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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the 2030 Policy Programme “Path to the Digital Decade” - Outcome of the European Parliament's first reading (Strasbourg, 21 to 24 November 2022)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

¹ OJ C 145, 30.6.2007, p. 5.

In this context, the Chair of the Committee on Industry, Research and Energy (ITRE), Cristian-Silviu BUŞOI (EPP, RO), presented on behalf of the Committee a compromise amendment (amendment number 2) to the abovementioned proposal for a Decision. This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

II. VOTE

When it voted on 24 November 2022, the plenary adopted the compromise amendment (amendment number 2) to the abovementioned proposal for a Decision. No other amendments were adopted. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

² The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

P9_TA(2022)0414

Establishing the Digital Decade Policy Programme 2030

European Parliament legislative resolution of 24 November 2022 on the proposal for a decision of the European Parliament and of the Council establishing the 2030 Policy Programme “Path to the Digital Decade” (COM(2021)0574 – C9-0359/2021 – 2021/0293(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0574),
- having regard to Article 294(2) and Article 173(3) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0359/2021),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Economic and Social Committee of 19 January 2022³,
- after consulting the Committee of the Regions,
- having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 22 July 2022 to approve Parliament’s position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
- having regard to Rule 59 of its Rules of Procedure,
- having regard to the opinions of the Committee on Employment and Social Affairs, the Committee on Internal Market and Consumer Protection and the Committee on Culture and Education,
- having regard to the report of the Committee on Industry, Research and Energy (A9-0159/2022),

³ OJ C 194, 12.5.2022, p. 87.

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.

Position of the European Parliament adopted at first reading on 24 November 2022 with a view to the adoption of Decision (EU) 2022/... of the European Parliament and of the Council establishing the Digital Decade Policy Programme 2030

(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 173(3) 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 Committee⁴,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure⁵,

⁴ OJ C 194, 12.5.2022, p. 87.

⁵ Position of the European Parliament of 24 November 2022.

Whereas:

- (1) In its communication of 9 March 2021 entitled ‘2030 Digital Compass: the European way for the Digital Decade’ (the ‘Digital Compass Communication’) the Commission laid out its vision for 2030 to empower citizens and businesses through digital *transformation (the ‘Digital Decade’)*. The Union’s path to the digital transformation of the economy and society should encompass digital sovereignty *in an open manner, respect for fundamental rights, the rule of law and democracy*, inclusion, *accessibility*, equality, sustainability, resilience, security, improving quality of life, *the availability of services and* respect for citizens’ rights and aspirations. It should contribute to a dynamic, resource-efficient, and fair economy and society in the Union.

- (2) *The digital transformation is not possible without strong support for science, research, development and the scientific community, which are the driving forces of the technological and digital revolution. Moreover, since the degree of digitalisation of the economy or society is a critical underpinning of economic and societal resilience as well as a factor in their global influence, it is necessary for the Union's international action to structure the broad range of existing cooperation in line with the pillars of the Digital Decade. The need for such structuring is also reflected in the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 1 December 2021 entitled 'The Global Gateway', through which the Union intends to contribute to narrowing the global investment gap, based on a democratic, value-driven approach, fostering high-standards and transparent partnerships in order to meet global infrastructure development needs.*

- (3) In a statement of 25 March 2021, the **members of the** European Council considered the Digital Compass Communication to be a step towards charting the Union's digital development for the next decade and confirmed the vision **set out in the Digital Compass Communication**, including the idea of a policy programme with **an efficient** governance framework to facilitate the implementation of multi-country projects that are necessary for the Union's digital **transformation** in critical areas. They also invited the Commission to widen the Union's policy toolbox for the digital transformation, at both Union and national level, and to use all available instruments from industrial, trade and competition policy, skills and education, research and innovation policy and long-term funding instruments to facilitate the digital transformation.
- (4) *The European Declaration on Digital Rights and Principles for the Digital Decade (the 'European Declaration') will put people at the centre of the digital transformation, aims to promote principles for the digital transformation in accordance with shared European values and law and is intended to contribute to achieving the general objectives of this Decision. To that end, the Commission and Member States should take into account the digital principles and rights set out in the European Declaration when cooperating, with a view to achieving the general objectives set out in this Decision.*

- (5) As outlined in the Commission’s communication of 5 May 2021 entitled ‘Updating the 2020 New Industrial Strategy: Building a stronger Single Market for Europe’s recovery’, it is necessary for the Union to identify systems of critical technologies and strategic sectors, to address strategic weaknesses and high-risk dependencies which could lead to supply shortages or cybersecurity risks, and to foster the digital ***transformation***. This underlines the importance of Member States’ joining forces and supporting industry’s efforts to address those dependencies and to develop strategic capacity needs. This also responds to the Commission’s analysis set out in its communication of 8 September 2021 entitled ‘2021 Strategic Foresight Report – The EU’s capacity and freedom to act’. In the framework of the Recovery and Resilience Facility established by Regulation (EU) 2021/241 of the European Parliament and of the Council⁶ and the preparation of national recovery and resilience plans, the Commission encouraged Member States to coordinate their efforts with a view, inter alia, to establishing multi-country projects in the digital area.

⁶ ***Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17).***

That experience highlighted the need for the Commission to support coordination efforts by Member States, and for the Union to have implementation mechanisms that facilitate joint investments, in order to establish multi-country projects. In conjunction with other initiatives of the Commission, such as the EU Observatory for Critical Technologies, referred to in the Commission's communication of 22 February 2021 entitled 'Action Plan on synergies between civil, defence and space industries', a governance structure implementing the Digital Compass should be established, should help to identify the Union's current and possible future digital strategic dependencies and should contribute to strengthening the Union's digital sovereignty *in an open manner*.

- (6) In its communication of 11 December 2019 entitled ‘The European Green Deal’, the Commission emphasised that the Union should leverage the potential of the digital transformation, which is a key enabler for reaching the European Green Deal objectives. The Union should promote and invest in the necessary digital transformation, as digital technologies *and new methods and processes* are critical enablers for attaining the sustainability goals of the *European Green Deal, the Paris Agreement adopted under the United Nations Framework Convention on Climate Change*⁷, *and the United Nations’ Sustainable Development Goals* in many different sectors. Digital technologies, such as artificial intelligence, 5G, *6G, blockchain*, cloud and edge computing, and the internet of things *should* accelerate and maximise the impact of policies to deal with climate change and protect the environment, *including through sustainable lifecycles. Together with satellite navigation and localisation*, digitalisation also presents new opportunities for distant monitoring of air and water pollution, *and* for monitoring and optimising how energy and natural resources are used. The Union needs a digital sector that puts sustainability at its heart, *including in its supply chain, preventing excessive reliance on critical raw materials*, ensuring that digital infrastructures and technologies become verifiably more sustainable, *renewable* and energy- and resource-efficient, and contributing to a sustainable circular and climate-neutral economy and society in line with the European Green Deal.

⁷ OJ L 282, 19.10.2016, p. 4.

- (7) *Policies about, and investments in, digital infrastructure should aim to ensure connectivity accessible to all and everywhere in the Union, with available internet access, in order to close the digital divide across the Union, with a particular focus on the divide between different geographical areas.*
- (8) The measures envisaged in the Digital Compass Communication should be implemented, to intensify actions provided for in the strategy presented in the Commission communication of 19 February 2020 entitled ‘Shaping Europe’s digital future’, and building on existing Union instruments, such as programmes under the European Regional Development Fund and the Cohesion Fund established by Regulation (EU) 2021/1058 of the European Parliament and of the Council⁸ and the Technical Support Instrument established by Regulation (EU) 2021/240 of the European Parliament and of the Council⁹, and on Regulations (EU) 2021/523¹⁰, **(EU) 2021/690¹¹**, (EU) 2021/694¹²,

⁸ Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund (OJ L 231, 30.6.2021, p. 60).

⁹ Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument (OJ L 57, 18.2.2021, p. 1).

