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COVER NOTE

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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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Subject:	REGULATORY SCRUTINY BOARD OPINION Impact assessment / Proposal for a strengthened EU governments' interoperability policy

Delegations will find attached document SEC(2022) 720 final.

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EUROPEAN COMMISSION

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REGULATORY SCRUTINY BOARD OPINION

Impact assessment / Proposal for a strengthened EU governments' interoperability policy

{COM(2022) 720 final}

{SWD(2022) 720 final}

{SWD(2022) 721 final}

{SWD(2022) 722 final}

EUROPEAN COMMISSION
Regulatory Scrutiny Board

Brussels,
RSB

Opinion

Title: Impact assessment / Proposal for a strengthened EU governments' interoperability policy

Overall opinion: POSITIVE WITH RESERVATIONS

(A) Policy context

Interoperability is the ability of organisations to interact, share information and knowledge at all levels in a seamless manner through their IT systems.

A European Interoperability Framework (EIF) has been in place for more than 15 years. It supports governments to build integrated public services. Its guidance is non-binding and is supported by the Interoperability solutions for public administrations, businesses and citizens (ISA²) programme. The EIF seeks to establish a holistic approach to interoperability in the EU. However, the evaluations of EIF and ISA² show that a non-binding EIF has not been sufficient to establish interoperability in practice.

This initiative aims to support the development of an integrated and coherent approach to public sector interoperability throughout the EU.

(B) Summary of findings

The Board notes the additional information provided in advance of the meeting and commitments to make changes to the report.

However, the report still contains significant shortcomings. The Board gives a positive opinion with reservations because it expects the DG to rectify the following aspects:

(1) The report is not clear on the scope of the initiative and its links to the proposed legal base. The report does not sufficiently explain the interaction of the interoperability policy with other related policies.

(2) The report does not provide sufficient evidence of the identified problems nor of their evolution in the future. It does not explain why some Member States have chosen not to implement an EIF-inspired interoperability framework.

(3) The content of the options is not sufficiently clear. The report does not explain how the policy options, in particular the preferred one, would be implemented in practice. In particular, the role and decision-making power of the envisaged

This opinion concerns a draft impact assessment which may differ from the final version.

Commission européenne, B-1049 Bruxelles - Belgium. Office: BERL 08/010. E-mail: regulatory-scrutiny-board@ec.europa.eu

governance bodies remains too vague.

(4) The report does not sufficiently explain the differences between the different estimates of potential savings. In particular, the report overestimates the savings from interoperability, as it does not disaggregate them from savings of other simplification and digitalisation policies.

(C) What to improve

(1) The report should more clearly define the scope of the initiative and be more precise whether it is designed to promote only EU cross-border interoperability or interoperability between government levels within Member States. It should also clarify whether it covers interactions with citizens and enterprises. It should ensure that the scope is in line with the proposed legal base and it should clearly demonstrate the respect of the subsidiarity principle of the chosen scope. The problem description and objectives should reflect the scope of the initiative accordingly.

(2) The links and complementarity with the Data Governance Act should be further explored.

(3) The report should provide more evidence on the existence and scale of the problems. It should explain why some Member States have chosen not to implement an EIF-inspired interoperability framework. The report should also provide more evidence on the relation between open-source software and interoperability.

(4) The report should clarify the content, functioning and practical implications of the envisaged policy options. It should define more completely the role and authority of the governance mechanism under the different options, in particular of the preferred option. It should also clarify the status of the interoperability framework for smart cities and communities and how this relates to the scope and impacts of the initiative. The report should also be more precise on the need and possible measures to better integrate interoperability in EU policy making. It should also consider to what extent the policy options are future-proof.

(5) The report should explain how the two estimates (JRC and CEPS) of potential savings of this initiative relate to each other and what explains the big difference between them. It should discuss the assumptions and potential uncertainties associated with the estimates of costs and benefits. The impact analysis should avoid overestimating the potential cost savings of interoperability and try to disaggregate them from the wider benefits of digitalisation. This should be based on the analysis of some examples or case studies, including those presented in the technical reports. The report should also analyse possible impacts on innovation.

(6) The report should better explain the views and positions of different stakeholder groups. It should report on both the majority and the dissenting views and explain how it has taken the latter into account.

The Board notes the estimated costs and benefits of the preferred option in this initiative, as summarised in the attached quantification tables.

Some more technical comments have been sent directly to the author DG.

(D) Conclusion **The DG must revise the report in accordance with the Board's findings before launching the interservice consultation.** **If there are any changes in the choice or design of the preferred option in the final version of the report, the DG may need to further adjust the attached quantification tables to reflect this.**	
Full title	Proposal for a strengthened EU governments' interoperability policy
Reference number	PLAN/2020/7507
Submitted to RSB on	17 December 2021
Date of RSB meeting	19 January 2022

ANNEX: Quantification tables extracted from the draft impact assessment report

The following tables contain information on the costs and benefits of the initiative on which the Board has given its opinion, as presented above.

If the draft report has been revised in line with the Board's recommendations, the content of these tables may be different from those in the final version of the impact assessment report, as published by the Commission.

I. Overview of Benefits (total for all provisions) – Preferred Option		
Description	***Amount***	***Comments***
Direct benefits (total EU-27)		
Saved hours	2,381,071	The yearly average of saved hours for citizens in the EU using interoperable digital public services both nationally and cross-borders
Administrative costs savings	EUR 3,744,537,503	The yearly average of administrative costs savings for businesses operating cross-borders in the EU-27
Administrative costs savings	EUR 4,167,811,294	The yearly average of administrative costs savings for public administrations in the EU-27 from reducing duplications in their work and being better equipped to interact with one another.

II. Overview of costs – Preferred option							
		Citizens/Consumers		Businesses		Administrations (total EU-27)	
		One-off	Recurrent	One-off	Recurrent	One-off	Recurrent
Action (a)	Direct costs	0	0	0	0	Between EUR 475,195,045 and EUR 518,515,101[1]	Between EUR 95,039,009 and EUR 103,703,020[2]
	Indirect costs						

[1] There is a range depending on the degree of alignment of the Member State with the current EIF, for the countries which are already fully aligned costs are lower than for those not yet aligned. See method in the CEPS - Study supporting the impact assessment for a future interoperability strategy p. 136 Table 36, and p. 138 for Policy Option 2

[2] Recurrent costs are estimated at 20% of initial costs in line with practices in the ICT industry