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NOTE

From:	AT, BG, CZ, CY, DK, ES, IE, LV, LT, LU, NL, PT, SI, SK delegations
To:	Delegations
Subject:	Non-paper pleading for a thorough analysis on the connection, purpose and interoperability between the OOTS, existing systems and new proposals

Non-paper pleading for a thorough analysis on the connection, purpose and interoperability between the OOTS, existing systems and new proposals.

The EU is with increasing pace facilitating cross-border digitisation. Several sectoral systems such as BRIS, EESSI, EUCARIS and ECRIS have been implemented and new technology like the European Blockchain Services Infrastructure (EBSI) has been introduced. Further cross-border digitisation of public services is planned through the implementation of the Single Digital Gateway Regulation (SDGR), which includes establishing a technical system for the automated exchange of evidence between competent authorities in Member States, which resulted in a proposal known as the Once Only Technical System (OOTS). Lastly, in the revision of the eIDAS Regulation, the Commission launched a new proposal for a European Digital Identity Wallet (EU ID Wallet), which could potentially transform the way in which cross-border digitisation and user interaction is carried out in the EU. While a clearer overall approach is needed, we also thank the Commission for starting to facilitate cooperation between SDG and eIDAS experts to begin addressing crossing issues.

We share the vision for the European Digital Single Market with cross-border mobility and integrated public services, and we support the overall purpose of the SDGR. We see the implementation of the Once-Only Technical System as a piece of essential digital infrastructure that must work in practice to achieve the vision of a co-delivery of public services within the European Digital Single Market. However, it is unclear at this moment how these ambitions are best accomplished. Keeping in mind the factors of pace, multiple systems and digital transformation it is paramount that new systems are designed thoroughly and cohesively. We strongly believe that a comprehensive framework and roadmap should be clarified with consideration of all the existing and proposed systems according to the potential use case scenarios, before an implementing act on the OOTS is adopted.

We have two main concerns. First, we are concerned that thinking in silos about new cross-border solutions will result in overlapping and hardly interoperable systems laying a disproportionate burden on Member States and not being beneficial for citizens and businesses. It is therefore necessary to have a more holistic approach when designing systems, with attention to existing knowledge, resources, and experience, reusing EU building blocks and existing technologies in a more coherent way. This is also beneficial for the competent authorities in Member States that need to adapt to several EU-initiatives. Secondly, we have concerns regarding the sustainability of making potentially redundant systems within the near future. The main reason for this is how we see the current transformation of the cross-border co-delivery of services, exemplified by the proposed EU ID Wallet. The Wallet has the user at its core with the principles of privacy by design and the ability for the user to act legally without the explicit knowledge of the authorities. Although the EU ID Wallet is currently not a defined solution, it offers a view into how cross-border digitisation will potentially look in the near future. It is therefore necessary to have a clear picture of not only what is necessary now, but also what will be necessary in the near future, before setting the technical specifications for the OOTS.

With these concerns in mind, we therefore plead for a clearer overall approach, in particular a clear and comprehensive picture and roadmap for the information exchange at EU level to co-delivery of public services. This requires, first, a thorough analysis on the connection, purpose and interoperability, strengths and weaknesses between the OOTS, existing systems like EESSI, the EBSI initiative and the new proposal of the EU ID Wallet as well as unfulfilled requirements concerning exchange of data within other domains

or under coming regulations (e.g. the Data Governance Act). Second, the Commission should create and evaluate with Member States various use cases and user scenarios, in order for the user to have the best experience concerning the exchange of documents and data with the help of the most convenient technology for both users and public authorities. We plead that, meanwhile, the current adoption of the OOTS implementing act awaits these results.

We believe the approach outlined above is in line with the principles of interoperability in the European Interoperability Framework stating that successful digitisation hinges on the interoperability principles regarding the legal, organisational, semantic and technical dimensions. Since legislation is meant to serve the public interest, the upcoming SDGR Implementing Act and revision of the eIDAS regulation offer a window of opportunity to analyse the possibility of a holistic European OOP framework and roadmap, taking into account all the existing and proposed systems and the availability of different technologies that might be better suited for different use cases. Thus, the SGDR deadline to implement an OOP technical system on 12 December 2023 should not prevent such an analysis for the best general interest. Finally, we wish to note that Article 36 of the SDGR requires a review and evaluation by December 2022 of “[...]the scope of Article 14, taking into account technological, market and legal developments concerning the exchange of evidence between competent authorities.”. Therefore, we propose to perform the evaluation now, in order to avoid unnecessary burdens for both Member States and the EU Commission.

This non-paper is sent on behalf of AT, BG, CZ, CY, DK, ES, IE, LV, LT, LU, NL,¹ PT, SI, and SK.

¹ The Dutch cabinet will soon change. The points made in the non-paper are in line with suggestions previously expressed by the Netherlands.