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Subject:	Proposal for a Decision of the European Parliament and of the Council establishing a programme on interoperability solutions for European public administrations, businesses and citizens (ISA2) Interoperability as a means for modernising the public sector - General Approach

I. **INTRODUCTION**

1. On 4 July 2014 the Commission transmitted to the Council the Proposal for a Decision of the European Parliament and of the Council establishing a programme on interoperability solutions for European public administrations, businesses and citizens (ISA2) Interoperability as a means for modernising the public sector (doc. 11580/14).

II. **PRESIDENCY PROPOSAL FOR A GENERAL APPROACH**

2. Since the publication of the Commission proposal, the text was discussed at the Working Party on Telecommunications and Information Society (TELECOM WP) on 13 January, 10 and 23 March, 18 and 26 May 2015.

3. The TELECOM WP on 26 May 2015 examined a Presidency compromise text (9014/15) in view of reaching a general approach at the TTE Council on 12 June 2015. During the meeting, the Presidency announced that it would introduce slight changes in recitals 28 and 33.
4. The vast majority of delegations has supported the Presidency compromise proposal.
5. Changes compared to the original Commission proposal are indicated by ~~strike through~~, new text is underlined. Please note that this text is identical to the text set out in document 9027/15 presented to Coreper on 29 May 2015.
6. The Presidency has submitted to the Permanent Representatives Committee on 29 May 2015 the compromise proposal to be adopted as a general approach by the TTE (Telecommunications) Council on 12 June 2015 and to serve as basis for forthcoming negotiations with the European Parliament aiming at exploring the possibilities for a first-reading agreement.
7. The Permanent Representatives Committee has confirmed the agreement reached by the Working Party on the text as set out in the Annex to this Note, and submitted the text as set out in Annex to this note to the TTE (Telecommunications) Council on 12 June with a view to reaching a general approach on this proposal.

III. CONCLUSION

8. On that basis the Council at its meeting on 12 June 2015 is invited to adopt the General Approach on this proposal as it stands in the Annex to the present note.

Proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing a programme on interoperability solutions for European public administrations, businesses and citizens (ISA²)

Interoperability as a means for modernising the public sector

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

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

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

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) In a series of Ministerial Declarations (in Manchester on 24 November 2005, Lisbon on 19 September 2007, Malmö on 18 November 2009 and Granada on 19 April 2010), ministers invited the Commission to facilitate cooperation among Member States by implementing cross-border and cross-sector interoperability solutions that will enable more efficient and secure public services. Moreover, Member States recognised that better public services need to be delivered with fewer resources, and that the potential of e-Government can be boosted by promoting a culture of collaboration and improving the conditions for interoperability in European public administrations.

¹ OJ C , , p.

² OJ C , , p. .

- (2) In its Communication of 19 May 2010 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on *A Digital Agenda for Europe*³ (DAE), one of the flagship initiatives of its Europe 2020 Strategy⁴, the Commission stressed that interoperability is essential to maximise the social and economic potential of ICT and that, consequently, the Digital Agenda can take off only if interoperability is ensured.
- (3) In its Communication of 16 December 2010 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions *Towards interoperability for European public services*⁵, the Commission introduced the European Interoperability Strategy (EIS) and the European Interoperability Framework (EIF).
- (4) At Union level, interoperability facilitates successful implementation of policies. The following policies in particular rely on interoperability for their effective and efficient implementation:
- (5) In the area of the internal market, Directive 2006/123/EC of the European Parliament and of the Council⁶ requires Member States to offer service providers the possibility of completing electronically and across borders all procedures and formalities needed to provide a service outside their home country.
- (6) In the area of company law, Directive 2012/17/EU⁷ requires the interoperability of Member States' central, commercial and companies registers via a central platform. The interconnection of company registers will ensure cross-border exchange of information between registers and will facilitate EU-level access for citizens and businesses to data on companies, thus improving legal certainty in the business environment in Europe.
- (7) In the area of environment, Directive 2007/2/EC of the European Parliament and of the Council⁸ requires the adoption of common implementing rules laying down technical interoperability arrangements. In particular, that Directive requires national infrastructures to be adapted to ensure that spatial data and services are interoperable and accessible across borders in the Union.

³ COM(2010) 245.

⁴ COM(2010) 2020.

⁵ COM(2010) 744.

⁶ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market. OJ L 376, 27.12.2006, p. 36.

⁷ Directive 2012/17/EU of the European Parliament and of the Council of 13 June 2012 amending Council Directive 89/666/EEC and Directives 2005/56/EC and 2009/101/EC of the European Parliament and of the Council as regards the interconnection of central, commercial and companies registers.