¹⁰ Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017 (OJ L 107, 26.3.2021, p. 30).

¹¹ **Regulation (EU) 2021/690 of the European Parliament and of the Council of 28 April 2021 establishing a programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme) and repealing Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014 and (EU) No 652/2014 (OJ L 153, 3.5.2021, p. 1).**

¹² Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240 (OJ L 166, 11.5.2021, p. 1).

(EU) 2021/695¹³ and **(EU) 2021/1153**¹⁴ of the European Parliament and of the Council, and on the funds allocated to the digital *transformation* under Regulation (EU) 2021/241. This Decision should establish a Digital Decade policy programme 2030 in order to achieve, accelerate and shape a successful digital transformation of the Union's economy and society.

¹³ Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).

¹⁴ Regulation (EU) 2021/1153 of the European Parliament and of the Council of 7 July 2021 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014 (OJ L 249, 14.7.2021, p. 38).

- (9) *The European Pillar of Social Rights* proclaimed by the European Parliament, the Council and the Commission at the Informal meeting of heads of state or government, on 17 November 2017, in Gothenburg, Sweden, ***calls for the right to access essential services of good quality, including digital communications, as well as the right to quality and inclusive education, training and life-long learning.***
- (10) In order to follow the trajectory of the Union regarding the pace of the digital transformation, digital targets should be established ***at Union level***. Those ***digital*** targets should be linked to concrete areas in which progress is expected to be made collectively within the Union. The digital targets follow the four cardinal points identified in the Digital Compass Communication, identified as the essential areas for the digital transformation of the Union: digital skills, digital infrastructures, the digitalisation of businesses, and the digitalisation of public services.
- (11) ***This Decision is without prejudice to Articles 165 and 166 of the Treaty on the Functioning of the European Union (TFEU).***

I

- (12) *Digital skills, basic and advanced, as well as other skills, including in the domains of science, technology, engineering and mathematics (STEM), are essential to speeding-up the adjustment of the Union industry to structural changes. It is intended that digitally empowered and capable citizens, including those with disabilities, are able to take advantage of the opportunities of the Digital Decade. To pursue that aim, there should be a focus on education to ensure that the education community, in particular teachers, is adequately trained, skilled and equipped to use technology effectively in its teaching methods and is able to teach digital technologies to ensure that students are better equipped to enter the labour market in the short and longer term. Digital education and training should also enhance the Union's attractiveness for high-skilled professionals who have acquired advanced digital skills and their availability on the Union labour market.*

The Digital Economy and Society Index (DESI) 2021 published by the Commission states that even before the COVID-19 pandemic Union businesses, in particular small and medium-sized enterprises (SMEs), struggled to find information and communications technology (ICT) professionals in sufficient numbers. Digital training and education should therefore support all the actions to ensure that the workforce is equipped with the necessary current and future skills supporting the mobilisation of, and the incentive for, all relevant stakeholders to maximise the impact of investments in improving existing skills (upskilling) and training in new skills (reskilling) as well as life-long learning by the active population, in order to ensure that full advantage is taken of the opportunities of the digitalisation of industry and services. Non-formal digital training provided by employers in the form of learning-by-doing should also be encouraged. Education and training will also bring concrete career incentives to avoid and eliminate differences in opportunities and treatment between women and men.

- (13) *A sustainable digital infrastructure for connectivity, microelectronics and the ability to process big data are critical enablers for taking advantage of the benefits of digitalisation, for further technological developments and for digital leadership by the Union. In line with the Commission's communication of 30 June 2021 entitled 'A long-term Vision for the EU's Rural Areas – Towards stronger, connected, resilient and prosperous rural areas by 2040', reliable, fast and secure connectivity for everybody and everywhere in the Union, including in rural and remote areas, such as islands and mountainous and sparsely-populated regions, as well as the outermost regions, is needed. Societal needs for converging upload and download bandwidth are constantly growing. By 2030, networks with gigabit speeds should become available to those who need or wish to have such capacity. All Union end-users should be able to use gigabit services provided by networks at a fixed location deployed up to the network termination point. Moreover, all populated areas should be covered by a next-generation wireless high-speed network with performance at least equivalent to that of 5G. All market actors benefiting from the digital transformation should assume their social responsibilities and make a fair and proportionate contribution to the public goods, services and infrastructures, for the benefit of all citizens in the Union.*

- (14) *Technological neutrality, which is provided for by Directive (EU) 2018/1972 of the European Parliament and of the Council¹⁵, is a principle that should guide Union and national policies for digital connectivity infrastructure of the highest performance, resilience, security and sustainability, in order to benefit from prosperity. All technologies and transmission systems able to contribute to the achievement of the gigabit connectivity, including the current and upcoming advancements of fibre, satellite, 5G or any other future ecosystem and next generation Wi-Fi should therefore be treated equally, where they have equivalent network performance.*
- (15) *Semiconductors are essential to most of the key strategic value chains and are expected to be in even higher demand in the future than at present, in particular in the most innovative technological fields. As they are central to the digital economy, semiconductors are also critical enablers for the sustainability transition, thus also contributing to achieving the European Green Deal objectives. Semiconductors with a low-energy footprint also contribute to positioning the Union as a leader in sustainable digital technologies. It is intended that the resilience of the semiconductor value chain and semiconductor production capacity (including material, equipment, design, fabrication, processing and packaging) is strengthened, inter alia by building large-scale innovative infrastructure in accordance with the Union law regarding environmental sustainability. For example, quantum capacity and low-power semiconductors are critical enablers to achieving the climate neutrality of highly secure edge nodes that guarantee access to data services with low latency, regardless of the user's location.*

¹⁵ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).

- (16) Beyond enablers, existing and future technologies will be at the core of new products, new manufacturing processes and new business models based on the fair **and secure** sharing of data in the data economy, **while ensuring the effective protection of privacy and personal data**. The transformation of businesses depends on their ability to adopt new digital technologies rapidly and comprehensively, including in industrial and services ecosystems that are currently lagging behind. **That transformation is particularly important for SMEs, which continue to face challenges in the take-up of digital solutions.**
- (17) **Member States are encouraged to apply the once-only principle within their public administration, fostering the re-use of data, in accordance with the data protection rules, so that no additional burden falls on citizens or businesses.**
- (18) Democratic life and **key** public services also depend crucially on digital technologies. **Every citizen and business should be able to interact digitally with public administrations. Several parameters of such interactions, including user-centricity and transparency, should be monitored in DESI. Key public services, including electronic health records, should be fully accessible on a voluntary basis as a best-in-class digital environment providing for easy-to-use, efficient, trustworthy and personalised services and tools with high security and privacy standards. Such key public services should also cover services that are relevant for major life events for natural persons, such as losing or finding a job, studying, owning or driving a car, or starting up a business, and for legal persons in their professional life-cycle. Offline accessibility of services should nevertheless be maintained while transitioning to digital tools.**

- (19) *Digital technologies should contribute to achieving broader societal outcomes that are not limited to the digital sphere, but have positive effects on the everyday lives and well-being of citizens. If it is to be successful, the digital transformation should go hand-in-hand with improvements as regards democracy, good governance, social inclusion and more efficient public services.*
- (20) The Commission should review the digital targets *and relevant definitions* by June 2026 to assess whether they still meet the high level of ambition of the digital transformation. The Commission should be able, where it considers it to be necessary to *propose amendments to the digital targets in order to address technical, economic and societal developments, in particular in the areas of data economy, sustainability and cybersecurity.*
- (21) *Where public funds are used, it is crucial that maximum value be gained for society and businesses. Public funding should therefore aim to ensure open and non-discriminatory access to the outputs of the projects funded, save where, in substantiated and proportionate cases it is considered appropriate to do otherwise.*

- (22) Harmonious, inclusive and steady progress towards the digital transformation and towards the achievement of the digital targets in the Union ■ requires a comprehensive, robust, reliable, flexible and transparent form of governance, on the basis of close cooperation and coordination between the ***European Parliament, the Council, the Commission*** and the Member States. An appropriate mechanism should ensure the coordination of convergence, ***the exchange of best practices*** and the consistency and effectiveness of policies and measures at Union and national level, ***and should also encourage the activation of appropriate synergies between the Union and national funds, and also between Union initiatives and programmes. To that end, the Commission could provide guidance and support to Member States on how best to make use of the most suitable types of synergies. To that end,*** it is necessary to lay down provisions on a monitoring and cooperation mechanism implementing the Digital Compass. ***Such a mechanism should take into account the diversity of situations across and within Member States, should be proportionate, in particular with regard to administrative burdens, and should allow Member States to follow a greater level of ambition when establishing their national objectives.***

- (23) The monitoring and cooperation mechanism implementing the Digital Compass should include an enhanced monitoring system to identify gaps in the strategic digital capacities of the Union. It should also include a mechanism to report, *inter alia*, on the progress towards the digital targets set out in this Decision, as well as on the more general state of compliance with the general objectives set out in this Decision. It should establish a cooperative framework between the Commission and Member States to identify solutions addressing weaknesses and to propose targeted actions for effective remedies.

