

OPINION

European Economic and Social Committee

European Interoperability Act

- a) 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)
[COM(2022) 720 final – 2022/0379 (COD)]
- b) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a strengthened public sector interoperability policy – Linking public services, supporting public policies and delivering public benefits – Towards an 'Interoperable Europe'
[COM(2022) 710 final]

INT/1003

Rapporteur: **Vasco de Mello**



Referral	a) European Parliament, 21/11/2022 b) Council of the European Union, 25/11/2022
Legal basis	a) Article 172 of the Treaty on the Functioning of the European Union TFEU b) Article 304 of the Treaty on the Functioning of the European Union
Section responsible	Single Market, Production and Consumption
Adopted in section	10/03/2023
Adopted at plenary	22/03/2023
Plenary session No	577
Outcome of vote (for/against/abstentions)	200/0/3

1. Conclusions and recommendations

- 1.1 Like the Commission, the European Economic and Social Committee (EESC) believes that interoperability between public services is an essential requirement for a digital single market to be established.
- 1.2 However, achieving this objective must not involve Member States adopting a policy of complete digitalisation of public services to the detriment of those provided in person; it should take into consideration the most vulnerable population groups. Training on digital skills should be available to everyone, but in particular to these population groups.
- 1.3 Instead of reducing personnel, the development and operation of digital services will, initially, create an additional need for personnel. Adequate staffing is a prerequisite for a successful digital transformation.
- 1.4 The EESC is pleased to note that digitalisation of public services developed considerably during the pandemic.
- 1.5 The EESC supports the creation of a governance model for this policy, consisting of two key bodies - the Interoperable Europe Board and the Interoperable Europe Community.
- 1.6 The EESC welcomes the fact that the communication provides for the design of experimental solutions allowing for partnerships between the public sector and innovative technology companies and start-ups, with a view to creating innovative experimental solutions which could be applied in and shared by public services.
- 1.7 The EESC considers it important for future funding programmes for public service interoperability projects to make granting of funding conditional on adopting the principles and structures advocated by the European Interoperability Framework.
- 1.8 While welcoming the fact that this process fits into the so-called dual transition, the EESC warns that some technological solutions for digitalisation could be highly energy-intensive.
 - 1.8.1 The EESC believes that, with the necessary care taken, data protection cannot be allowed to be an obstacle to either public services or private individuals creating new interoperable solutions.
 - 1.8.2 Moreover, the EESC believes that access to data, whether for people, businesses or other public services, should be subject to different levels of authorisation in order to safeguard data confidentiality and to ensure that only data that is strictly necessary is disclosed.

2. Background

- 2.1 The creation of an internal market, i.e. an area of free movement of people, goods, services and capital, entails dismantling all existing national barriers.

- 2.2 Since its establishment, and more insistently after the creation of the single market, the European Union has been seeking to dismantle any kind of barrier that could hinder the creation of a genuine internal market.
- 2.3 For a genuine internal market to exist, people and businesses need to have fast, easy access to and interaction with public services in the Member States, whether at local, regional or national level.
- 2.4 Moreover, the existence of an open area like the European space requires data sharing and cooperation between government bodies at all levels.
- 2.5 Since the 1990s, the Commission has sought to take steps to build and maintain interoperability¹ or, even better, interconnectivity between the Member States' various public services².
- 2.6 This need has increased over time as the internal market has moved to a new, digital way of operating³.
- 2.7 Digitalisation is a genuine revolution, both in people's habits and in the way businesses and public administration operate.
- 2.8 In recent years, a number of public services in the Member States that previously were only provided in person have also been provided digitally, bringing enormous benefit for both people, businesses and the public services themselves, enabling huge savings, both in working hours and in financial costs.
- 2.9 The COVID-19 crisis has accelerated this trend by demonstrating that interoperability between the various European public services could become a useful tool for implementing the free movement of people, as happened with the COVID certificate.
- 2.10 The European Union recognises that digitalisation of the public sector, given its contribution to GDP⁴, could be a key factor in the European digitalisation process, not only because of its leverage capacity in relation to other sectors, but also as a leading factor in this process in the context of the European economy.