⁸ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE). OJ L 108, 25.4.2007, p. 1.

- (8) In the area of home affairs and justice, enhanced interoperability among European databases is the basis of the Visa Information System (VIS)⁹, the Schengen Information System II (SIS II)¹⁰, the European Dactyloscopy system (Eurodac)¹¹ and the e-Justice portal¹². Furthermore, on 24 September 2012, the Council adopted conclusions calling for the introduction of the European Legislation Identifier (ELI) and highlighting the need for interoperable searching and exchange of legal information published in national official journals and legal gazettes, through the use of unique identifiers and structured metadata.
- (9) Interoperability has been a key factor to success in the area of Customs, Taxation and excise duties, in operating trans-European ICT systems spanning all Member States supporting interoperable business services funded by the Fiscalis 2013 and Customs 2013 programmes, implemented and operated by the Commission and national administrations. Assets created under Fiscalis 2013 and Customs 2013 programmes are available for sharing and re-use from other policy areas.
- (10) In the area of health, Directive 2011/24/EU¹³ provides rules for facilitating access to safe, high-quality cross-border healthcare. Specifically, the Directive established the eHealth Network to address the interoperability challenge between electronic health systems. The Network can adopt guidelines on the minimum data set to be exchanged across borders in case of unplanned and emergency care and on ePrescription services across national borders.
- (11) In the area of European funds, Article 122 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council¹⁴ requires all exchanges of information between beneficiaries and managing authorities, certifying authorities, audit authorities and intermediate bodies to be carried out by means of electronic data-exchange systems. These systems are to facilitate interoperability with national and Union frameworks and allow beneficiaries to submit all requisite information only once.

⁹ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation). OJ L 218, 13.8.2008, p. 60–81.

¹⁰ Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second-generation Schengen Information System (SIS II). OJ L 381, 28.12.2006, p. 4–23.

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

¹² <https://e-justice.europa.eu>

¹³ Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients’ rights in cross-border healthcare. OJ L 88, 4.4.2011, p. 45-65.

¹⁴ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 . OJ L 347, 20.12.2013, p. 320.

- (12) In the area of public sector information, Directive 2013/37/EU of the European Parliament and of the Council¹⁵ stresses that public sector bodies should, where possible and appropriate, make documents available through open and machine-readable formats together with their metadata, at the best level of precision and granularity, in a format that ensures interoperability, re-use and accessibility.
- (13) In the area of electronic ~~identity identification~~, ~~the proposal of the Commission of 4 June 2012 for a Regulation (EU) 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC¹⁶ highlights the need for the Union to provides create an enabling for the establishment of the interoperability framework for the purposes of the interoperability of electronic identification schemes. framework to address cross-border interoperability and to improve the coordination of national supervision schemes on Union-wide accepted electronic identification and electronic authentication.~~
- (14) In the area of ICT standardisation, Regulation (EU) No 1025/2012 of the European Parliament and of the Council¹⁷ refers to interoperability as an essential outcome of standardisation.
- (15) In the area of research and innovation, Regulation (EU) No 1291/2013 of the European Parliament and of the Council, establishing Horizon 2020¹⁸, clearly mentions that interoperable solutions and standards in ICT are key enablers for the partnering of industries at Union level. Collaboration around common, open-technology platforms with spill-over and leverage effects will allow a wide range of stakeholders to benefit from new developments and create further innovations.

¹⁵ Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information. OJ L 175, 27.6.2013, p. 1.

¹⁶ COM(2012) 238. OJ C [...], [...], p.[...] OJ L 257, 28.8.2014, p. 73–114.

¹⁷ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council. OJ L 316, 14.11.2012, p. 12.

¹⁸ Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework Programme for Research and Innovation 2014-2020 and repealing Decision No 1982/2006/EC. OJ L 347, 20.12.2013, p. 104.