- (24) **DESI** should be integrated into the report on the state of the Digital Decade (the ‘Report on the Digital Decade’), and should be used to monitor progress towards the digital targets. Such monitoring should include an analysis of the indicators measuring progress at Member State level, national policies and initiatives aiming to achieve the general objectives of, and the digital targets set out in, this Decision, as well as horizontal and thematic analyses tracking the digital transformation of the Union’s economies and a ranking of Member States’ progress thence. In particular, DESI’s dimensions and indicators should be aligned with the digital targets set out in this Decision. For each digital target, key performance indicators (KPIs) should be set out in implementing acts to be adopted by the Commission. The KPIs should be updated when necessary for continued effective monitoring and to take account of technological developments. The data collection mechanism within Member States should be reinforced, *where appropriate*, to present a comprehensive state of play on progress towards the digital targets, as well as information about the relevant policies, programmes, and initiatives at national level, *and should, where possible, include data disaggregated by gender and by region, in accordance with Union and national law*.

On the basis of the Commission's reviews and where appropriate, the Commission should prepare, after consulting the Member States, a ***timeline for*** future data collection needs. In establishing DESI, the Commission should rely largely on official statistics collected in the various Union surveys on the information society under Regulations (EU) 2019/1700¹⁶ and (EU) 2019/2152¹⁷ of the European Parliament and of the Council. The Commission should use specific studies to collect data for relevant indicators that are not measured in the Union surveys ***or collected through other reporting exercises, such as in the framework of the strategy announced by Commission communication of 25 June 2008 entitled “Think Small First” - A “Small Business Act” for Europe’, including its annual SME performance review. The definitions related to the digital targets under this Decision do not constitute precedents for KPIs and in no way hinder the upcoming measurement of the progress on those targets through the KPIs.***


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- ¹⁶ Regulation (EU) 2019/1700 of the European Parliament and of the Council of 10 October 2019 establishing a common framework for European statistics relating to persons and households, based on data at individual level collected from samples, amending Regulations (EC) No 808/2004, (EC) No 452/2008 and (EC) No 1338/2008 of the European Parliament and of the Council, and repealing Regulation (EC) No 1177/2003 of the European Parliament and of the Council and Council Regulation (EC) No 577/98 (OJ L 261I, 14.10.2019, p. 1).
- ¹⁷ Regulation (EU) 2019/2152 of the European Parliament and of the Council of 27 November 2019 on European business statistics, repealing 10 legal acts in the field of business statistics (OJ L 327, 17.12.2019, p. 1).

- (25) In order to keep the co-legislators informed about the progress of the digital transformation in the Union, the Commission should submit an annual Report on the Digital Decade to the European Parliament and to the Council, containing an overview and analysis of the digital transformation of the Union and an evaluation of the progress made with regard to the general objectives of this Decision and the digital targets for the period until 2030. The Report on the Digital Decade, in particular DESI, should feed into the European Semester, including aspects relating to the Recovery and Resilience Facility, ***while the recommended policies, measures and actions included in the Report on the Digital Decade should be complementary to the country-specific recommendations.***
- (26) ***Since 2019, DESI has included the Women in Digital Scoreboard, which assesses Member States' performance in the areas of internet use, internet user skills as well as specialist skills and employment, based on 12 indicators. The inclusion of the Women in Digital Scoreboard in the Report on the Digital Decade should enable monitoring of the digital gender divide.***

- (27) In particular, the Commission should address in its Report on the Digital Decade *how effectively the general objectives of this Decision have been implemented into policies, measures or actions, as well as on* progress towards achieving the digital targets, detailing the degree of Union progress in relation to the projected trajectories for each target, the assessment of the efforts necessary to achieve each target, including any investment gaps in digital capacities and *innovation, as well as* raising awareness about the actions needed to increase digital sovereignty *in an open manner*. The report should also include an assessment of the implementation of relevant regulatory proposals and an assessment of the actions undertaken at Union and Member States level.
- (28) On the basis of the Commission's assessment, the report should include specific recommended policies, measures and actions. When recommending policies, measures or actions in the report, the Commission should take into account the most recent data available, the joint commitments undertaken, the policies and measures defined by Member States, as well as progress regarding recommended actions identified in earlier reports and addressed by means of the ■ cooperation mechanism. In addition, the Commission should take into account the differences in individual Member States' potential to contribute to the digital targets, as well as the policies, measures and actions already in place and considered appropriate to achieve those targets, even if their effects have not yet materialised.

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- (29) With a view to ensuring that the general objectives of, and the digital targets set out in, this Decision, are achieved, and that all Member States effectively contribute to that end, the design and implementation of the monitoring and cooperation mechanism should ensure exchanges of information and best practices through a constructive and inclusive dialogue between Member States and the Commission. ***The Commission should ensure that the European Parliament is informed in a timely manner of the outcome of the dialogue.***
- (30) The Commission should, together with the Member States, establish projected trajectories for the Union to achieve the digital targets set out in this Decision. Those projected trajectories should, where possible, be converted in national projected trajectories by Member States ***and should, where appropriate, take due account of the regional dimension.*** The different potential, ***and the different starting points,*** of individual Member States to contribute to the digital targets should be taken into account and reflected in the national projected trajectories. The national projected trajectories should help assess progress over time at Union and national level.

- (31) In order to ensure that the cooperation between the Commission and the Member States is efficient and effective, Member States should submit to the Commission national digital decade strategic roadmaps covering the period up to 2030 (the ‘national  roadmaps’) proposing, where possible and measurable at national level, national projected trajectories, describing all the instruments planned, adopted or implemented with a view to contributing to the achievement at Union level of the ***general objectives of, and the digital targets set out in, this Decision***. ***Member States should be able to include in their national roadmaps information on policies, measures and actions to be undertaken at regional level. The national roadmaps should be drafted after consulting key stakeholders, such as business organisations, including representatives of SMEs, the social partners and civil society, including older people and youth, as well as local and regional representatives, and should be*** a crucial tool for the coordination of the policies of the Member States and in order to ensure predictability for the market. Member States should take into account relevant sectoral initiatives, at Union and national level, and ***foster*** consistency with them. ***The commitment of a Member State to provide a national roadmap to contribute to the digital targets at Union level does not prevent the same Member State from designing and implementing strategies at national or regional level, or from specialising in certain industrial or digital domains.***

- (32) *During the cycles of cooperation between the Commission and Member States, Member States could propose adjustments to their national roadmaps to take into account the evolution of the digital transformation at Union and national level, and to respond in particular, to the Commission's recommended policies, measures and actions. In order to foster a consistent and comparable approach across Member States and to facilitate the preparation of their national roadmaps, the Commission should provide guidance setting out in more detail the key elements of the structure of a national roadmap and, in particular, the common elements that all national roadmaps should include. The guidance should also provide for a general approach to be followed by the Member States when developing their national projected trajectories.*

