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General Secretariat

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LIMITE

TELECOM

DIGIT

CYBER

CODEC

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MEETING DOCUMENT

From: General Secretariat of the Council
To: Working Party on Telecommunications and Information Society

Subject: Interoperable Europe Act: Power Point Presentation - Articles 3, 11, 12
(TELECOM WP 14 February)

Delegations will find in the annex the presentation on the Interoperable Europe Act : Articles 3, 11, 12.



14 February
2023

Interoperable Europe Act

Linking public services, supporting public policies and building public benefits

Working Party on Telecommunications and Information Society

interoperable
europe

Key pillars

Chapters

1. **General provisions**
2. Interoperable Europe Solutions
3. Interoperable Europe support measures
4. Interoperable Europe Governance
5. Interoperable Europe planning & monitoring
6. Final provisions



Interoperability assessment (Art. 3) - Rationale

Why do we need the interoperability assessment?



The assessment is

- A mechanism for **discovery** of opportunities to build better digital public services at lower costs (e.g. through discovery of reusable solutions)
- To **detect barriers** for cross-border interoperability early in the process of policy making and implementation
- To **help implementing** other EU policies, e.g. Digital Decade 2030
- To help prevent **failed investments** in IT public sector projects



Interoperability assessment (Art. 3) - Rationale



The assessment is NOT

- a mechanism to measure compliance with the Regulation
- a mechanism to regulate
 - Network and information systems
 - Public services
 - Data



Interoperability assessments necessary, if...



Before taking binding decisions on requirements for new or significantly modified system(s) for public services?



Cross-border relevant?
Guiding light:
Digital Decade
2030



used
by several sectors
or several
public
administrations
?

or

above threshold
of procurement
directive?

or

financed with
EU money?