- (16) In public procurement, Directives 2014/25/EU¹⁹, 2014/24/EU²⁰ and 2014/23/EU²¹ of the European Parliament and of the Council of 28 March 2014 require Member States to implement electronic procurement. They state that the tools and devices to be used for communicating by electronic means, as well as their technical characteristics, must be interoperable with the information and communication technology products in general use. Moreover, Directive 2014/55/EU²² on electronic invoicing in public procurement adopted by the Parliament on 11 March 2014 concerns the development of a European standard for electronic invoicing in public procurement to ensure interoperability between electronic invoicing systems across the EU.
- (17) Interoperability is also a fundamental element of the Connecting Europe Facility (CEF) established by Regulation (EU) No 1316/2013 of the European Parliament and the Council²³ in the area of broadband infrastructure and services. The Regulation 2014/283/EU²⁴ on guidelines for trans-European networks in the area of telecommunications infrastructure explicitly mentions that an operational priority for the CEF to achieve its objectives is the interoperability, connectivity, sustainable deployment, operation and upgrading of trans-European digital service infrastructures as well as their coordination at Union level.
- (18) At political level, the Council has repeatedly called for even greater interoperability in Europe and for continued efforts to modernise European public administrations. In particular, on 24 and 25 October 2013, the European Council adopted conclusions stressing that the modernisation of public administrations should continue through the swift implementation of services such as e-government, e-health, e-invoicing and e-procurement, which rely on interoperability.
- (19) A single sector interoperability perspective is associated with the risk that the adoption of different or incompatible solutions at national or sectoral levels will throw up new e-barriers that impede the proper functioning of the internal market and the associated freedoms of movement, and undermine the openness and competitiveness of markets and the delivery of services of general interest to citizens and enterprises. In order to mitigate this risk, Member States and the Union should step up joint efforts to avoid market fragmentation and ensure cross-border or cross-sector interoperability in the implementation of legislation, while reducing administrative burdens and costs, and promote commonly agreed ICT solutions, while ensuring appropriate governance.

¹⁹ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC. OJ L 94, 28.3.2014, p243.

²⁰ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC. OJ L 94, 28.3.2014, p65-242.

²¹ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts. OJ L 94, 28.3.2014, p1-64.

²² Directive 2014/55/EU of the European Parliament and of the Council of 16 April 2014 on electronic invoicing in public procurement. OJ L 133, 6.5.2014, p. 1.

²³ Regulation (EU) No 1316/2013/EU of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010. OJ L 348, 20.12.2013, p. 129.

²⁴ Regulation (EU) No 283/2014 of the European Parliament and of the Council of 11 March 2014 on guidelines for trans-European networks in the area of telecommunications infrastructure and repealing Decision No 1336/97/EC. OJ L 86, 21.3.2014, p.14.

- (20) Several successive programmes have sought to ensure the coherent development and implementation of global and sectoral interoperability strategies, legal frameworks, guidelines, services and tools to address requirements under Union-wide policies, such as:
- the IDA Programme (1999-2004) set up by Decision 1719/1999/EC of the European Parliament and of the Council²⁵ and by Decision No 1720/1999/EC of the European Parliament and of the Council²⁶,
 - the IDABC Programme (2005-09) set up by Decision 2004/387/EC e-Government²⁷; and the
 - the ISA Programme (2010-15) set up by Decision No 922/2009/EC of the European Parliament and of the Council²⁸.
- (21) Activities under the IDA, IDABC and ISA Programmes have made important contributions to ensuring interoperability in the electronic exchange of information between public administrations of the Union. In its *Resolution on a competitive digital single market — e-Government as a spearhead* (3 April 2012)²⁹, the European Parliament recognised the contribution of the ISA Programme and its overarching role in defining, promoting and supporting the implementation of interoperability solutions and frameworks for European public administrations, achieving synergies, promoting the re-use of solutions and translating their interoperability requirements into specifications and standards for digital services.

²⁵ Decision 1719/1999/EC of the European Parliament and of the Council of 12 July 1999 on a series of guidelines, including the identification of projects of common interest, for trans-European networks for the electronic interchange of data between administrations (IDA). OJ L 203, 3.8.1999, p. 1.

²⁶ Decision 1720/1999/EC of the European Parliament and the Council of 12 July 1999 a series of actions and measures in order to ensure interoperability of and access to trans-European networks for the electronic interchange of data between administrations (IDA). OJ L 203, 3.8.1999, p. 9.

²⁷ Decision 2004/387/EC of the European Parliament and of the Council of 21 April 2004 on interoperable delivery of pan-European eGovernment services to public administrations, businesses and citizens. OJ L 144, 30.4.2004, p. 62 and OJ L 181, 18.5.2004, p. 25 (Corrigendum).

²⁸ Decision No 922/2009/EC of the European Parliament and of the Council of 16 September 2009 on interoperability solutions for European public administrations (ISA). OJ L 260, 3.10.2009, p. 20.

²⁹ Document A7-0083/2012.