- (33) The cooperation and monitoring mechanism between the Commission and the Member States should commence with an assessment of their national roadmaps and should be based on the data provided and the assessment made in the Report on *the Digital Decade*, as well as on the feedback received from relevant stakeholders, *such as business organisations, including representatives of SMEs, the social partners and civil society, as well as regional and local representatives.*

- (34) The timing of the ■ cooperation should take into account the need to reflect the results of previous cooperation cycles, as well as *policies*, measures, *actions and the possible* adjustments to the national ■ roadmaps *every two years*.
- (35) In order to progress towards the digital targets in alignment with the projected trajectories, Member States, which are considered in the report as having made insufficient progress in a given area, should propose adjustment to policies, measures and actions that they intend to undertake to foster progress in that critical area. Furthermore, the Commission and Member States should examine how recommended policies, measures and actions mentioned in the previous year's report have been addressed by Member States collectively and individually. A Member State *should be able to* request a peer review process to be launched in order to give other Member States an opportunity to comment on proposals it intends to present in its national roadmap, in particular as regards their suitability to achieve a specific target. *The Commission should facilitate the exchange of experience and best practices by way of the peer review process.*

- (36) The Commission and one or more Member States, *or at least two Member States*, should be able to undertake joint commitments regarding coordinated actions they would like to undertake in order to achieve the **digital** targets, to establish multi-country projects, and to agree on any other policies, measures and actions at Union and national level with the objective to progress towards those targets in alignment with the projected trajectories. *A joint commitment is an initiative to cooperate, in particular with the aim of contributing to the achievement of the general objectives of, and the digital targets set out in, this Decision. Multi-country projects and European digital infrastructure consortia (EDICs) should include at least three Member States.*
- (37) *In the monitoring of the achievement of the general objectives of, and the digital targets set out in, this Decision, the Commission and the Member States have an obligation to cooperate sincerely in accordance with Article 4(3) of the Treaty on European Union. It is therefore necessary that any call for cooperation made by the Commission be followed up appropriately by Member States, in particular where there is a significant deviation from a Member State's national projected trajectory or where such a deviation has not been addressed for a substantial period.*

- (38) *The effective implementation of the recommended policies, measures and actions and of the national roadmaps and the adjustments thereto, is crucial for the achievement of the general objectives of, and the digital targets set out in, this Decision. A structured dialogue with individual Member States is essential to guide and support them in identifying and implementing the appropriate measures to progress towards their national projected trajectories, in particular where Member States consider it to be necessary to adjust their national roadmaps on the basis of the Commission's recommended policies, measures or actions. The Commission should keep the European Parliament and the Council appropriately informed, in particular regarding the process and the outcome of the structured dialogue.*

- (39) In order to ensure transparency and public participation, the Commission should engage with all interested stakeholders. To that end, the Commission should cooperate closely with stakeholders including *civil society and* private and public actors, such as bodies governed by public laws of the *education and training* or health *sectors*, and should consult them about measures to accelerate the digital transformation at Union level. ***When consulting stakeholders, the Commission should be as inclusive as possible and involve bodies that are instrumental to promoting the participation of girls and women in digital education and professional careers, aiming to promote a gender-balanced approach to the extent possible when the national roadmaps are implemented by the Member States.*** The involvement of stakeholders is also important at the level of the Member States, in particular when adopting their national *roadmaps and the possible adjustments thereto.* ***Both at Union and national level, the Commission and the Member States should involve business organisations, including representatives of SMEs, the social partners and civil society, in a timely manner and proportionately to the available resources.***

(40) Multi-country projects should allow for large-scale intervention in key areas necessary for the achievement of the digital targets set out in this Decision, in particular by pooling resources from the Union, Member States and, where appropriate, private sources. ***Where necessary for the achievement of the digital targets, Member States should be able to involve third countries associated with a directly managed Union programme that supports the digital transformation of the Union. Multi-country projects*** should be implemented in a coordinated manner, in close cooperation between the Commission and Member States. The Commission should play a central role in accelerating the implementation of multi-country projects through the identification of multi-country projects ready for implementation among the project categories indicatively included in an Annex to this Decision, in advising Member States on the choice of ***the most suitable existing*** implementation mechanism, on the choice of the sources of funding and their combination and on other strategic matters related to the implementation of those projects **■**. ***Where appropriate, the Commission should provide guidance on the setting-up of an EDIC as an implementation mechanism. Member States wishing to do so are also able to cooperate or take coordinated action in areas other than those provided for in this Decision.***

- (41) Public support to the multi-country projects should, in particular, be used to address market failures or sub-optimal investment situations, in a proportionate manner, without ***distorting the level playing field or*** duplicating or crowding out private financing. ***Multi-country projects should have*** clear European added value ***and should be implemented*** in accordance with the applicable Union law and with national law that is consistent with Union law.
- (42) Multi-country projects should be able to attract and combine, in an efficient manner, various sources of Union and Member States' funding ***and, where applicable, funding from third countries associated with a directly managed Union programme that supports the digital transformation of the Union, finding, where possible, synergies among them.*** In particular, the combination of the funds from centrally managed Union programmes with resources committed by Member States should be possible, including, under certain conditions, contributions from the Recovery and Resilience Facility, as explained in Part 3 of the Commission guidance to Member States on their national Recovery and Resilience ***Plans***, as well as contributions from the European Regional Development Fund or the Cohesion Fund. Whenever justified by the nature of a particular multi-country project, contributions from entities other than the Union and Member States should also be allowed, including private contributions.

- (43) The Commission, in cooperation with the Member States and acting as the coordinator of multi-country projects, should assist Member States in identifying their interests in multi-country projects, give ***non-binding*** guidance regarding the selection of optimal implementation mechanisms, and provide assistance in the implementation, contributing to the widest possible participation. ***The Commission should provide such support unless Member States participating in a multi-country project object. The Commission should act in cooperation with the participating Member States.***
- (44) The Commission should be able to establish, upon the application of the Member States concerned, and following an assessment of that application, ■ an EDIC to implement a particular multi-country project.
- (45) ***The host Member State should determine whether an EDIC meets the requirements for recognition as an international body as referred to in of Article 143, point (g), and Article 151(1), point (b), of Council Directive 2006/112/EC¹⁸ and as an international organisation as referred to in Article 12(1), point (b), of Council Directive 2008/118/EC¹⁹.***

¹⁸ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

¹⁹ Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC (OJ L 9, 14.1.2009, p. 12).

- (46) In order to ensure uniform conditions for the implementation of this Decision, implementing powers should be conferred on the Commission as regards the KPIs and for setting up EDICs. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²⁰.
- (47) *This Decision does not apply to measures taken by Member States concerning national security, public security or defence,*

HAVE ADOPTED THIS DECISION:

²⁰ 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, 28.2.2011, p. 13).

Article 1
Subject matter

1. This Decision establishes the Digital Decade Policy Programme 2030 and sets out a monitoring and cooperation mechanism for that programme designated to:
 - (a) *creating an environment favourable to innovation and investment by setting* a clear direction for the digital transformation of the Union and for the delivery of digital targets *at Union level by 2030, on the basis of measurable indicators*;
 - (b) structuring and stimulating cooperation between the *European Parliament, the Council, the Commission and the* Member States;
 - (c) *fostering* the consistency, comparability, *transparency* and completeness of monitoring and reporting by the Union.
2. This Decision establishes a framework for multi-country projects.