¹ Public sector interoperability is defined as being "what enables administrations to cooperate and make public services function across borders, across sectors and across organisational boundaries". Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a strengthened public sector interoperability policy Linking public services, supporting public policies and delivering public benefits Towards an 'Interoperable Europe'.

² With Decision 1719/1999/EC of the European Parliament and of the Council, a Commission initiative on public service interoperability was launched, which consisted of a series of guidelines, including the identification of projects of common interest, for trans-European networks for the electronic interchange of data between administrations.

³ The building of a digital internal market has created an urgent need not just to remove barriers to its existence but also to create mechanisms to prevent new barriers from arising.

⁴ According to Eurostat figures for 2022, the public sector accounts for 53.1% of European GDP - [Government finance statistics - Statistics Explained \(europa.eu\)](#).

- 2.11 As a result, the recovery and resilience plans provide for public investment for the digitalisation of public administration amounting to a total of EUR 47 billion.
- 2.12 The European Union, through the Commission, and the Member States' governments have recognised over time the need to deepen the interoperability and interconnectivity of national public services, among themselves and between these services and those of the European Union⁵, so that people and businesses throughout the EU can access these services wherever they are.
- 2.13 While public service interoperability is not a new topic⁶, this communication seeks to create a more formal, more stable and more secure framework for cooperation, leading to further deepening of the existing interconnectivity between the digital systems of the various national public services and between them and the European Union's own services⁷. This should act as a catalyst for achievement of this objective, so that in 2030 public services in the European Union are provided 100% online, as proposed in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – 2030 Digital Compass: the European way for the Digital Decade [COM(2021) 118].
- 2.14 To this end, the communication which is the subject of this opinion sets out the following key pillars for the implementation of a coherent approach in this area, namely:
- creation of an interoperability governance structure made up of two bodies (the Interoperable Europe Board and the Interoperable Europe Community), which is designed to allow public administrations to collaborate at both general (European, national, regional and local) and sectoral (justice, transport, internal affairs, health, ecology, etc.) levels, as well as with private stakeholders – with a mandate to reach an agreement on shared interoperability solutions (e.g. frameworks, open specifications, open standards, applications or guidelines);
 - introduction of a mandatory assessment of any impact on cross-border interoperability of introducing or altering a public service information system;
 - co-creation of an ecosystem of interoperability solutions for the EU public sector (introduction of catalogues of recognised interoperability assets that can be used by administrations and in policymaking, such as digital tools, specifications or solutions), so that public administrations at all levels in the EU and other stakeholders can contribute to the creation, improvement and re-use of such solutions, thus enabling them to innovate together and create public value;

⁵ For example, see the final declarations of the inter-ministerial meetings held in Tallinn (2017), Berlin (2020) and Strasbourg (2022).

⁶ In 2010, the Commission presented the Communication [*Towards interoperability for European public services*](#) (COM(2010) 744 final), which was the subject of EESC opinion TEN/448-449 and the implementation of which was supported by the programme on interoperability solutions for European public administrations (ISA) – Decision 922/2009/EC of the European Parliament and of the Council of 16 September, succeeded in 2015 by the ISA² programme – Decision (EU) 2015/2240 of the European Parliament and of the Council, and the Digital Europe Programme – Regulation (EU) 2021/694 of the European Parliament and of the Council.

⁷ The Commission proposal acknowledges that the voluntary approach taken thus far is not sufficient to achieve the proposed interoperability objectives.

- making granting of certain European Union funding for creating or strengthening national information systems conditional on using solutions and principles pre-defined by the European Union⁸.