- (22) With Decision No 922/2009/EC ceasing to apply on 31 December 2015, a new Union Programme on interoperability solutions for European public administrations, businesses and citizens (ISA²) is needed ~~in order to~~ develop, maintain and promote a holistic approach towards interoperability in order to eliminate fragmentation in the interoperability landscape in Union, to facilitate efficient and effective electronic cross-border or cross-sector interaction between European public administrations and between them and citizens and businesses, to identify, create and operate interoperability solutions supporting the implementation of Union policies and activities, and to facilitate the reuse of interoperability solutions by European public administrations. ~~map and analyse the overall interoperability landscape in Europe and avoid its fragmentation. The Programme will enable, support and promote a holistic approach to the collection, assessment, development, establishment, industrialisation, operation, improvement and maintenance of interoperability solutions, including solutions that facilitate the re-use of data as well as its exchange, in support of European public administrations' cross-border or cross-sector interactions with each other and with enterprises and citizens. Finally, the Programme will promote the re-usability, integration and convergence of existing solutions, including those derived from other Union policy areas.~~
- (23) Solutions established or operated under the ~~present~~ ISA² Programme should, as far as possible, form part of a consistent environment of services facilitating interaction between European public administrations, enterprises and citizens, and ensuring, facilitating and enabling cross-border or cross-sector interoperability.
- (24) Citizens and ~~enterprises-businesses, as end users,~~ should also benefit from common, re-usable and interoperable front-office services resulting from better integration of processes and exchange of data through the European public administrations' back-offices.
- (25) The ISA² Programme should be an instrument for the modernisation of European public administrations.
- (26) Interoperability is directly connected with, and dependent on the use of, standards and common specifications. The ISA² Programme should promote and, where appropriate, support the partial or full standardisation of existing interoperability solutions. This should be achieved in cooperation with other standardisation activities at Union level, European standardisation organisations and other international standardisation organisations.
- (27) The modernisation of public administrations is one of the key priorities for successful implementation of the Europe 2020 Strategy and the Digital Single Market (DSM). In this context, the Annual Growth Surveys published by the Commission in 2011, 2012 and 2013 show that the quality of European public administrations has a direct impact on the economic environment and is therefore crucial to stimulating productivity, competitiveness and growth. This is clearly reflected in the country-specific recommendations, which call for specific action aimed at public administration reform.

- (28) Regulation (EU) No 1303/2013 includes a thematic objective of ‘enhancing institutional capacity of public authorities and stakeholders and an efficient public administration’. In this context, the ISA² Programme should tie in with other initiatives contributing to the modernisation of European public administrations, in particular in relation to work on interoperability programmes and initiatives contributing to the modernisation of public administrations like e.g. the DAE, and related networks like e.g. the European Public Administration Network (EUPAN) and seek synergies with them.
- (29) Interoperability of European public administrations concerns all levels of administration: European, local, regional and national. It is therefore important that solutions take into account their respective needs, as well as those of citizens and enterprises where relevant.
- (30) National administrations can be supported in their endeavours through specific instruments under the European Structural and Investment Funds (ESIF). Close cooperation under the ISA² Programme should maximise the benefits expected from such instruments by ensuring that funded projects are aligned with the Union-wide interoperability frameworks and specifications such as the EIF.
- (31) This Decision lays down a financial envelope for the entire duration of the ISA² programme which constitute the prime reference amount, within the meaning of Point 17 of the Interinstitutional Agreement of 2 December 2013³⁰ between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, for the European Parliament and the Council during the annual budgetary procedure.
- (32) Consideration should be given to the possibility of using pre-accession funds to facilitate candidate countries’ participation in the ISA² Programme and the adoption and further implementation in those countries of solutions provided under it.
- (33) The ISA² Programme should contribute to the implementation of any follow-on initiatives in the context of Europe 2020 and the DAE. In order to avoid any duplication of effort, it should take account of other Union programmes and initiatives in the field of ICT solutions, services and infrastructures, in particular the CEF laid down in Regulation 1316/2013/EU₂ ~~and~~ Horizon 2020 laid down in Regulation (EU) No 1291/2013 and eGovernment Action Plan laid down in Communication from the Commission COM(2010) 743 final, and its future updates. For the purpose of rationalisation, the scheduling of the ISA² Programme committee meetings should, as far as possible, take into account scheduling of meetings related to other relevant Union initiatives and programmes meetings.

³⁰ Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management. OJ C 373, 20.12.2013, p. 1-11

- (34) In order to ensure uniform conditions for the implementation of this Decision, implementing powers should be conferred on the Commission to adopt a rolling work programme. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³¹.
- (35) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the established rolling work programme, imperative grounds of urgency so require.
- (36) The objectives of this Decision are to develop, maintain and promote a holistic approach towards interoperability, to facilitate efficient and effective electronic cross-border or cross-sector interaction between European public administrations and between them and citizens and businesses, to identify, create and operate interoperability solutions supporting the implementation of Union policies and activities and to facilitate the reuse of interoperability solutions by European public administrations. Since these objectives is cannot be sufficiently achieved by the Member States acting alone because the coordination function at the European level would be difficult and costly to set up at the level of the Member States by Member States themselves and can therefore, by reason of the scale and effects of the proposed action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article 1, this Decision does not go beyond what is necessary in order to achieve those objectives,

³¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers. OJ L 55, 28.12.2011, p. 13.