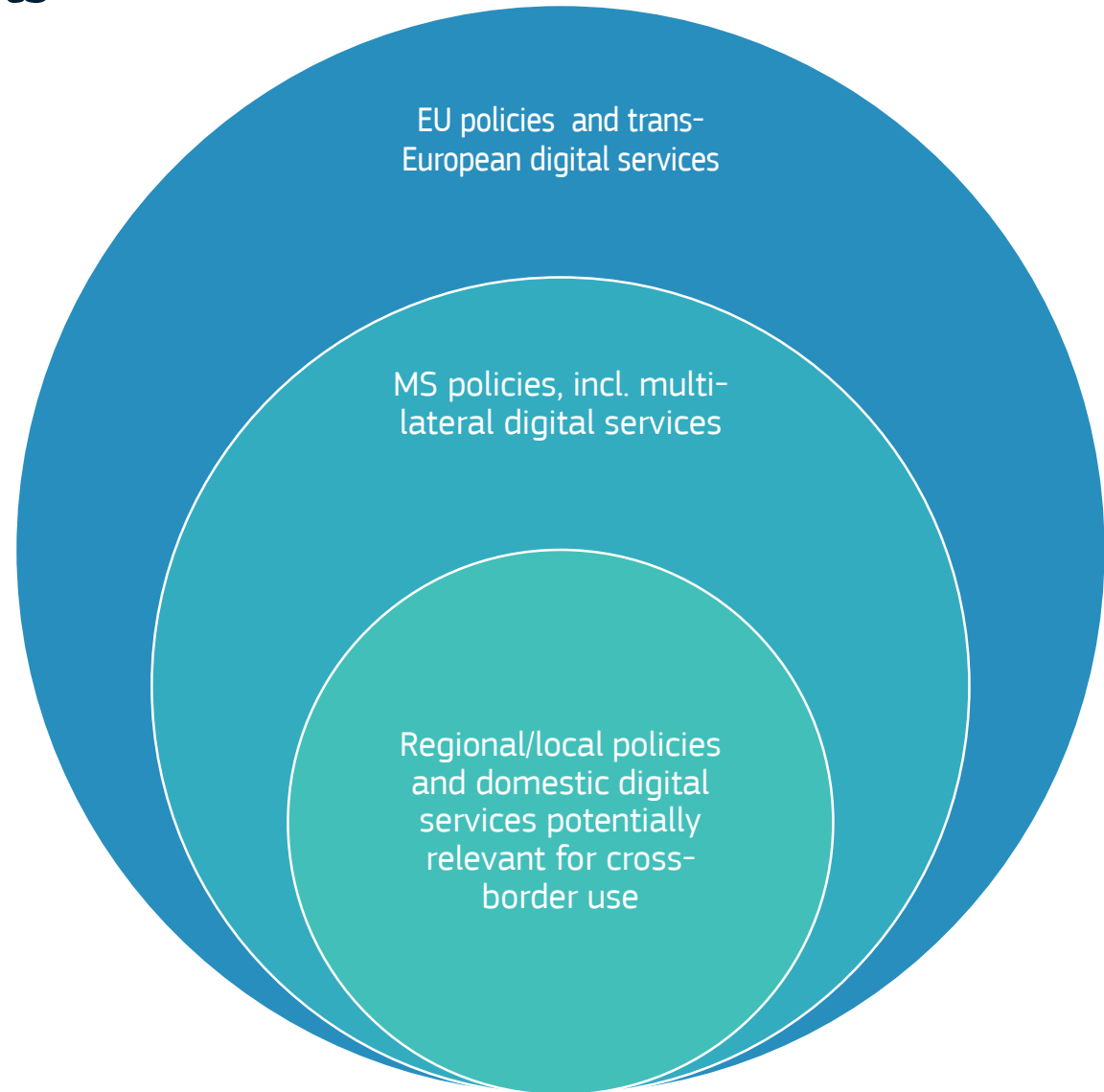


Interoperability
Assessment

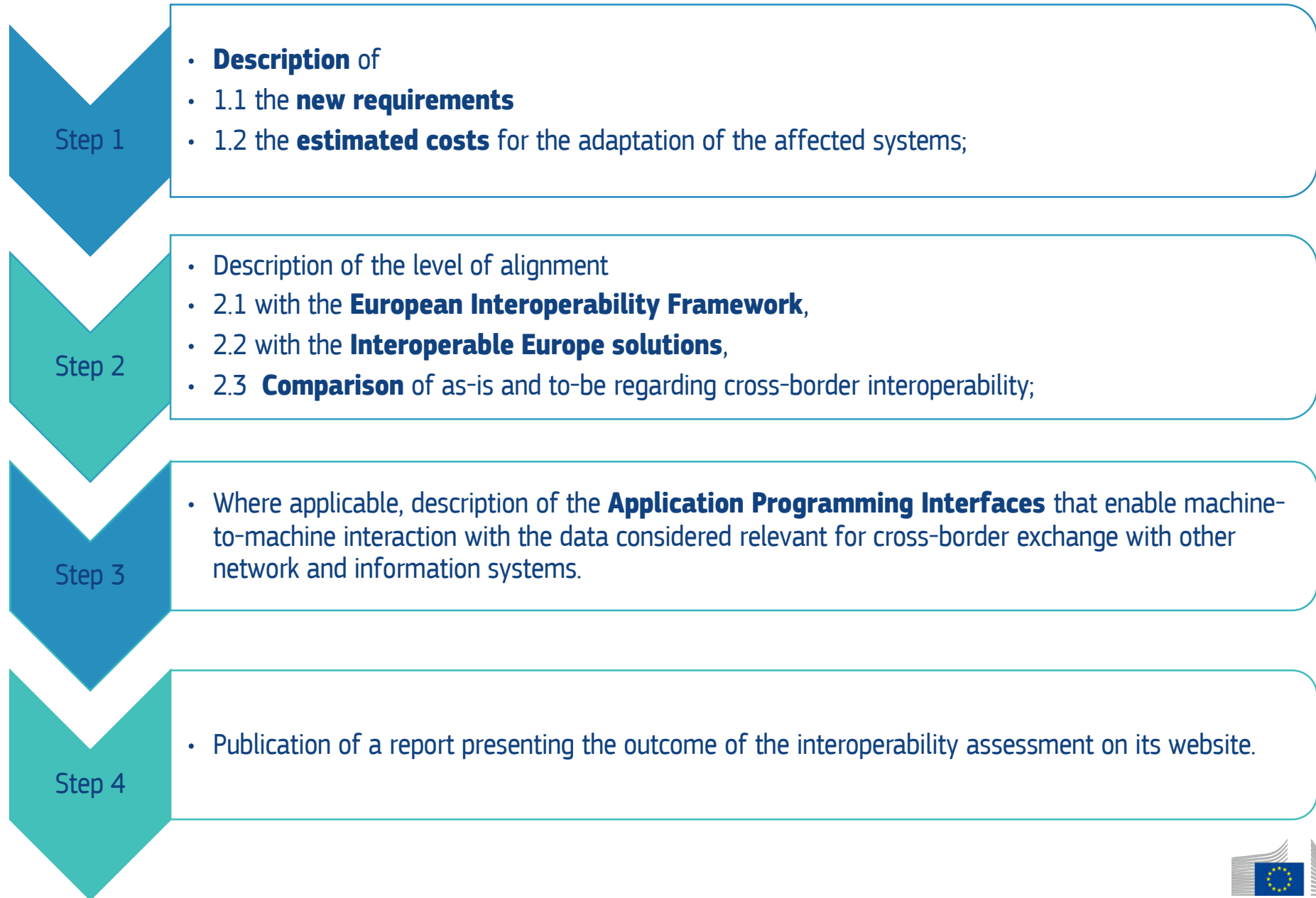
Triggers for interoperability assessments