3. General comments

- 3.1 Like the Commission, the EESC believes that interoperability between public services is an essential requirement for a digital single market to be established and for remaining barriers in the physical market to be removed⁹.
- 3.2 Setting a target of 2030 for public services being delivered 100% online across the European Union entails speeding up and upgrading a trans-European network that connects them and uses common technical, semantic, legal and organisational components, among others.
- 3.3 However, achieving this objective must not lead to a national policy of complete digitalisation of public services to the detriment of those provided in person; it should take into consideration the most vulnerable population groups, since everyone must have access to public services provided in person. Training on digital skills should be available to everyone, but in particular to these population groups.
- 3.4 Instead of reducing personnel, the development and operation of digital services will, initially, create an additional need for personnel. Adequate staffing is a prerequisite for a successful digital transformation.
- 3.5 Digitalisation should serve to provide a better public service.
- 3.6 As the EESC stated in its earlier opinion, "it should not ... be about replacing people with computers, but rather about freeing up people's time for more rewarding tasks"¹⁰.
- 3.7 Digitalisation and the use of artificial intelligence are not a means of legitimising blanket job cuts. The elimination of routine tasks due to digitalisation should lead to employees having more time for demanding work and advising people.

⁸ See the explanatory document accompanying the proposal for a regulation and the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a strengthened public sector interoperability policy Linking public services, supporting public policies and delivering public benefits Towards an 'Interoperable Europe'.

⁹ Already in its opinion TEN/635 – European Interoperability Framework – Implementation Strategy, the EESC pointed out the importance of interoperability for the completion of the digital single market [OJ C 81, 2.3.2018, p. 176](#).

¹⁰ See: EESC Opinion on the "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The European eGovernment Action Plan 2011-2015 – Harnessing ICT to promote smart, sustainable and innovative Government", and on the "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Towards interoperability for European public services" [OJ C 376, 22.12.2011, p. 92](#).

- 3.8 In addition, in 2030 there will certainly be a minority of digitally excluded people who will only have access to public services in person¹¹. Analogue access routes for people to use public services must not be made more difficult or closed in the course of digitalisation.
- 3.9 The EESC therefore welcomes the fact that this communication seeks to deepen and improve the level of interoperability of the public sector by establishing a legal framework defined at EU level¹².
- 3.10 The EESC recognises that this deepening of interoperability will bring enormous benefits both for citizens – particularly cross-border workers – and businesses and for Member States' public administrations themselves.
- 3.11 However, in order for these benefits to be truly effective, as the Commission acknowledges, it is not enough to lay down technical rules making interconnection of services possible. Sufficient national public investment is needed at all levels.
- 3.12 Coordination is needed both in law-making and between sectoral service networks in order to avoid, on the one hand, the results obtained from interoperability being rendered ineffective by unnecessary bureaucracy, and, on the other hand, the same data being provided more than once by citizens or businesses to different public services, resulting in duplication of procedures and unnecessary costs.
- 3.13 On the other hand, there should be no national barriers to digital public services making it impossible for them to be used across borders, either in their connectivity or interoperability, with citizens and businesses from other Member States or with other public services belonging to other Member States¹³.
- 3.14 The EESC is pleased to note that digitalisation of public services developed considerably during the pandemic and lockdowns.
- 3.15 To this end, we welcome the fact that the communication in question seeks to achieve a line of coherence between all interoperability policies, both national policies and European sectoral policies, to be achieved by encouraging use of common models, sharing of technical specifications and other shareable solutions.
- 3.16 For the same reasons, the EESC supports the principle of reuse and transmission of elements and data by the various public services, both European and national.
- 3.17 The EESC is also concerned about use of languages when it comes to interoperability of public services. The language regime should not be a bureaucratic barrier, and it needs to be ensured that data and information sharing take place in a language that can be understood by all.

¹¹ This is an ongoing concern addressed by EESC opinions: [OJC 81, 23.2018, p. 176](#).

¹² The EESC has expressed its support in previous opinions for all European Union projects aimed at achieving the objectives of the European Union's digital transition – [OJC 365, 23.9.2022, p. 13](#).

¹³ One matter that could become an obstacle to cross-border interoperability of public services is personal data.

