**European Economic and Social Committee**

Brussels, 21 September 2011

# OPINION

of the

European Economic and Social Committee

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 & innovative Government**

COM(2010) 743 final

and 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**

COM(2010) 744 final

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Rapporteur: **Mr Hencks**

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On 15 and 16 December 2010, the Commission decided to consult the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, on the

> *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on The European eGovernment Action Plan 2011-2015 (Harnessing ICT to promote smart, sustainable & innovative Government)*
> COM(2010) 743 final, and 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*
> COM(2010) 744 final.

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 7 September 2011.

At its 474th plenary session, held on 21 and 22 September 2011 (meeting of 21 September), the European Economic and Social Committee adopted the following opinion by 161 votes to 1, with 8 abstentions.

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1.      **Conclusions and recommendations**

1.1      The action plan under review was originally called for at the 2009 ministerial eGovernment conference in Malmö, at which EU ministers undertook to promote more accessible, interactive and customised online cross-border public services. Further commitments were made under the Digital Agenda and the Europe 2020 strategy.

1.2      As the Commission's remit in this area is limited to proposing conditions and actions conducive to the harmonious development of cross-border eGovernment transactions in Europe, the Committee would like to highlight the fact that it will ultimately be up to the Member States to ensure that the Malmö commitments are kept.

1.3      To avoid confusion with a different type of service, the Committee proposes that the term "European cross-border eGovernment public services" be used rather than "European public services".

1.4     The Committee endorses the action plan put forward by the Commission towards a sustainable and innovative form of eGovernment, which paves the way to more customised and interactive public services and takes better account of the needs and expectations of users, who are now being asked to play a more active role in the design of online public services.

1.5     The promotion of eGovernment should be accompanied by a reform of government and its relations with users, inter alia by helping people trying to complete eGovernment procedures.

1.6     The EU and the Member States should take all necessary measures to ensure that all sections of the community, including the disadvantaged, are included in the digital society, in line with the Europe 2020 strategy and Article 9 of the Treaty on the Functioning of the European Union.

1.7     As regards interoperability, eSignatures and eIdentification, the obstacles here often result from the lack of a cross-border legal basis, differences in national legislation and solutions adopted by Member States that are mutually incompatible. The systems involved require good and effective multilateral governance that is human-based and properly resourced.

1.8     Within a European Interoperability Framework, the Committee supports the development of a vision for common interface standards and advocates a platform for exchanging information, experiences and codes based on software that is free and open to enable corrections and modifications, and especially open data formats for interoperability. The experience acquired by certain administrations (e.g. customs) should be utilised to make provision for the technical, semantic and organisational interoperability of the systems before they are interconnected, because this would guarantee the implementation of agreements and functional stability, via the establishment of common rules and solid legal bases.

1.9     Interoperability is now essential, but only for the services where it is useful. Achieving interoperability is a very complex matter and requires the integration of a range of actions and technical measures to guarantee secure transactions for the public. It is also an evolving concept.

1.10    Before proceeding with data exchange, Member State administrations should be encouraged to screen the information so that only the data relevant to the transaction in question are put online; ensuring compliance with existing rules would be a good starting point.

1.11    The personal data of individuals, companies and associations must be protected and their "right to be forgotten" respected. Data security should be guaranteed at EU level, beginning at transaction design and including with regard to servers, software, storage, exchanges, etc. Any reuse of data by third parties should be subject to the same rules and requirements.

2. **Promoting eGovernment**

2.1 Since 1993, the EU has undertaken to coordinate Member States' actions aimed at facilitating digital convergence and to respond to the challenges associated with the information society (IDA, IDAI, IDAII, IDABC, ISA programmes)[1], in order to create a Single European Information Space offering affordable and secure high-bandwidth communications and rich and diverse content, adapted to users' needs.

2.2 The EU has thus adopted the corresponding policy guidelines set out in a number of communications and action plans, some of which being aimed at accelerating eGovernment; these are based on five priorities:

- access for all;
- increased efficiency;
- high-impact eGovernment services;
- putting key enablers in place; and
- increased participation in democratic decision-making.

2.3 The new action plan is an integral part of the digital agenda. The EU and the Member States should take all necessary measures to ensure that all sections of the community, including the disadvantaged, are included in the digital society, in line with the Europe 2020 strategy and Article 9 of the Treaty on the Functioning of the European Union.

3. **The Commission's new initiatives**

3.1 At the fifth ministerial eGovernment conference in Malmö in 2009, EU ministers undertook to boost Europe's competitiveness by harnessing the time and cost savings that could be generated by more accessible, interactive and customised online public services.