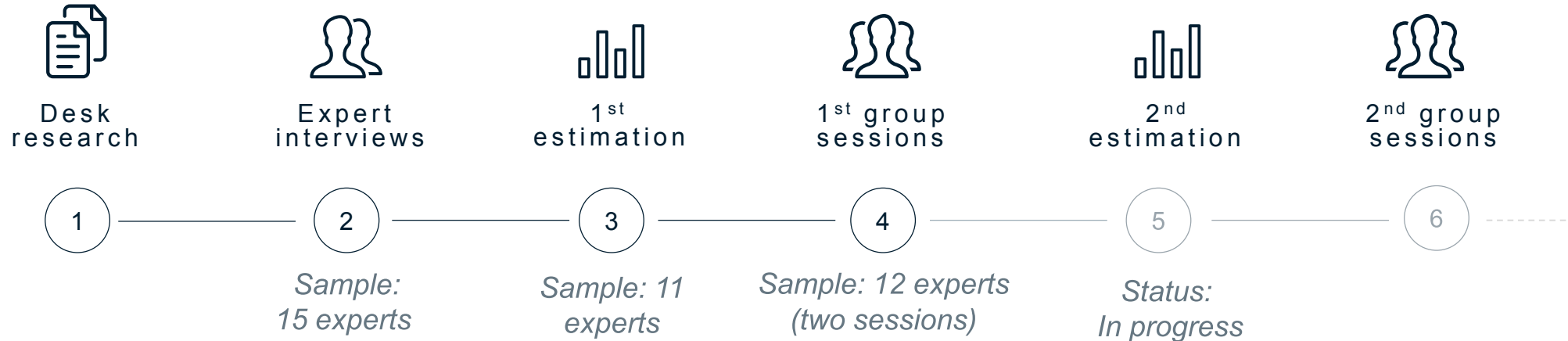
- EU policies and trans-European systems/services will normally be in scope and will therefore be accompanied with an interoperability assessment
- No obligation for MS or local/regional administrations to re-assess requirements assessed at EU level; outcome of EU assessment for their reuse (e.g., suggestions on reusable solutions)
- Assessment results at MS and local level important feedback into future EU policies



Minimum content of the assessment



Efforts estimation for a single interoperability assessment*



*Disclaimer

- Expert's profiles: from academia, private and public sector, and from several MS (local, regional, national and EU level)
- The estimations shared are initial insights with few assumptions; the study is still work in progress
- The focus of estimation: additional efforts required for the minimum tasks of a single IOP assessment
- This is the first time such costs are estimated, and we expect more clarifications over time

Efforts estimation - key influential factors



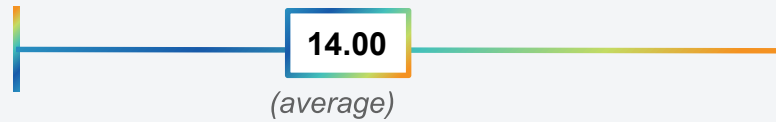
- **The investments required** for an IOP assessment will likely **decrease over time** due to growing experience and availability of documentation (i.e., from the as-is situation).
- The **guidance and tools** that may be provided by the EC will help to reduce the required investments (especially for countries that do not already have mechanisms in place that could be adopted to the requirements from the Act).
- **Available documentations of information systems** that might be re-used and extended according to new requirements.
- **Existing specification of data flows**, e.g., stemming from other mandatory assessments, such as the Data Protection Impact Assessment.
- **Existing description of the interoperability landscape** in a country, e.g., in relation to the European Interoperability Reference Architecture (EIRA).
- **Existing interoperability strategy**, e.g., already specifying the to-be scenario.
- Possible **outsourcing** might increase the costs notably.

