ: please insert date: 9 months after the date of entry into force of this Decision.

- transparency;
 - preservation of information;
 - openness;
 - re-usability *and avoidance of duplication*;
 - technological neutrality, *solutions which are future-proof insofar as possible*, and adaptability; ~~and~~
 - effectiveness and efficiency;
- (c) be *flexible*, extensible and applicable to other business or policy areas; and
- (d) demonstrate financial, organisational and technical sustainability.

Article 5

Actions

1. The Commission shall, in cooperation with the Member States *and in accordance with the implementation rules laid down in Article 8*, implement the actions specified in the rolling work programme established pursuant to Article 9 ~~in accordance with the implementation rules laid down in Article 6~~.

2. Actions in the form of projects shall, where appropriate, consist of the following phases:

- initiation;
- planning;
- execution;
- closing *and final evaluation*;
- monitoring and control.

The phases of specific projects shall be defined and specified at the time when the action is included in the rolling work programme. *The Commission shall monitor the evolution of the projects.*

3. The implementation of the ISA² Programme shall be supported by accompanying measures.

Article 6 *Eligibility*

All actions to be financed under the ISA² Programme shall comply with all of the following eligibility criteria:

- (a) the objective of the ISA² Programme laid down in Article 1(1);*
- (b) one or more of the activities of the ISA² Programme laid down in Article 3;*
- (c) the principles of the ISA² Programme laid down in Article 4;*
- (d) the financing conditions laid down in Article 11.*

Article 7
Prioritisation

1. *Subject to the second paragraph, all actions eligible for financing under ISA² Programme shall be prioritised according to the following prioritisation criteria:*
 - (a) *the contribution to the interoperability landscape, to be measured by how important and necessary is the action to complete the interoperability landscape in Union;*
 - (b) *the scope of the action, to be measured by the horizontal impact of the action, once completed, throughout sectors;*
 - (c) *the geographical reach of the action, to be measured by the number of Member States and European public administrations involved at national, regional and local level;*
 - (d) *the urgency of the action, to be measured by the urgency of the action based on its high potential impact and taking into account the lack of other funding sources;*
 - (e) *the reusability of the action, to be measured by the extent its results can be reused;*
 - (f) *the reuse of existing common frameworks and elements of interoperability solutions;*
 - (g) *the link with Union initiatives to be measured by the collaboration and contribution level of the action to Union initiatives such as the DSM.*
2. *The prioritisation criteria listed in the first paragraph are of equal value. The eligible actions fulfilling more of those criteria than other eligible actions shall get higher priority to be included in the rolling work programme.*

Article 8
Implementation rules

1a. The implementation rules set out in this Article shall apply to the ISA² Programme.

1. In the implementation of the ISA² Programme, due consideration shall be given to the EIS **and** the EIF ~~and their future updates.~~
- ~~2. Involvement of the largest possible number of Member States in a project shall be encouraged. Member States shall be able, and encouraged, to join a project at any stage.~~
2. In order to ensure interoperability between national and Union information systems, interoperability solutions shall be specified with reference to existing and new European standards or publicly available or open specifications for information exchange and service integration.
3. The establishment or improvement of interoperability solutions shall, where appropriate, build on or be accompanied by *exchange of views*, sharing of experience and the exchange and promotion of good practices. **For this purpose, the Commission shall bring together relevant stakeholders and shall organise conferences, workshops and other meetings on issues addressed by the Programme.**
- ~~5. In order to avoid duplication and to speed up the establishing of interoperability solutions, results achieved by other relevant Union and Member State initiatives shall be taken into account where appropriate.~~
4. **In** the implementation of interoperability solutions under the ISA² Programme **due consideration** shall, where appropriate, be ~~guided by~~ **given to** the EIRA.
5. Interoperability solutions and ~~their updates~~ **thereof** shall **where appropriate** be included in the EIC and **shall be** made available, ~~where appropriate,~~ for re-use by European public administrations.
6. **At all time** Member States shall be able, and shall be encouraged by the Commission to join an action or project at any stage. (*ex. paragraph 2*)