Article 2

Definitions

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

- (1) ‘Digital Economy and Society Index’ or ‘DESI’ means an annual set of *analyses* and measurement indicators on the basis of which the Commission monitors the Union’s and the Member States’ overall digital performance across several policy dimensions, including their progress towards the digital targets set out in Article 4;
- (2) ‘multi-country projects’ means large-scale projects facilitating the achievement of the digital targets set out in Article 4, including the Union’s and the Member States’ financing, in accordance with Article 10;
- (3) ‘statistics’ means statistics as defined in Article 3, point (1), of Regulation (EC) No 223/2009 of the European Parliament and of the Council²¹;

²¹ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

- (4) ‘peer review process’ means a mechanism whereby Member States *exchange best practices* on specific aspects of the policies, measures and actions proposed by a given Member *State*, and in particular on their *efficiency and* suitability to contributing to achieving a specific target of the digital targets set out in Article 4, in the context of **■** cooperation pursuant to Article 8 **■** ;
- (5) ‘projected trajectory’ means the projected path per digital target until 2030, to achieve the digital targets set out in Article 4, on the basis of historical data where available **■** ;
- (6) *‘edge nodes’ means distributed data-processing capacity connected to the network and located close to or in the physical endpoint where the data is generated, which offers distributed computing and storage capabilities for low-latency data processing;*
- (7) *‘digital intensity’ means the aggregated value attributed to an undertaking, on the basis of the number of technologies it uses, against a scoreboard of various technologies, in line with DESI;*
- (8) *‘key public services’ means essential services provided by public entities to natural persons in their major life events and to legal persons in their professional life-cycle;*

- (9) *‘advanced digital skills’ means skills and professional competencies requiring knowledge and experience necessary to understand, design, develop, manage, test, deploy, use and maintain digital technologies, products and services;*
- (10) *‘basic digital skill’ means the ability to perform, by digital means, at least one activity related to the following areas: information, communication and collaboration, content creation, safety and personal data, and problem-solving;*
- (11) *‘unicorn’ means either:*
- (a) *an undertaking founded after 31 December 1990, which had an initial public offering or trade sale above USD 1 billion; or*
 - (b) *an undertaking that has been valued at over USD 1 billion in its last private venture funding round, including where the valuation has not been confirmed in a secondary transaction;*
- (12) *‘small or medium sized enterprise’ or ‘SME’ means a microenterprise or a small or medium-sized enterprise as defined in Article 2 of the Annex to Commission Recommendation 2003/361/EC²².*

²² *Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).*

Article 3

General objectives of the Digital Decade Policy Programme 2030

1. The *European Parliament, the Council, the Commission* and the Member States shall cooperate to support and achieve the following general objectives *at Union level (the ‘general objectives’)*:
 - (a) promoting a human-centred, *fundamental-rights-based*, inclusive, *transparent* and open digital environment where *secure and interoperable* digital technologies and services observe and enhance Union principles, *rights* and values *and are accessible to all, everywhere in the Union*;
 - (b) reinforcing Member States’ collective resilience and bridging the digital divide, *achieving gender and geographic balance* by promoting *continuous opportunities for all individuals, developing* basic and *advanced* digital skills *and competencies, including through vocational and professional training, and lifelong learning, and* fostering the development of high-performing digital *capacities within horizontal* education and training systems;

- (c) ensuring *the Union's* digital sovereignty *in an open manner, in particular by* secure and accessible digital *and data infrastructures* capable of *efficiently storing, transmitting and* processing vast volumes of data that enable other technological developments, supporting the competitiveness *and sustainability* of the Union's industry *and economy, in particular of SMEs, and the resilience of the Union's value chains, as well as fostering the start-up ecosystem and the smooth functioning of the European digital innovation hubs*;
- (d) promoting the deployment and the use of digital capabilities with a view to *reducing the geographical digital divide and granting* access to digital technologies and data on *open, accessible* and fair terms, in order to achieve a high level of digital intensity and innovation in Union enterprises, in particular *start-ups and SMEs*;
- (e) *developing a comprehensive and sustainable ecosystem of interoperable digital infrastructures, where high performance, edge, cloud, quantum computing, artificial intelligence, data management and network connectivity work in convergence, to promote their uptake by businesses in the Union, and to create opportunities for growth and jobs through research, development and innovation, and ensuring that the Union has a competitive, secure and sustainable data cloud infrastructure in place, with high security and privacy standards and complying with the Union data protection rules*;

- (f) *promoting a Union digital regulatory environment to support the ability of Union undertakings, especially that of SMEs, to compete fairly along global value chains;*
- (g) ensuring that *online participation in* democratic life *is possible for everyone, and that* public services, health and care services are *also* accessible *in a trusted and secure* online *environment* for everyone, in particular *for* disadvantaged groups including persons with disabilities, *and in rural and remote areas*, offering inclusive, efficient, *interoperable* and personalised services and tools with high security and privacy standards;
- (h) ensuring that digital infrastructure and technologies, *including their supply chains*, become more sustainable, *resilient*, and energy- and resource-efficient, with a view to *minimising their negative environmental and social impact*, and contributing to a sustainable circular and climate-neutral economy and society in line with the European Green Deal, *including by promoting research and innovation which contribute to that end and by developing methodologies for measuring the energy and resource efficiency of the digital space;*

- (i) facilitating *fair and non-discriminatory conditions for users* during the digital transformation throughout the Union ■ by strengthening the synergies between *private and public investments and* the use of Union and national funds, and *by* developing predictable regulatory *and supportive* approaches *that also involve the regional and local levels*;
- (j) ensuring that all policies and programmes which are relevant to achieving the digital targets set out in Article 4 are taken into account in a coordinated and coherent way to fully contribute to the European *green and* digital transition, *while avoiding overlaps and minimising administrative burdens*;
- (k) *improving resilience to cyberattacks, contributing to increasing risk-awareness and the knowledge of cybersecurity processes, and increasing the efforts of public and private organisations to achieve at least basic levels of cybersecurity.*

2. *In cooperating to achieve the general objectives set out in this Article, the Member States and the Commission shall take account of the digital principles and rights set out in the European Declaration on Digital Rights and Principles for the Digital Decade.*

Article 4
Digital targets

1. The *European Parliament, the Council, the Commission and the* Member States shall cooperate with a view to achieving the following digital targets in the Union by 2030 (*the ‘digital targets’*):
 - (1) a digitally skilled population and highly skilled digital professionals, *with the aim of achieving gender balance, where:*
 - (a) at least 80 % of those aged 16-74 have at least basic digital skills;
 - (b) at least 20 million ■ ICT specialists are employed *within the Union, while promoting the access of women to this field and increasing the number of ICT graduates;*
 - (2) secure, *resilient*, performant and sustainable digital infrastructures, where:
 - (a) all *end users at a fixed location* are covered by a gigabit network *up to the network termination point, and* all populated areas *are* covered by *next-generation wireless high-speed networks with performance at least equivalent to that of 5G, in accordance with the principle of technological neutrality;*

- (b) the production, *in accordance with Union law on environmental sustainability, of cutting-edge* ■ semiconductors in the Union is at least 20 % of world production in value;
 - (c) at least 10 000 climate-neutral highly secure edge nodes are deployed in the Union, distributed in a way that guarantees access to data services with low latency (i.e. a few milliseconds) wherever businesses are located;
 - (d) the Union has, by 2025, its first computer with quantum acceleration, paving the way for the Union to be at the cutting edge of quantum capabilities by 2030 ■ .
- (3) the digital transformation of businesses, where:
- (a) at least 75 % of Union enterprises have taken up *one or more of the following, in line with their business operations*:
 - (i) cloud computing services;
 - (ii) big data;
 - (iii) artificial intelligence;
 - (b) more than 90 % of Union SMEs reach at least a basic level of digital intensity;

- (c) the Union ***facilitates the growth*** of its innovative scale-ups and improves their access to finance, leading to at least doubling the number of unicorns;
- (4) the digitalisation of public services, where:
 - (a) there is 100 % online accessible provision of key public services ***and, where relevant, it is possible*** for citizens and businesses ***in the Union to interact online with public administrations***;
 - (b) 100 % of Union citizens have access to their **■** electronic health records;
 - (c) ***100 % of Union citizens have access to secure electronic identification (eID) means that are recognised throughout the Union, enabling them to have full control over identity transactions and shared personal data.***
- 2. The Commission, ***taking into account in particular the information submitted by Member States in accordance with*** Article 5(2) and Articles 7, 8 and 9, shall review the digital targets ***and the relevant definitions by 30 June*** 2026. The Commission shall submit a report to the European Parliament and to the Council regarding the outcome of the review, and shall submit a legislative proposal to amend the digital targets where it considers it to be necessary to address technical, economic or societal developments in order to achieve a successful digital transformation of the Union.