HAS ADOPTED THIS DECISION:

Article 1
Subject matter and objective

1. This Decision establishes, for 2016-20, a programme on interoperability solutions for European public administrations, businesses and citizens (hereinafter referred to as ‘the ISA² programme’).

~~The ISA² programme shall:~~ The objective of the ISA² programme is to:

- develop, maintain and promote a holistic approach towards interoperability in the Union in order to eliminate fragmentation in the interoperability landscape in Union;
- facilitate efficient and effective electronic cross-border or cross-sector interaction between European public administrations and between them and citizens and businesses; ~~in order to enable the delivery of electronic public services supporting the implementation of Union policies and activities.~~
- identify, create and operate interoperability solutions supporting the implementation of Union policies and activities;
- facilitate the re-use of interoperability solutions by European public administrations.

- ~~2. Through the ISA² Programme, the Union shall identify, create and operate interoperability solutions implementing Union policies. These solutions shall subsequently be provided for unlimited use to other Union institutions and bodies, and to national, regional and local public administrations thus facilitating cross-boarder or cross-sector interaction between them.~~

- ~~3. The ISA² Programme shall develop interoperability solutions autonomously or complement and support other Union initiatives by piloting interoperability solutions as a solution incubator or by ensuring their sustainability as a solution bridge.~~

4. The ISA² programme succeeds the Union programme on interoperability solutions for public administrations established by Decision No 922/2009/EC (hereinafter referred to as ‘the ISA programme’) and shall consolidate, promote and expand its activities.

Article 2
Definitions

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

- (1) ‘interoperability’ means the ability of disparate and diverse organisations to interact towards mutually beneficial and agreed common goals, involving the sharing of information and knowledge between the organisations, through the business processes they support, by means of the exchange of data between their respective information and communication technology (ICT) systems;
- (2) ‘interoperability solutions’ means common frameworks, common services and generic tools facilitating cooperation between disparate and diverse organisations, either autonomously funded and developed by the ISA² Programme or developed in cooperation with other Union initiatives, based on identified requirements of European public administrations;
- ~~(3) acting as a ‘solution incubator’ means the development of, or support for, interoperability solutions during their pilot phase, before they become operational under other Union programmes or initiatives;~~
- ~~(4) acting as a ‘solution bridge’ means the further development of, and support for, fully operational interoperability solutions before their delivery under other Union programmes or initiatives;~~
- (5) ‘common frameworks’ means specifications, standards, methodologies, guidelines, common semantic assets and similar approaches and documents;
- (6) ‘common services’ means the organisational and technical capacity to deliver a common outcome to ~~users~~ European public administrations, including operational systems, applications and digital infrastructures of a generic nature which meet common user requirements across policy or geographical areas, along with their supporting operational governance;
- (7) ‘generic tools’ means systems, reference platforms, shared and collaborative platforms, and generic components which meet common user requirements across policy or geographical areas;
- (8) ‘actions’ means projects, solutions already in their operational phase and accompanying measures;
- (9) ‘project’ means a time-limited sequence of well-defined tasks addressing identified user needs through a phased approach;
- (9a) ‘suspended actions’ means the actions of the ISA² Programme which financing is suspended for a certain period of time, but which objective is still valid and which remain subject to monitoring and evaluation of the ISA² Programme;

- (9b) ‘eligibility criteria’ means a set of criteria that actions shall comply with in order to be eligible for financing under the ISA² Programme;
- (9c) ‘prioritisation criteria’ means a set of criteria that prioritise the actions eligible for financing under the ISA² Programme to be included in the rolling work programme;
- (10) ‘accompanying measures’ means:
- ~~strategic and awareness-raising~~ measures;
 - awareness-raising measures;
 - measures in support of the management of the ISA² Programme;
 - measures in relation to the sharing of experience and the exchange and promotion of good practices;
 - measures to promote the re-use of existing interoperability solutions;
 - measures aimed at community-building and capability-raising; and
 - measures aimed at establishing synergies with initiatives relevant to interoperability in other areas of Union policy;
- (10a) ‘supporting instruments for public administrations’ means the interoperability tools, frameworks, guidelines, specifications that support European public administrations when designing, implementing and operating interoperability solutions;
- (10b) ‘European public administrations’ means the public administrations at European, national, regional and local level;
- (10c) ‘end users’ of the ISA² Programme means the European public administrations, citizens and businesses;
- (10d) ‘key interoperability enablers’ means the interoperability solutions that are necessary to be used by end users to enable the efficient and effective electronic delivery of public services;
- (11) ‘European Interoperability Reference Architecture (EIRA)’ means an architecture of a generic structure, comprising a set of principles and guidelines applying to the implementation of interoperability solutions in the European Union;
- (12) ‘European Interoperability Cartography (EIC)’ means a repository of interoperability solutions for European public administrations provided by Union institutions and Member States, presented in a common format and complying with specific re-usability and interoperability criteria that can be represented on the EIRA.

