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From:	Presidency
To:	Permanent Representatives Committee/Council
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Subject:	Proposal for a Regulation of the European Parliament and of the Council laying down measures for a high level of public sector interoperability across the Union (Interoperable Europe Act) - Progress report

I. INTRODUCTION

1. The Commission adopted the proposal for a Regulation laying down measures for a high level of public sector interoperability across the Union (Interoperable Europe Act) on 18 November 2022¹.

¹ Doc. 14973/22.

2. The proposal sets up a new framework to enable public administrations across the EU to cooperate more effectively and ensure the seamless delivery of public services across borders, sectors, and organisational boundaries, thus saving time and costs for citizens and businesses. In addition, the Interoperable Europe Act aims to facilitate the implementation of provisions relevant for the public services included in other legislative acts such as the Single Digital Gateway Regulation, the Digital Decade Policy Programme, the Open Data Directive and the Data Governance Act, as well as legislative proposals still under discussion such as the Regulation for a European Digital Identity and the Data Act. To achieve these objectives, the proposal sets up a multi-level governance framework, through the ‘Interoperable Europe Board’, and provides for the establishment of interoperability solutions, supported by measures to promote innovation and enhance skills and knowledge exchange.
3. In the European Parliament, the Committee for Industry, Research and Energy (ITRE), has been nominated as the committee responsible for the negotiations on the Interoperable Europe Act. In December 2022, the ITRE committee appointed MEP Ivars IJABS (Renew, Latvia) as rapporteur. The BUDG, IMCO, REGI and LIBE committees are associated for opinion.
4. On 13 December 2022, the European Data Protection Supervisor (EDPS) issued its opinion on the proposal².
5. The European Economic and Social Committee provided its opinion on the proposal on 22 March 2023.³ The Committee of the Regions has scheduled the adoption of its opinion for 25 Mai 2023.

² N9-0013/2023, [OJ C 060 17.02.2023, p. 0017](#).

³ [CES5805/2022](#)

II. WORK WITHIN THE COUNCIL

6. In the Council, the examination of the proposal has been carried out in the Working Party on Telecommunications and Information Society (hereinafter: WP TELECOM). The Czech Presidency invited the Commission to give a first, general presentation of its proposal in WP TELECOM on 28 November 2022. Under the Swedish Presidency, the WP TELECOM discussed the proposal during its meetings on 17 and 26 January, 14 and 21 February. During those meetings, the Commission presented in detail the entire text of the proposal, as well as the accompanying impact assessment.
7. Moreover, the Swedish Presidency organised one workshop on 7 March, with the participation of the Commission and experts from the capitals, based on the questions and requests for clarifications submitted by the delegations in advance in writing. The workshop provided an opportunity for the delegations to delve deeper into the topics addressed by the Interoperable Europe Act proposal and was appreciated by the delegations.
8. While the Commission's proposal builds on the current non-binding policy framework of interoperability and mostly responds to the need for a more coordinated approach, Member States have raised concerns about some of its main provisions. The Swedish Presidency has drafted a first compromise text of the Interoperable Europe Act proposal, which was discussed in WP TELECOM on 31 March 2023, and is currently working on a second compromise text, which it intends to be discussed in WP TELECOM by the end of May.
9. The main amendments aiming to address Member States' concerns, relate in particular to the following issues:
 - a) **Scope and proportionality**

Several delegations have voiced concerns about the scope of the proposed Regulation, questioning its proportionality in the light of the objectives to fulfil. In order to clarify and narrow down such scope, the changes include: a general exemption for national security and clearer definitions of some key concepts (e.g. 'cross-border services', 'ICT technical specification', 'open source licence' and 'regulatory sandbox').

b) Interoperability assessment

Mandatory cross-border interoperability assessments for new/updated network and information systems constitute additional obligations for Member States' public administrations and the institutions, bodies and agencies of the Union. The costs may vary across Member States and may represent a challenge in case of limited resources. Therefore, it is important to avoid duplication between the EU and the national level. With regard to the interoperability assessment the wording has been adjusted to clarify the scope and the conditions of the assessment (e.g., if an assessment is done for a set of requirements, it should not be repeated).

c) Alignment with the Artificial Intelligence Act (AIA) and the General Data Protection Regulation (GDPR)

The relationship of the Interoperable Europe Act proposal with the Artificial Intelligence Act is being addressed with regard to the so-called regulatory sandboxes. While considering the significant differences between the two proposals, it seems appropriate to harmonise the provisions concerning such regulatory tools in order to facilitate as much as possible the implementation phase. The interplay with the General Data Protection Regulation is also addressed to ensure consistency between the two legal instruments and clarify possible doubts about the processing of personal data and the protection of fundamental rights.

III. CONCLUSION

The COREPER is invited to take note of this progress report from the Presidency, with a view to submitting it to the TTE Telecom Council at its meeting on 2 June 2023.