Article 5
Monitoring of progress

1. The Commission shall monitor the progress of the Union towards the **general** objectives and the digital targets **■** . To that end, the Commission shall rely upon **DESI and** shall set out, by means of an implementing act, the KPIs for each digital target. ***That implementing act shall be adopted in accordance with the examination procedure referred to in Article 23(2).***
2. Member States shall provide to the Commission in a timely manner the necessary statistics and data required for the effective monitoring of the digital **transformation** and of the degree of achievement of the digital targets. **■ *Those data shall, where possible, be disaggregated by gender and by region, in accordance with Union and national law.***
Where the relevant statistics from Member States are not available, the Commission may use an alternative data collection methodology, such as studies or direct collection of data from the Member States, in consultation with the Member States, ***including in order to ensure that the regional level is properly documented.*** The use of that alternative data collection methodology shall not affect the tasks of the Commission (Eurostat) as laid down in Commission Decision 2012/504/EU²³.

²³ Commission Decision 2012/504/EU of 17 September 2012 on Eurostat (OJ L 251, 18.9.2012, p. 49).

3. The Commission, in close cooperation with Member States, shall establish Union-level projected trajectories for each of the digital targets. Those projected trajectories shall serve as a basis for the Commission's monitoring referred to in paragraph 1 and for the Member States' national digital decade strategic roadmaps (*the 'national roadmaps'*). Where necessary, in light of technical, economic or societal developments, the Commission, *in close cooperation with the Member States*, shall update one or more of those projected trajectories. *The Commission shall report to the European Parliament and the Council about the Union-level projected trajectories and their updates in a timely manner.*

Article 6

Report on the state of the Digital Decade

1. The Commission shall annually submit *and present* to the European Parliament and *to* the Council *a comprehensive* report on the state of the Digital Decade (the 'Report on the Digital Decade'). *The Report on the Digital Decade shall cover progress with regard to the digital transformation of the Union and DESI.*

The Commission shall submit its first Report on the Digital Decade by ... [12 months after the date of entry into force of this Decision].

2. In the Report on the Digital Decade, the Commission shall provide an assessment of the progress of the Union's digital **transformation** towards the digital targets, ■ as well as the state of compliance with the general objectives ■ . The assessment of the progress made shall be based, in particular, on the analysis and KPIs in DESI compared to **Union-level projected trajectories and national projected trajectories, taking into account**, where applicable **and possible, an analysis of the regional dimension. The assessment of the progress made shall also be based**, where applicable, on the establishment of, and progress regarding, multi-country projects.
3. In the Report on the Digital Decade, the Commission **shall identify significant gaps and shortages and** recommend policies, measures or actions to be taken by Member States in areas where progress was insufficient to achieve the **general objectives and the** digital targets ■ . Those recommended policies, measures or actions may, in particular, address:
 - (a) the level of ambition of contributions and initiatives proposed by Member States, with a view to achieving **the general** objectives and the **digital targets** ■ ;

- (b) policies, measures and actions at Member *State level, including, where relevant, of the regional dimension*, and other policies and measures of potential cross-border relevance;
 - (c) any additional policies, measures or actions that might be required to adjust national roadmaps;
 - (d) the interactions between, and the consistency of, existing and planned policies, measures and actions.
4. The Report on Digital Decade shall take into account joint commitments as referred to in Article 8(4), as well as the implementation thereof.
5. The Report on Digital Decade shall include information on progress regarding recommended policies, measures or actions referred to in paragraph 3 of this Article and *mutually agreed conclusions* pursuant to Article 8(7) and the implementation thereof.
6. The Report ■ on the Digital Decade *shall* assess the need for any additional policies, measures or actions that might be required at Union level.

Article 7

National digital decade strategic roadmaps

1. By ... *[nine months after the date of entry into force of this Decision]*, each Member State shall submit to the Commission *its* national *roadmap*. *The national* roadmaps shall be consistent with, and *shall* contribute to, achieving at Union level the *general* objectives and the digital targets **■**. *Member States* shall take into account relevant sectoral initiatives and *foster* consistency with them.
2. *Each national roadmap shall comprise the following:*
 - (a) the main planned, adopted and implemented policies, measures and actions *that contribute* to achieving the *general* objectives and the digital targets **■** ;
 - (b) national projected trajectories contributing to achieving the relevant digital targets that are measurable at national level, *while the regional dimension is reflected where possible in the national roadmaps*;
 - (c) the *timing, and expected impact on achieving the general objectives and the digital targets*, of the planned, adopted and implemented policies, measures and actions *referred to in point (a)*.

■

3. The policies, measures and actions referred to in **paragraph 2** shall indicate one or more of the following **■** :

- (a) the relevant directly applicable Union or national law;
- (b) one or more commitments undertaken to adopt those policies, measures or actions ;
- (c) the **public financial resources allocated**;
- (d) the human resources **mobilised ■** ;

■

- (e) any other critical enablers related to achieving the general objectives and the digital targets that they constitute.

4. In their national roadmaps, Member States shall provide **an estimate** of the investments **and resources** needed to contribute to achieving the **general** objectives and the digital targets, as well as a general description **of** the sources of those investments, **either private or public**, including, where applicable, the planned use of Union programmes and instruments. The national **■** roadmaps may include proposals for multi-country projects.

5. *Member States may establish regional roadmaps. The Member States shall strive to align such regional roadmaps with their national roadmaps, and may integrate them therein, in order to ensure that the general objectives and the digital targets are pursued throughout their territories.*
6. Member States shall ensure that their national ■ roadmaps take into consideration the latest country-specific recommendations issued in the context of the European Semester. Adjustments to national ■ roadmaps shall take into *utmost* account the recommended policies, measures and actions under Article 6(3) ■ .
7. The Commission shall provide guidance and support to Member States in the preparation of their national ■ roadmaps, including, *where possible*, on how to establish at national level, where possible *taking into account the regional dimension*, appropriate national projected trajectories which can effectively contribute to the achievement of the Union-level projected trajectories.

Article 8

Cooperation mechanisms between the Commission and the Member States

1. The Commission and the Member States shall cooperate with each other closely to identify ways to address deficiencies in areas where progress in achieving one or more of the digital targets ***is regarded to be*** insufficient ***by the Commission and the Member States*** or where significant gaps and shortages have been identified on the basis of the results of the Report on the Digital Decade. That analysis shall take into account, in particular, the various capacities of Member States to contribute to achieving some of the digital targets and the risk that delays in achieving certain of those targets may have a detrimental effect on the achievement of other digital targets.
2. Within two months of the publication of the Report on the Digital Decade, the Commission and the Member States shall endeavour to discuss the Member State's preliminary observations, in particular as regards policies, measures and actions recommended by the Commission in its report.

3. Within five months of the publication of the *second* Report on the Digital Decade *and every second year thereafter*, the Member States concerned shall submit to the Commission adjustments to their national ■ roadmaps consisting of policies, measures and actions they intend to undertake, including, where relevant, proposals for multi-country projects, to foster progress in achieving the general objectives and the areas concerned by the digital targets ■ . If a Member State considers that no action is required and that its national ■ roadmap does not require updating, it shall provide its reasons *to the Commission*.
4. At any point during ■ cooperation pursuant to this Article, the Commission and Member States, *or at least two Member States*, may make joint commitments, consult other Member States on policies, measures or actions, or establish multi-country projects. Such joint commitments may be made by the Commission and one or more *Member States* or by at least two Member States. Such multi-country projects shall involve the participation of at least three Member States, in accordance with Article 10. Member States may also request that a peer review process be launched regarding specific aspects of *their policies, measures or actions*, and in particular regarding *the* suitability of those *policies, measures or actions* to contribute to achieving a specific digital target, *as well as to meet the obligations and carry out the tasks provided for in this Decision*. The outcome of the peer review process may be included in the following Report on the Digital Decade, *if the Member State concerned agrees*.