3.2 The Commission is therefore proposing a new eGovernment action plan which aims to provide a tangible response to the call made at the Malmö Conference and contribute to two key goals of the digital agenda for Europe, i.e. that the Member States should have aligned their national interoperability frameworks to the applicable European frameworks by 2013, and that public administrations should promote eGovernment so that by 2015 50% of the general public and 80% of businesses are using eGovernment services.

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[1]  OJ C 249, 13.9.1993, p. 6; OJ C 214, 10.7.1998, p. 33; OJ C 80, 3.4.2002, p. 21; OJ C 80, 30.3.2004, p. 83; OJ C 218,11.9.2009, p. 36.

3.3     The 40 measures of the action plan for 2011-2015 cover four areas:

A.  <u>User empowerment:</u>

- services designed around users' needs;
- collaborative production of services using Web 2.0-type technologies, for example;
- re-use of public sector information;
- increased transparency; and
- involvement of individuals and businesses in policy-making processes.

B.  <u>Internal market:</u>

- seamless services for businesses; and
- EU-wide implementation of cross-border services.

C.  <u>Efficiency and effectiveness of public administrations:</u>

- improving organisational processes (electronic public procurement, faster processing of requests, etc.);
- reduction of administrative burdens; and
- green government (electronic archiving, using videoconferences to limit travel, etc.).

D.  <u>Pre-conditions for developing eGovernment:</u>

- open specifications and interoperability (implementation of the European Interoperability Framework);
- creating key enablers (revision of the eSignature Directive, proposal for a decision to ensure pan-EU mutual recognition of eIdentification and eAuthentication).

3.4     The action plan includes the following specific measures:

- implementing once-only secure registration of data with government (to avoid having to give the same information again and again to different parts of government);
- developing the EU-wide use of electronic identity systems ("eID") to smooth cross-border procedures such as starting a company abroad, moving home or work abroad, arranging your pension online if you retire to another country, or registering at a foreign school or university;
- allowing citizens and business to see in real time the state of progress of their transactions with government thanks to more transparency and openness;
- customising services to respond better to users' real needs, such as ensuring the safe and fast digital delivery of documents and information; and

- making data available for re-use by third parties so that new public services and applications can be developed.

## 4. General comments

The Committee agrees that it is vital to promote sustainable and innovative eGovernment and unhindered cross-border interoperability.

4.1 The Committee thus points out that the Commission's primary task here is to create conditions that are more conducive to the development of eGovernment transactions and, in particular, the relevant pre-conditions, such as interoperability, eSignatures and eIdentification, and to coordinate Member States' actions, on the understanding that the Member State governments, which made a political commitment through the Malmö Declaration, are to play a central role in implementing the adopted measures.

4.2 The Committee would firstly like to highlight the fact that the term "European public services" that the Commission uses in its Communication on interoperability is inappropriate and misleading. In its opinion entitled Services of general economic interest: how should responsibilities be divided up between the EU and the Member States?"[2], the Committee referred to public services which cannot be reduced to the national or local levels and which could be categorised as Community services of general interest. Although they have a certain European dimension, insofar as they cross borders, cross-border eGovernment services are, however, totally different in nature from the services that could be labelled European public services.

4.3 The Committee supports the new strategy, which involves changing tack from the somewhat "one-size-fits-all" approach to a more customised approach, paving the way to more interactive public services that better match users' expectations and needs. This approach builds on a new generation of open, flexible and seamless eGovernment services at local, regional, national and European levels.

4.4 The Committee commends the Commission for paving the way for users (individuals, companies, NGOs and formal dialogue forums recognised by the Commission), in time, to play a more active role in the design of online public services that are suited to their needs.

4.5 The Committee thus supports the new action plan presented by the Commission, which should enable all stakeholders to benefit from faster and better quality public services, and help public administrations to review their approach to service delivery and their internal procedures, so as to better meet the new requirements of speed, availability and simplicity.

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[2]   OJ C 128, 18.5.10, p. 65

4.6     The Committee has the impression, however, that too often users are not really a central concern of government, but rather that eGovernment is designed around the internal structure of government itself rather than the people being governed. For users, this brings accessibility problems, a lack of visibility and no consistency in visual design.

4.7     The Committee regrets that the issue of data protection and screening is not addressed by the Commission. The relevant regulation of 2001 should be fully implemented, and there should be no exchange of people's private data without an absolute guarantee of confidentiality, of the "right to be forgotten", and the imposition of requirements to ensure compliance. The Committee expresses its reservations regarding the reuse of such data by third parties.