Article 3
Activities

The ISA² Programme shall support and promote:

- (a) the assessment, improvement, ~~establishment, industrialisation~~, operation and re-use of existing cross-border or cross-sector interoperability solutions;
- (b) the development, establishment, ~~industrialisation~~, bringing to maturity, operation and re-use of new cross-border or cross-sector interoperability solutions;
- (c) the assessment of the ICT implications of proposed or adopted Union legislation;
- (d) the identification of legislation gaps that hamper interoperability between European public administrations;
- (e) ~~the establishment, maintenance and improvement of the EIRA;~~
- (f) ~~the establishment and maintenance of the EIC as an instrument to facilitate the re-use of existing interoperability solutions and to identify the areas where such solutions are still lacking;~~
- (f1) the development of mechanisms that measure and quantify the benefits of interoperability solutions;
- (f2) the development of methodologies for assessing the cost-savings arising from implementing interoperability solutions;
- (f3) the mapping and analysis of the overall interoperability landscape in Union through the establishment, maintenance and improvement of the EIRA and the EIC as instruments to facilitate the re-use of existing interoperability solutions and to identify the areas where such solutions are still lacking.
- (f4) the maintenance, update, promotion and monitoring of the implementation of the European Interoperability Strategy (EIS), EIF and the EIRA;
- (g) the assessment, update and promotion of existing common specifications and standards and the development, establishment and promotion of new common specifications and standards through the Union's standardisation platforms and in cooperation with European or international standardisation organisations as appropriate; and
- (h) ~~the development of mechanisms that will measure and quantify the benefits of interoperability solutions.~~

(i *new*) the maintenance of a platform allowing access and collaboration on best practices. This platform functions also as means for awareness and dissemination of the available solutions and help avoiding overlapping efforts;

(j *new*) bringing new interoperability services and tools to maturity, and maintaining and operating existing interoperability services and tools on an interim basis.

~~In addition, the ISA² Programme may act as a ‘solution incubator’, piloting new interoperability solutions, and as a ‘solution bridge’, operating existing interoperability solutions.~~

Article 4 *General principles*

Actions launched or continued under the ISA² Programme shall:

- (a) be based on utility and driven by identified needs;
- (b) comply with the following set of principles:
 - subsidiarity and proportionality;
 - user-centricity;
 - inclusion and accessibility;
 - security and privacy;
 - multilingualism;
 - administrative simplification;
 - transparency;
 - preservation of information;
 - data protection;
 - openness;
 - re-usability;
 - technological neutrality and adaptability; and
 - effectiveness and efficiency;
- (c) be extensible and applicable to other business or policy areas; and
- (d) demonstrate financial, organisational and technical sustainability.

Article 5
Actions

1. The Commission shall, in cooperation with the Member States and in accordance with the implementation rules laid down in Article 7a, implement the actions specified in the rolling work programme established pursuant to Article 7, ~~in accordance with the implementation rules laid down in Article 6.~~
2. Actions in the form of projects shall, where appropriate, consist of the following phases:
 - initiation;
 - planning;
 - execution;
 - closing; and
 - monitoring and control.

The phases of specific projects shall be defined and specified at the time when the action is included in the rolling work programme. Implementation of actions may follow an iterative methodology.

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

~~*Article 6*~~ *(moved and amended as Article 7a)*
Implementation rules

- ~~1. In the implementation of the ISA² Programme, due consideration shall be given to the European Interoperability Strategy, the European Interoperability Framework and their future updates.~~
- ~~2. Involvement of the largest possible number of Member States in a project shall be encouraged. Member States shall be able, and encouraged, to join a project at any stage.~~
- ~~3. In order to ensure interoperability between national and Union information systems, interoperability solutions shall be specified with reference to existing and new European standards or publicly available or open specifications for information exchange and service integration.~~