5. The Commission shall **■** inform Member States about the recommended policies, measures and actions it intends to include in the Report on the Digital Decade before the publication of the report.
6. The Commission and the Member States shall cooperate with each other closely in order to meet the obligations and carry out the tasks provided for in this Decision. To that end, each Member State may initiate a dialogue, either with the Commission, or with the Commission and the *other* Member States, on any subject relevant to achieving the general objectives and the digital targets. The Commission shall provide all appropriate technical assistance services and expertise, and shall organise a structured exchange of information and of best practices and shall facilitate coordination.
7. *In the event of a significant or continuous deviation from the national projected trajectories, the Commission or the Member State concerned may initiate a structured dialogue with each other.*

The structured dialogue shall be based on a specific analysis of how such a deviation could affect the collective achieving of the general objectives and the digital targets, in view of the evidence and data in the Report on the Digital Decade. The aim of the structured dialogue shall be to provide guidance and support the Member State concerned in identifying the appropriate adjustments to its national roadmap or any other necessary measures. The structured dialogue shall result in mutually agreed conclusions, which shall be taken into account in the follow-up actions to be taken by the Member State concerned. The Commission shall duly inform the European Parliament and the Council about the structured dialogue process and shall present to them the mutually agreed conclusions.

■

Article 9

Consultation of stakeholders

1. The Commission shall, ***in a timely and transparent manner and on a regular basis***, consult private and public stakeholders, including representatives of ***SMEs, the*** social partners ***and civil society***, to collect information and develop recommended policies, measures and actions for the purposes of implementing this Decision. ***The Commission shall publish the outcome of the consultations carried out pursuant to this Article.***

2. The Member States shall, *in a timely manner and in accordance with national law, consult* private and public stakeholders, including representatives of *SMEs, the* social partners and *civil society, as well as regional and local representatives*, when adopting their national roadmaps and the adjustments thereto.

Article 10

Multi-country projects

1. Multi-country projects shall facilitate achieving the general objectives and the digital targets.
2. Multi-country projects shall aim to achieve one or more of the following specific *goals*:
 - (a) improving the cooperation between the Union and the Member States and among the Member States in achieving the *general* objectives;
 - (b) reinforcing the Union's *technological* excellence, *leadership, innovation* and industrial competitiveness in critical technologies, *complementary technology combinations, and* digital products, infrastructure and services that are essential for economic recovery and *growth and for the* security and safety *of individuals*;

- (c) addressing strategic vulnerabilities and dependencies of the Union along the digital supply chains *in order to enhance their resilience*;
- (d) *increasing the availability, and promoting the* best use, of *safe* digital solutions in areas of public interest and the private sector *while observing the principles of technological neutrality*;
- (e) contributing to *an inclusive and* sustainable digital transformation of the economy and society that benefits all *citizens and businesses, in particular SMEs*, across the Union;
- (f) *promoting digital skills for citizens through education, training and life-long learning, with a focus on fostering gender-balanced participation in education and career opportunities.*

An indicative list of possible areas of activity in which multi-country projects addressing those specific objectives could be established is set out in the Annex.

3. A multi-country project shall involve the participation of at least three Member States.

4. *Where appropriate, a Member State participating in a multi-country project may delegate the implementation of its part of that project to a region, in line with its national roadmap.*

5. The Commission may, *pursuant to Article 6(3) and Article 8(4), recommend that Member States propose a multi-country project or* participate in a multi-country project meeting the requirements of paragraphs 1, 2 and 3 of this Article, taking into account progress *in* implementing the relevant *national roadmaps* . The Commission and the Member States may also undertake to set up, or join, a multi-country project as a joint commitment.

Article 11

Selection and implementation of multi-country projects

1. Taking into account proposals for multi-country projects in the national roadmaps and joint commitments, the Commission shall, in close cooperation with the Member States, prepare and publish, as an annex to the Report on the Digital Decade, the strategic principles and priorities for the implementation of multi-country projects, and a progress report on the multi-country projects selected for implementation at the time of the publication of the Report on the Digital Decade.

2. All Union programmes and investment schemes may, if allowed by *the acts establishing them*, contribute to a multi-country project.
3. *A third country may participate in a multi-country project if that country is associated to a directly managed Union programme which supports the digital transformation of the Union, and if its participation is necessary to facilitate the achievement of the general objectives and digital targets with regard to the Union and the Member States. Such an associated third country, including in its financial contributions, shall comply with the rules arising from the Union programmes and investment schemes contributing to the multi-country project.*
4. Other entities, whether public or private, may contribute to multi-country projects, where appropriate. *Complementary private contributions shall contribute to the achievement of the purpose and goals laid down in Article 10(1) and (2) and shall support, where relevant, open access to results and their reuse in the interest of citizens and businesses in the Union.*

5. Multi-country projects may be implemented by recourse to any of the following mechanisms:
- (a) joint undertakings;
 - (b) European Research Infrastructure Consortia;
 - (c) the Union's agencies;
 - (d) independently by the Member States concerned;
 - (e) to promote the execution of important projects of common European interest under Article 107(3), point (b), *TFEU*;
 - (f) European digital infrastructure consortia, in accordance with Articles 13 to 21;
 - (g) other appropriate implementation mechanisms.

Article 12

Multi-country projects accelerator

1. The Commission shall, *at the request of the participating Member States or on its own initiative and in agreement with* the participating Member States, **■** coordinate the implementation of a multi-country project, *in accordance with paragraphs 2 to 5*, acting as a multi-country project accelerator.
2. As a first coordination step, the Commission shall address to all Member States a call for expressions of interest. The call for expressions of interest shall aim to determine which Member States intend to participate in the multi-country project and what financial or non-financial contribution they propose to provide.
3. As a second coordination step, if at least three Member States express interest in a multi-country project and propose financial or non-financial commitments to that project, the Commission, after consulting all Member States, shall provide guidance on the choice of the appropriate implementation mechanism, on the sources of funding and on their combination within the project, as well as on other strategic aspects related to the implementation of that project.

4. The Commission may provide Member States with guidance regarding the setting-up of European digital infrastructure consortia (EDICs) pursuant to Article **14**.
5. The Commission shall support the implementation of multi-country projects by providing, as appropriate, services and resources referred to in Article 8(6).

Article **13**

Objective and status of EDICs

1. Member States may implement a multi-country project by means of an EDIC.
2. *Any Member State may be represented by one or more public entities, including regions or private entities with a public service mission, as regards the exercise of specified rights and the discharge of specified obligations as a member of an EDIC.*

3. EDICs shall have legal personality from the date of entry into force of the relevant Commission decision referred to in Article **14**(3), point (a).
4. EDICs shall have in each Member State the most extensive legal capacity accorded to legal entities under the law of that Member State. They may, in particular, acquire, own and dispose of movable, immovable and intellectual property, conclude contracts and be a party to legal proceedings.
5. EDICs shall have a statutory seat, which shall be located on the territory of a Member State *that is a member providing a financial or non-financial contribution as referred to in Article 15(1)*.

Article **14**

Setting up an EDIC

1. Member States applying to set up an EDIC shall submit a written application to the Commission. The application shall contain the following:
 - (a) a request to the Commission to set up the EDIC;

- (b) the proposed Statutes of the EDIC;
- (c) a technical description of the multi-country project to be implemented by the EDIC;
- (d) a declaration by the host Member State *whether it recognises* the EDIC as an international body as referred to in Article 143(1), point (g), and Article 151(1), point (b), of Directive 2006/112/EC and as an international organisation as referred to in Article 12(1), point (b), of Directive 2008/118/EC, from the date on which the EDIC is set up.

The limits and conditions of the exemptions provided for in the provisions referred to in point (d) of the first subparagraph shall be laid down in an agreement between the members of the EDIC.