4.8     The importance of technical, IT matters should not be downplayed, as they are key to the success of interoperability and data security, in terms of technical, semantic and organisational interoperability. Moving towards eGovernment should lead to a reorganisation of government and its relations with users; it will only produce satisfactory results for all concerned if it is designed as a means of effecting change, involving training, individual and collective support and communication, and not as an end in itself. It should not, therefore, be about replacing people with computers, but rather about freeing up people's time for more rewarding tasks, including helping people get to grips with eGovernment and make more use of it[3], particularly in view of the Commission's observation that there is still little use made of cross-border eGovernment services and that even where eGovernment services are offered, the majority of Europeans are reluctant to use them.

4.9     Promoting the use of eGovernment is inextricably linked to the issues of connectivity, skills and e-inclusion[4].

4.10    While a large range of eGovernment services are indeed already available, and their quality has been improving over the years, the Committee would have reservations about the eGovernment Benchmark Measurement report presented by the Commission, which is based on the assessment of an insufficient number of services and could not be representative. Thus, the 100% availability rate attributed to Portugal as regards online services by no means reflects the real situation. It should, however, be noted that not all eGovernment services will require cross-border interoperability.

4.11    It is important nonetheless to ensure that the digital divide does not develop into an administrative divide. Clearly, one of the reasons for people's reluctance to use eGovernment is distrust as regards data security and protection. The Committee thus deems it vital to introduce proper democratic oversight of the use of data and the methods employed, and to involve the European Data Protection Supervisor (EDPS). Failing this, it would be opposed to the reuse of data by third parties, as advocated by the Commission with a view to the

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[3]     CESE 1182/2011 of 13.7.2011 (TEN/453).

[4]     CESE 1182/2011 of 13.7.2011 (TEN/453).

emergence of new eGovernment services. The Committee feels that it is now essential to set up a consultative committee on eGovernment bringing together representatives of the EU, national administrations, the social partners and users.

4.12 The Committee thus stresses the vital need for a "code" of digital user rights (in the sense of a set of binding rules), which should be negotiated with civil society representatives.

4.13 As regards procurement (which accounts for some 18% of EU GDP in terms of goods, services and public works and is one of the twelve cornerstones of the Single Market Act), the use of eProcurement across the EU has reached about 60%, still far from the goal set in the first i2010 action plan of 100% by 2010.

4.14 In its opinion[5] on the Green Paper on expanding the use of e-Procurement in the EU, the Committee recommended that an implementation monitoring mechanism be introduced to review progress, barriers, corrective action etc. upon the introduction of e-procurement within Member States.

4.15 The Committee went on to say in that opinion that with regard to e-procurement implementation, the Member States should be encouraged to seek innovative solutions to overcome business procedure and language issues, while the Commission, in tandem with assuming a leadership role, should act as a "champion" by adopting e-procurement across its institutions.

4.16 Interoperability, eSignatures and eIdentification are an effective way of promoting the development of cross-border eGovernment services. However, the lack of a cross-border, cross-sectoral legal basis often hinders interoperability, and further obstacles are posed by differences in national legislation and the mutually incompatible solutions adopted by Member States.

4.17 To counteract the fragmented infrastructure and architecture and lack of common guidelines, which could lead to a proliferation of non-interoperable solutions, a vision and common standards need to be developed.

4.18 The Committee supports the Commission's activities on interoperability in the areas of trusted information exchange, interoperability architecture and assessment of the ICT implications of new EU legislation, all as part of its European Interoperability Strategy (EIS).

4.19 The Committee also endorses the idea of the European Interoperability Framework (EIF) bringing together organisations that want to provide joint delivery of online public services, with a view to defining common elements such as vocabulary, concepts, principles,

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[5] CESE 1158/2011 of 13.7.11 (INT/554).

guidelines, standards, specifications and practices. At the same time, multilingualism should be promoted and these elements must be updated on a day-to-day basis.

4.20    Public administrations, when establishing cross-border eGovernment services, should base interoperability agreements on existing formalised specifications, or, if they do not exist, cooperate with communities working in the same areas. Public administrations should use a structured, transparent and objective approach to assessing and selecting formalised specifications.

4.21    The Committee welcomes the Commission's intention to shortly publish a communication providing guidance to public authorities on the link between ICT standardisation and public procurement, which seems a good way of widening access to public contracts and easing the administrative formalities involved.

Brussels, 21 September 2011.

The President
of the
European Economic and Social Committee

Staffan Nilsson

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