7. In order to avoid duplication, ~~and to speed up the establishing of interoperability solutions~~ ***financed under the ISA² Programme, shall reference*** results achieved by ~~other relevant~~ Union ~~or~~ Member State initiatives ~~shall be taken into account~~ where appropriate ***and re-use existing interoperability solutions. (ex. paragraph 5)***
- ~~8. The Commission shall monitor periodically the implementation and re-use of interoperability solutions across the Union, as part of the rolling work programme established pursuant to Article 7.~~
8. In order to maximise synergies and ensure complementary and combined efforts, actions shall, where appropriate, be coordinated with other relevant Union initiatives.
- ~~10. All actions and interoperability solutions funded under the ISA² Programme shall be encouraged, where appropriate, to re-use available interoperability solutions.~~
9. ***Interoperability solutions established or improved under the programme shall build on the sharing of experience and the exchange and promotion of good practices. The programme shall promote community building activities around frameworks and solutions of common interest, involving relevant stakeholders including non-profit organisations and academia.***

Article 9
Rolling work programme

1. *By...³⁵, for the purposes of the implementation of actions and subject to this Article*, the Commission shall adopt implementing acts establishing a rolling work programme and amending it at least once a year, for the implementation of actions for the entire period of application of this Decision. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2). ***The Commission shall amend this rolling work programme at least once per year in accordance with the same procedure.***

The rolling work programme shall identify, prioritise, document, select, design, implement, ***operate*** and evaluate the actions, ~~referred to in Article 5, as well as~~ promote their results ***and, subject to Article 11(5), suspend and terminate the financing of actions.***

2. The inclusion of actions in the rolling work programme shall be subject to compliance with ***Articles 6 and 7.*** ~~set of rules and admission criteria before being included in the rolling work programme. Those rules and criteria and any amendments thereof shall be an integral part of the rolling work programme.~~
3. A project originally launched and developed under the ISA Programme or another Union initiative may be included in the rolling work programme in any of its phases.

³⁵ ***OJ: Please insert the date: six months after the date of entry into force of this Decision.***

Article 10

Budgetary provisions

1. Funds shall be released whenever a project or a solution in its operational phase is included in the rolling work programme or after successful completion of a project phase as defined in the rolling work programme and any amendments thereto.
2. Amendments to the rolling work programme concerning budgetary allocations of more than EUR 400 000 per action shall be adopted in accordance with the examination procedure referred to in Article 12(2).
3. Actions under the ISA² Programme may require the procurement of external services, which shall be subject to EU procurement rules as laid down in Regulation (EU, Euratom) No 966/2012.

Article 11

~~Actions and interoperability solutions eligible for financing~~ **Financing of actions**

1. The development, establishment and improvement of common frameworks and generic tools shall be funded by the ISA² Programme. The use of such frameworks and tools shall be financed by the ~~users~~ **European public administrations**.
2. The development, establishment, ~~industrialisation~~ **bringing to maturity** and improvement of common services shall be funded by the ISA² Programme. A centralised operation of such services at Union level may be also funded by the **ISA²** Programme, in cases where such an operation is ~~considered by the Commission as~~ serving Union interests and is duly justified in the rolling work programme. In all other cases, use of those services shall be financed by other means.
3. Interoperability solutions taken over by the ISA² Programme as ~~‘solution incubator’ or a ‘solution bridge’~~ **either for bringing them to maturity or to maintain them on an interim basis** shall be funded by the **ISA²** Programme until they are taken over by other programmes or initiatives.

4. Accompanying measures shall be funded by the *ISA*² Programme.
5. *The funding of an action may be suspended or terminated according to the monitoring and control results based on the assessment of whether that action continues to meet the identified needs, and on the assessment of its effectiveness and efficiency.*

Article 12

Committee

1. The Commission shall be assisted by the Committee on Interoperability Solutions for European Public Administrations, Businesses and Citizens (the *ISA*² Committee). *That committee shall be a committee within the meaning of* ~~established under~~ Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 8 of Regulation (EU) No 182/2011. Those acts shall remain in force for a period not exceeding six months.