4. ~~The establishment or improvement of interoperability solutions shall, where appropriate, build on or be accompanied by the sharing of experience and the exchange and promotion of good practices. The sharing of experience and good practices between all stakeholders and relevant public consultations shall be encouraged.~~
5. ~~In order to avoid duplication and to speed up the establishing of interoperability solutions, results achieved by other relevant Union and Member State initiatives shall be taken into account where appropriate.~~
6. ~~The implementation of interoperability solutions under the ISA² Programme shall, where appropriate, be guided by the EIRA.~~
7. ~~Interoperability solutions and their updates shall be included in the EIC and made available, where appropriate, for re-use by European public administrations.~~
8. ~~The Commission shall monitor periodically the implementation and re-use of interoperability solutions across the Union, as part of the rolling work programme established pursuant to Article 7.~~
9. ~~In order to maximise synergies and ensure complementary and combined efforts, actions shall, where appropriate, be coordinated with other relevant Union initiatives.~~
10. ~~All actions and interoperability solutions funded under the ISA² Programme shall be encouraged, where appropriate, to re-use available interoperability solutions.~~

Article 6a (new)
Eligibility

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

- (a) the objective of the ISA² Programme laid down in Article 1(1);
- (b) one or more of the activities of the ISA² Programme laid down in Article 3;
- (c) the principles of the ISA² Programme laid down in Article 4;
- (d) the financing conditions laid down in Article 9;

Article 6b (new)
Prioritisation

1. Subject to the second paragraph, all actions eligible for financing under ISA² Programme shall be prioritised according to the following prioritisation criteria:
 - (a) the contribution to the interoperability landscape, to be measured by how important and necessary is the action to complete the interoperability landscape in Union;
 - (b) the scope of the action, to be measured by the horizontal impact of the action, once completed, throughout sectors;
 - (c) the geographical reach of the action, to be measured by the penetration of the action in the Member States;
 - (d) the urgency of the action, to be measured by the urgency of the action based on its high potential impact and taking into account the lack of other funding sources;
 - (e) the reusability of the action, to be measured by the extent its results can be reused;
 - (f) the link with Union initiatives to be measured by the collaboration and contribution level of the action to Union initiatives such as the Digital Single Market (DSM).

2. The prioritisation criteria listed in the first paragraph are of equal value. The eligible actions fulfilling more of those criteria than other eligible actions shall get higher priority to be included in the rolling work programme.

Article 7
Rolling work programme

1. By [6 months after the date of entry into force of the ISA² programme], ~~At the start of the ISA² Programme, for the purposes of the implementation of actions and subject to this Article,~~ the Commission shall adopt implementing acts establishing a rolling work programme and amending it at least once a year, for the implementation of actions for the entire period of application of this Decision. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2). The Commission may amend this rolling work programme at least once per year in accordance with the same procedure.

The rolling work programme shall identify, prioritise, document, select, design, implement, operate and evaluate the actions referred to in Article 5 , as well as promote their results and, subject to Article 9(5), suspend and terminate the financing of actions.

2. The inclusion of actions in the rolling work programme shall be subject to compliance with a set of rules and admission criteria before being included in the rolling work programme. ~~Articles 6a and 6b. Those rules and criteria and any amendments thereof shall be an integral part of the rolling work programme.~~

3. A project originally launched and developed under the ISA Programme or another Union initiative may be included in the rolling work programme in any of its phases.

Article 7a (Amended ex Article 6)
Implementation rules

1. In the implementation of the ISA² Programme, due consideration shall be given to the European Interoperability Strategy, and the European Interoperability Framework ~~and their future updates.~~
2. ~~(moved as para 7a) Involvement of the largest possible number of Member States in a project shall be encouraged. Member States shall be able, and encouraged, to join a project at any stage.~~
3. In order to ensure interoperability between national and Union information systems, interoperability solutions shall be specified with reference to existing and new European standards or publicly available or open specifications for information exchange and service integration.
4. The establishment or improvement of interoperability solutions shall, where appropriate, build on or be accompanied by the sharing of experience and the exchange and promotion of good practices. The sharing of experience and good practices between all stakeholders and relevant public consultations shall be encouraged.
5. ~~In order to avoid duplication and to speed up the establishing of interoperability solutions, results achieved by other relevant Union and Member State initiatives shall be taken into account where appropriate.~~
6. ~~In~~ In the implementation of interoperability solutions under the ISA² Programme due consideration shall, where appropriate, be ~~guided~~ given ~~by~~ to the EIRA.
7. Interoperability solutions and their updates shall be included in the EIC and made available, where appropriate, for re-use by European public administrations.
- 7a. Involvement of the largest possible number of Member States in a project shall be encouraged. Member States shall be able, and shall be encouraged by the Commission, to join an action or project at any stage.
- 7b. In order to avoid duplication, interoperability solutions financed under the ISA² Programme, shall reference results achieved by relevant Union or Member States initiatives, where appropriate, and re-use existing interoperability solutions.
8. The Commission shall monitor periodically the implementation and re-use of interoperability solutions across the Union, as part of the rolling work programme established pursuant to Article 7(1).