- 3.18 The EESC supports the creation and institutionalisation of a governance model for this policy, consisting of two key bodies. These are the Interoperable Europe Board, to be chaired by the Commission and made up of representatives of all the Member States, a representative of the Committee of the Regions and a representative of the European Economic and Social Committee, and the Interoperable Europe Community made up of elements of civil society and the private sector¹⁴¹⁵.
- 3.19 The EESC considers it important to involve civil society, particularly the social partners, in interoperability policymaking, not just because people and businesses are the end target groups for this policy, but also because civil society can contribute new technological solutions to the policy which would not be achievable through the public sector.
- 3.20 The EESC believes that civil society should be involved at various levels, and the Commission should encourage and provide incentives for Member States to promote this involvement at different levels – national, regional and local.
- 3.21 The EESC welcomes the Commission's creation of a single access point, with the aim of concentrating and centralising all knowledge and solutions relating to interoperability. These can be provided by both public and private entities.
- 3.22 Like the Commission, the EESC believes that EU public services should reduce their dependence on digital infrastructure provided by third countries, which jeopardises European digital sovereignty.
- 3.23 To this end, we stress that the Commission considers that open systems should be used, preferably as open-source software, allowing solutions to be shared between developers.
- 3.24 In this regard, the EESC welcomes the fact that the communication provides for and encourages the design of experimental solutions allowing for partnerships between the public sector and innovative technology companies and start-ups, with a view to creating innovative experimental solutions, which, after a successful testing phase, could be applied in and shared by public services.
- 3.25 The EESC considers it important for future funding programmes for public service interoperability projects to make granting of funding conditional on adopting the principles and structures advocated by the European Interoperability Framework.
- 3.26 This will be a good way to force public services to adopt common standards for interoperability on a voluntary basis.

¹⁴ The Interoperable Europe Board is tasked with designing measures and with supporting, advising and monitoring European interoperability policies, while the Interoperable Europe Community will bring together elements of civil society to assist the Interoperable Europe Board in finding and defining any new solutions it may put forward.

¹⁵ The option currently adopted by the Commission is in line with the recommendations made by the EESC in previous opinions – [OJ C 81, 2.3.2018, p. 176](#).

- 3.27 The EESC is surprised to see that, unlike previous communications¹⁶, this communication makes no mention of the benefits that interoperable European public systems can bring to the fight against fraud, which will result in efficiency and revenue gains for the Member States.
- 3.28 In this respect, the EESC stresses that interoperable systems should be accompanied by the use of artificial intelligence, which could assist public services in data analysis and, in addition, allow alerts and warnings to be created to be sent to various public services in the Member States.
- 3.29 Finally, we have two last comments on the green transition and data protection:
- 3.29.1 One of the objectives of the communication is to incorporate the strategy for public systems interoperability into the green, as well as the digital, transition strategies.
- 3.29.2 The EESC points out that some highly-effective IT solutions may be highly energy-intensive.
- 3.29.3 This applies to blockchain technology, which, although very effective in terms of security, for example, of sensitive data, is a large consumer of energy resources.
- 3.29.4 The EESC welcomes the way in which regulation for regulatory sandboxes has been achieved in this regard in the communication.
- 3.29.5 The EESC believes that, with the necessary care taken, data protection cannot be allowed to be an obstacle to either public services or private individuals creating new interoperable solutions.
- 3.29.6 Moreover, the EESC believes that access to data, whether for people, businesses or other public services, should be subject to different levels of authorisation in order to safeguard data confidentiality and to ensure that only data that is strictly necessary is disclosed.
- 3.29.7 This would avoid issues such as those that have arisen recently concerning the accessibility of data contained in the Central Register of the Effective Beneficiary, which have already been the subject of a ruling by the Court of Justice of the European Union.

Brussels, 22 March 2023

Christa SCHWENG
President of the European Economic and Social Committee

¹⁶ See: the Annex to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions European Interoperability Framework – Implementation Strategy.



Council of the European Union
General Secretariat

Brussels, 31 March 2023

WK 4517/2023 INIT

LIMITE

TELECOM

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Telecommunications and Information Society
Subject:	Interoperable Europe Act: European Economic and Social Committee opinion

Delegations will find in the annex the EESC opinion on the Proposal for an Interoperable Europe Act.