Article 13

Monitoring and evaluation

1. The Commission ~~and the ISA² Committee~~ shall regularly monitor the implementation and impact of the ISA² Programme, ***assessing whether the ISA² Programme's actions continues to meet identified needs. The Commission*** shall also explore synergies with complementary Union programmes.
2. The Commission shall report annually to the ISA² Committee, ***the competent committee or committees of the European Parliament, the Council and the Committee of Regions*** on the implementation ***and results*** of the ISA² Programme.
3. The Commission shall monitor ***regularly*** the implementation and re-use of interoperability solutions across the Union, as part of the rolling work programme established pursuant to Article 9(1). (*ex. Article 8 (8)*)
4. ***The Commission shall carry out an*** interim evaluation and a final evaluation ***of the ISA² Programme***, the results of which shall be communicated to the European Parliament and the Council by ***30 September 2019*** and 31 December 2021 respectively. In this context, the responsible committee of the Parliament may invite the Commission to present the evaluation results and answer questions raised by its members.
4. The evaluations shall examine issues such as the relevance, effectiveness, efficiency, utility ***including business and citizen satisfaction when relevant and the*** sustainability and coherence of ISA² Programme actions. The final evaluation shall, in addition, examine the extent to which the ISA² Programme has achieved its objective ***such as the re-use of interoperability solutions across the Union, paying particular attention to the needs expressed by the European public administrations.***

5. The performance of the *ISA*² Programme shall be assessed against the *achievement of the* objective laid out in Article 1(1) *and compliance with the principles set out in Article 4(b)*. The *achievement of the* objective shall be measured in particular *in terms of* the number of key interoperability enablers and through the number of supporting instruments for public administrations delivered to and used by European public administrations. Indicators for measuring the result and impact of the Programme shall be defined in the rolling work programme.
6. The evaluations shall also examine the benefits of the actions to the Union for the advancement of common policies, identify *potential overlaps and examine coherence with* areas for ~~potential~~-improvement and verify synergies with other Union initiatives, *in particular with the CEF*.
- The Commission shall also evaluate the relevance of the ISA² Programme's actions to local and regional authorities to improve interoperability in public administration and the effectiveness of delivery of public service.*
7. Completed or suspended actions shall remain subject to the overall programme evaluation. They shall be monitored regarding their position in the overall landscape of interoperability solutions in Europe and evaluated in terms of user uptake, utilisation and re-usability.
8. The evaluation of the *ISA*² Programme shall contain, where applicable, information regarding:
- (a) quantifiable *and qualifiable* benefits that the interoperability solutions deliver by linking ICT with *the needs of end-users*;
 - (b) the quantifiable *and qualifiable* impact of the interoperable ICT-based solutions.

Article 14

International cooperation

1. The ISA² Programme shall be open to participation by the countries of the European Economic Area and the candidate countries in the framework of their respective agreements with the Union.
2. Cooperation with other third countries and international organisations or bodies shall be encouraged, notably in the framework of the Euro-Mediterranean and Eastern Partnerships and with neighbouring countries, in particular those of the Western Balkans and Black Sea regions. Related costs shall not be covered by the ISA² Programme.
3. Where appropriate, the *ISA*² Programme shall promote re-use of its solutions by third countries.

Article 15

Non-Union initiatives

Without prejudice to other Union policies, interoperability solutions established or operated by the ISA² Programme may be used by non-Union initiatives, for non-commercial purposes, provided that no extra costs are incurred for the general budget of the Union and the main Union objective of the interoperable solution is not compromised.

Article 16

Data protection

Any processing of personal data through solutions operated by the ISA² Programme shall comply with the principles and provisions laid down in Directives 95/46/EC, 2002/58/EC and Regulation (EC) No 45/2001.

Article 17

Financial provisions

1. The financial envelope for the implementation of Union action under this Decision for the period of its application shall be EUR 130 928 000.
2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.
3. The financial allocation for the ISA² Programme may also cover expenses pertaining to preparatory, monitoring, checking, audit and evaluation activities which are required on a regular basis for the management of the programme and the achievement of its objectives.

Article 18

Entry into force

This Decision shall enter into force on the ***third*** day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2016 until 31 December 2020, ***except for Article 13 that shall apply until 31 December 2021.***

Done at ...,

For the European Parliament
The President

For the Council
The President