2. The Commission shall assess the application *on the basis of the conditions set out in paragraph 1 of this Article. It shall take* into account the *general* objectives, *as well as the purposes and goals of the multi-country project, pursuant to Article 10(1) and (2)*, and practical considerations related to the implementation of the multi-country project to be implemented by the EDIC.

3. The Commission shall, taking into account the results of the assessment referred to in paragraph 2 of this Article, adopt by means of implementing acts either of the following:
- (a) a decision setting up the EDIC, after it has concluded that the requirements laid down in Articles 13 to 21 are met; or
 - (b) a decision rejecting the application, if it concludes that the requirements laid down in Articles 13 to 21 are not met, including in the absence of the declaration referred to in paragraph 1, point (d), of this Article.

In the event of a decision rejecting the application under point (b) of the first subparagraph of this paragraph, Member States may form a consortium by way of an agreement. Such a consortium shall not be considered to be an EDIC and shall not benefit from the implementation structure laid down in Articles 13 to 21.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 23(2).

4. Decisions referred to in paragraph 3, point (a) or (b), shall be notified to the applicant Member State. Where the application is rejected, the decision shall be explained in clear and precise terms.
5. The Commission shall annex the essential elements of the Statutes of the EDIC referred to in Article 17(1), points (c), (d), (e) and (i), to the decision setting up an EDIC.

Decisions setting up an EDIC shall be published in the *Official Journal of the European Union*. ***The Commission shall establish a publicly accessible list of the EDICs set up, and shall update the list in a timely and regular manner.***

Article **15**
Membership of an EDIC

1. The membership of an EDIC shall include at least three Member States.

Only Member States that provide a financial or non-financial contribution shall be eligible to become members of the EDIC. Such Member States shall have voting rights.

2. Following the adoption of a decision setting up an EDIC, other Member States may become members at any time, on fair and reasonable terms to be specified in the Statutes of the EDIC.
3. Member States that provide neither a financial ***nor a*** non-financial contribution may join an EDIC as observers ***by notifying the EDIC***. Such Member States shall not have voting rights.
4. ***Membership of*** an EDIC may be open to ■ entities other than Member States, which may include ***third countries as referred to in Article 11(3), international organisations of European interest, and public*** or private entities, as specified in the Statutes of the EDIC. Where entities other than Member States are members of an EDIC, Member States shall hold jointly the majority of the voting rights in the assembly of members, regardless of the amount of contributions from entities other than Member States.

Article **16**
Governance of an EDIC

1. An EDIC shall have at least the following two bodies:
 - (a) an assembly of members made up of the Member States, of other entities referred to in Article **15**(4), and of the Commission, the assembly being the body having full decision-making powers, including the adoption of the budget;
 - (b) a director, appointed by the assembly of members, as the executive body and legal representative of the EDIC.
2. The Commission shall participate in the deliberations of the assembly of members, without itself having voting rights. However, where a centrally managed Union programme contributes financially to a multi-country project, the Commission shall have a right of veto against decisions of the assembly ***related only to actions financed under centrally-managed Union programmes.***

Decisions of the assembly shall be made publicly available within 15 days of their adoption.
3. The Statutes of an EDIC shall contain specific governance provisions, in accordance with paragraphs 1 and 2.

Article **17**
Statutes of an EDIC

1. The Statutes of an EDIC shall contain at least the following:
 - (a) a list of members and observers and the procedure for changes in membership and representation, providing for the right of non-participating Member States to join the EDIC;
 - (b) a detailed description of the multi-country project, the tasks of members, if applicable, and an indicative timeline;
 - (c) the statutory seat and name of the EDIC;
 - (d) *the duration of the EDIC, and the procedure for winding it up in accordance with Article 20;*
 - (e) *the liability regime of the EDIC, in accordance with Article 18;*
 - (f) the rights and obligations of the members, including the obligation to make contributions to the budget;
 - (g) the voting rights of members;
 - (h) rules on the ownership of infrastructure, intellectual property, **profits** and other assets, as applicable;

- (i) *information about the declaration of the host Member State referred to in Article 14(1), point (d).*
2. *Amendments to the essential elements of the Statutes of an EDIC as referred to in paragraph 1, points (c), (d), (e) and (i), of this Article shall be subject to the procedure referred to in Article 14.*
3. *Amendments to the Statutes of an EDIC other than those referred to in paragraph 2 shall be submitted to the Commission by the EDIC within 10 days of their adoption.*
4. *The Commission may object to amendments within 60 days of their submission under paragraph 3. The Commission shall provide reasons for such an objection and shall explain why the amendments do not meet the requirements of this Decision.*
5. *Amendments shall not take effect until the expiry of the deadline referred to in paragraph 4, a waiver of that deadline by the Commission, or the withdrawal of the Commission's objection.*
6. *The application for an amendment shall contain the following:*
- (a) *the text of the amendment as proposed or adopted, including the date on which it enters or entered into force;*
- (b) *an updated consolidated version of the EDIC's Statutes.*

Article **18**
Liability of an EDIC

1. An EDIC shall be liable for its debts.
2. The financial liability of the members for the debts of the EDIC shall be limited to their respective contributions provided to the EDIC. The members may specify in the Statutes that they will assume a fixed liability above their respective contributions or unlimited liability.
3. The Union shall not be liable for any debt of the EDIC.

Article 19
Applicable law and jurisdiction

1. The setting-up and internal functioning of an EDIC shall be governed:
 - (a) by Union law, in particular by this Decision;
 - (b) by the law of the **Member** State where the EDIC has its statutory seat in the case of matters not, or only partly, regulated by Union law, in particular this Decision;
 - (c) by the Statutes and their implementing rules.

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

Article 20

Winding-up of an EDIC

1. The Statutes of an EDIC shall determine the procedure to be followed for its winding-up following a decision of the assembly of members to that effect. The winding-up of an EDIC may include the transfer of its activities to another legal entity.
2. The insolvency rules of the **Member** State where an EDIC has its statutory seat shall apply in the event that an EDIC is unable to pay its debts.

Article 21

Reporting by and control of an EDIC

1. An EDIC shall produce an annual activity report, containing a technical description of its activities, and a financial report. The reports shall be approved by the assembly of members and transmitted to the Commission. The reports shall be made publicly available.
2. The Commission may provide **guidance** regarding the matters to be covered in the annual activity report.

Article 22

Provision of information by Member States

Member States shall, upon request from the Commission, provide it with the information necessary to carry out its tasks under this Decision, in particular regarding the information necessary to implement Articles **7 and 8**. The information requested by the Commission shall be proportionate to the performance of its tasks. Where the information to be provided contains data previously provided by undertakings at the request of a Member State, such undertakings shall be informed thereof ***before Member States provide the data to the Commission.***

Article 23

Committee procedure

1. The Commission shall be assisted by a committee ■ . That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply ■ .

Article 24

Entry into force

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

Done at ...,

For the European Parliament
The President

For the Council
The President

Annex

Areas of activity

Non-exhaustive areas of activity:

- (a) European common data infrastructure and services;
- (b) Endowing the Union with the next generation of low- power trusted processors;
- (c) Developing the pan-European deployment of 5G corridors;
- (d) Acquiring supercomputers and quantum computers, connected with the European high performance computing (EuroHPC);
- (e) Developing and deploying an ultra-secure quantum and space-based communication infrastructures;
- (f) Deploying a network of security operations centres;
- (g) Connected public administration;
- (h) European blockchain services infrastructure;
- (i) European digital innovation hubs (EDIHs);
- (j) High- tech partnerships for digital skills through the ‘Pact for Skills’ initiative, launched by the Commission communication of 1 July 2020 entitled the ‘European Skills Agenda for sustainable competitiveness, social fairness and resilience’;
- (k) ***Skills and training in cybersecurity;***
- (l) Other projects which meet all the requirements set out in Article 11 and which become necessary to the achievement of the general objectives of the Digital Decade Policy Programme 2030 over time due to emerging social, economic or environmental developments.