9. In order to maximise synergies and ensure complementary and combined efforts, actions shall, where appropriate, be coordinated with other relevant Union initiatives.
- ~~10. All actions and interoperability solutions funded under the ISA² Programme shall be encouraged, where appropriate, to re-use available interoperability solutions.~~

Article 8
Budgetary provisions

1. Funds shall be released whenever a project or a solution in its operational phase is included in the rolling work programme or after successful completion of a project phase as defined in the rolling work programme and any amendments thereto.
2. Amendments to the rolling work programme concerning budgetary allocations of more than EUR 400 000 per action shall be adopted in accordance with the examination procedure referred to in Article 10(2).
3. Actions under the ISA² Programme may require the procurement of external services, which shall be subject to EU procurement rules as laid down in Regulation (EU, Euratom) N° 966/2012.

Article 9
~~*Actions and interoperability solutions eligible for financing*~~ *Financing of actions*

1. The development, establishment and improvement of common frameworks and generic tools shall be funded by the ISA² Programme. The use of such frameworks and tools shall be financed by the ~~users~~ European public administrations.
2. The development, establishment, ~~industrialisation~~ bringing to maturity and improvement of common services shall be funded by the ISA² Programme. A centralised operation of such services at Union level may be also funded by the ISA² Programme, in cases where such an operation is ~~considered by the Commission~~ as serving Union interests and is duly justified in the rolling work programme. In all other cases, use of those services shall be financed by other means.
3. Interoperability solutions taken over by the ISA² Programme as ~~'solution incubator' or a 'solution bridge'~~ either for bringing them to maturity or to maintain them on an interim basis shall be funded by the ISA² Programme until they are taken over by other programmes or initiatives.
4. Accompanying measures shall be funded by the ISA² Programme.
- 5new. The funding of an action may be suspended or terminated according to the monitoring and control results based on the assessment of whether that action continues to meet the identified needs, and on the assessment of its effectiveness and efficiency.

Article 10
Committee

1. The Commission shall be assisted by the Committee on Interoperability Solutions for European Public Administrations, Businesses and Citizens (the ISA² Committee). That committee shall be a committee within the meaning of ~~established under~~ Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. On duly justified imperative grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 8 of Regulation (EU) No 182/2011. Those acts shall remain in force for a period not exceeding 6 months.

Article 11
Monitoring and evaluation

1. The Commission ~~and the ISA² Committee~~ shall regularly monitor the implementation and impact of the ISA² Programme ~~and users' satisfaction with it.~~ , assessing whether its actions continue to meet identified needs. ~~They~~ It shall also explore synergies with complementary Union programmes.
2. The Commission shall report annually to the ISA² Committee on the implementation of the ISA² Programme.
3. The ISA² Programme shall be subject to an interim evaluation and a final evaluation, the results of which shall be communicated to the European Parliament and the Council ~~by 31 December 2018~~ by 30 September 2019 and 31 December 2021 respectively. In this context, the responsible committee of the Parliament may invite the Commission to present the evaluation results and answer questions raised by its members.
4. The evaluations shall examine issues such as the relevance, effectiveness, efficiency, utility, sustainability and coherence of ISA² Programme actions. The final evaluation shall, in addition, examine the extent to which the ISA² Programme has achieved its objective.
5. The performance of the ISA² Programme shall be assessed against the objective laid out in Article 1(1) and the actions of the rolling work programme. The objective shall be measured in particular through the number of key interoperability enablers and through the number of supporting instruments for public administrations delivered to and used by European public administrations. Indicators for measuring the result and impact of the Programme shall be defined in the rolling work programme.

6. The evaluations shall also examine the benefits of the actions to the Union for the advancement of common policies, identify potential overlaps and areas for potential improvement, and verify synergies with other Union initiatives, in particular with the Connecting Europe Facility. ~~in the area of cross-border or cross-sector interoperability and the modernisation of European public administrations.~~
7. Completed or suspended actions shall remain subject to the overall programme evaluation. They shall be monitored regarding their position in the overall landscape of interoperability solutions in Europe and evaluated in terms of user uptake, utilisation and re-usability.
8. The evaluation of the ISA² Programme shall contain, where applicable, information regarding:
 - (a) quantifiable benefits that the interoperability solutions deliver by linking ICT with end users' needs;
 - (b) the quantifiable positive impact of the interoperable ICT-based solutions.

Article 12
International cooperation

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

Article 13
Non-Union initiatives

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

Article 14
Financial provisions

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

Article 15
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*.

It shall apply from 1 January 2016 until 31 December 2020, except for Article 11 that shall apply until 31 December 2021.

Done at Brussels,

For the European Parliament
The President

For the Council
The President
