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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	11900/21
Subject:	Proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the 2030 Policy Programme "Path to the Digital Decade" - Preparation for the trilogue

INTRODUCTION

1. The Commission adopted the proposal for a Decision establishing the 2030 Policy Programme "Path to the Digital Decade" (DDPP) on 15 September 2021.
2. In the Council, the examination of the proposal was carried out in the Working Party on Telecommunications and Information Society (WP TELECOM). Coreper granted a mandate to start negotiations with the European Parliament on 11 May 2022.

3. In the European Parliament, IMCO, EMPL and CULT issued their opinions on the proposal. The lead Committee on Industry, Research and Energy (ITRE) adopted its report on 16 May and Committee decision to enter into interinstitutional negotiations was confirmed by the plenary on 8 June 2022. The rapporteur for the file is Ms. Martina Dlabajová (Renew, Czech Republic).
4. The opening political trilogue was held under the French Presidency on 23 June 2022, in which the technical level was mandated to work on the entire proposal.
5. Six very productive technical discussions have taken place insofar in a conducive and collaborative atmosphere across the negotiation cohort, with equal determination on the both sides to positively conclude on this file.
6. A second political trilogue is scheduled on 13 July at the EP premises, with a view to possibly reaching an agreement on the main outstanding political issues. Delegations will be kept informed of the outcome.

PROPOSED APPROACH FOR THE TRILOGUE

7. The technical level has made an extensive progress on the provisions on the general objectives with an emphasis on strengthening the fundamental rights, transparency and security and on promoting digital skills. Progress was made also on the provisions on the digital targets, annual report on the state of the digital decade and the concept of Multi-Country Projects and new instrument European Digital Infrastructure Consortium (EDIC). The rows that could be provisionally agreed following the technical level are marked with green in the Annex. **The Presidency would like to ask Coreper to take note of, and endorse, these rows.**

8. In order to continue negotiations and reach a provisional agreement with the EP, **the Presidency would like to ask Coreper to identify flexibilities regarding the following outstanding issues:**

- **Monitoring of the use of radio spectrum**

Monitoring of the use of the radio spectrum is stressed by the EP as a key component to achieving general objectives and digital targets (notably targets on connectivity). Mentioning of the spectrum can be found in rows 31, 32, 97, 110a and 123.

The Coreper is invited to indicate preferred guidance for a possible compromise to reintroduce the spectrum as follows:

a) radio spectrum to be mentioned under monitoring in chapter 5, taking into consideration existing reporting mechanisms under relevant instruments (such as RSPP, EECC);

b) radio spectrum to be mentioned under article 6 in the report on the state of the digital decade. Any recommended policy, measure or action in relevance to the radio spectrum, that the Commission would like to include in the report should follow the opinion of the Radio Spectrum Policy Group (a specific draft suggestion in R110a).

- **Reference to the Declaration of Digital Rights and Principles**

The EP stresses the importance of putting in practice digital rights and principles enshrined in the Declaration on Digital Rights and Principles for the Digital Decade. Mentioning of the declaration can be found in rows 27, 96, 99, 102.

The Presidency would like to ask the Coreper if a compromise proposal that would refer to the Declaration and its digital rights and principles as a guidance in achieving general objectives and digital targets (in the enacting terms of the Decision), while stressing its non-binding nature can be acceptable.

- **Follow-up instrument under the cooperation mechanism**

The cooperation mechanism between the Commission and the Member States under article 8 is a crucial part of the proposal. So far, the discussions were not conclusive with the EP at the technical level as both institutions have different views on what instruments the mechanism may contain. The EP supports the Commission's proposal to introduce recommendations if the Member State does not give appropriate follow-up and continuously deviates from the national projected trajectory. **Coreper is invited to indicate preferred guidance for a possible compromise, that would strengthen the cooperation mechanism by:**

a) introducing the follow-up step in form of opinion/observation issued by the Commission, that would serve as a guidance for the MS if they struggle with the updates of the national roadmaps according to the outcomes of the reports on the state of the digital decade. Such guidance would entail thorough analyses and technical guidance to help MS adhere to national trajectories;

b) introducing targeted dialogues between the Commission and the MS to ensure efficient implementation of the national trajectories and national digital roadmaps.

- **Stronger role of the European Parliament in the governance and monitoring mechanism**

The EP proposes throughout the text a stronger role in achieving general objectives and digital targets (rows 73, 96, 131, 139, 234a-g, 236). **Coreper is invited to express its views on the acceptable level of involvement of the European Parliament:**

a) stronger role of the EP in the process of adopting Key Performance Indicators (KPIs) under delegated acts instead of implementing acts;

b) role of the EP in the follow-up to the cooperation mechanism, in terms of allowing the exchange of views between the relevant parliament committee and MS;

c) role of the EP in view of transparency, i.e. informing the EP by the Commission about progress in achieving digital targets as well as identified shortages and gaps.

9. The Czech Presidency would like to stress its commitment to achieving an agreement on this file as soon as possible.

III. CONCLUSION

10. The Permanent Representatives Committee is invited to take note of, and endorse compromise proposals set out in the Annex and with a view of reaching a provisional agreement with the European Parliament on 13 July to:
- indicate preferred guidance on reintroducing radio spectrum and follow up instrument to cooperation mechanism;
 - consider a compromise proposal that would refer to the Declaration of digital rights and principles for the Digital Decade as a guidance for achieving general objectives and digital targets set out in the Decision;
 - express its views on the acceptable level of involvement of the European Parliament.
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