Efforts estimation - preliminary results (1st round)*

Scenario A First correction after clarifying assumptions

2 person-days

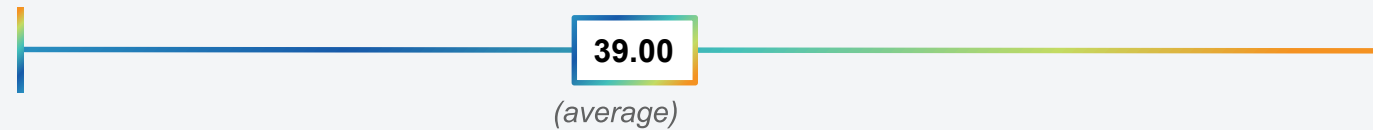
37.5 person-days



Scenario B Without assumptions

9.5 person-days

81 person-days



*Disclaimer

- Very first estimates that are expected to become more precise in the 2nd round of estimations
- Overall numbers, i.e., from experts considering EU, national, regional and local contexts
- The scenario B reflects a worst case scenario, which in practice is unlikely to materialise.

Efforts estimation - General reflections



- The **timing** of an IOP assessment might influence the efforts required. The earlier an assessment is performed, the less investments might be needed, i.e. the assessment could be initiated already as a part of the IA of any new policy at EU or at national level.
- MS/public sector organisations with higher **IOP maturity** might incur in lower needs for investment, esp. when assessing the as-is and to-be situations due to existing IOP strategies, architectures and tools already in place.
- IOP assessments could benefit from **transparent and automatic data** collection to obtain higher quality, comparable insights, and reduce information management burden (such information might also be used to fulfil part of the monitoring obligations).
- Investing in an IOP assessment **saves time and effort in the long run**, because potential IOP issues are identified and can be addressed early and are not only discovered at the stage of procurement or even implementation. Correcting possible issues later in the process is more costly.

Preliminary experts' reactions - group sessions

- *As long as the guidelines for conducting interoperability assessments respects local, pragmatic interpretations, we expect the marginal cost to be approaching zero [Expert at National level].*
- *We already assess policy / legislative initiatives against seven principles of digital-ready legislation, and it is our impression that this exercise is a sufficient level of assessment of alignment with the EIF at this stage. The exercise is carried out at different levels of specificity for various PSO's and the effect of the regulation might be that everybody moves toward a higher level of detail using a formal checklist in every case [Expert at National level].*
- *These decisions would be taken anyways, and what may happen is that having guidelines, tools and help from the EU may actually represent a decrease in the cost of the "original" task [Expert at regional level].*
- *In general, my understanding is that several tasks may be required regardless of the IOP assessment. In these cases, the effort may be concentrated in aligning these descriptions with an EU reference framework/template [Expert at regional level].*
- *The actual documentation of existing systems would make the assessment less costly, but it is often not existing, i.e. initial costs will arise not because of the assessment but because of the missing underlying information [Expert at national level].*
- *Assuming there is an IT-strategy within the public administration, the additional costs of this exercise should be minimal [Expert at regional level].*

Key pillars

Chapters

1. General provisions
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Regulatory sandboxes (Art 11, 12) - Rationale



Why to do regulatory sandboxing?

Enabling innovation

➤ Regulatory sandboxes enable the development and testing of innovations in a real-world environment

Improve legal certainty

➤ Regulatory sandboxes allow regulators to learn about the effects of innovation and the appropriate legal framework.



Regulatory sandboxes (Art 11, 12) - Rationale



Why to have legal provisions in the Interoperable Europe Act?

- facilitate the development and roll-out of innovative digital interoperability solutions for public services;
- facilitate cross-border cooperation;
- enhance authorities' understanding of the opportunities or barriers to cross-border interoperability of innovative interoperability solutions, including legal barriers;

Why action on MS level not enough?

- MS active in the field but cannot properly **address issues regulated in EU law**;
- Feedback channel to allow for **regulatory learnings on EU level**.

Regulatory sandboxes (Art 11, 12) - Examples



SMART TRAFFICLIGHTS



Two cities in a border region want to experiment smart traffic lights together. They are unsure about the legal conditions of this experimentation.



RECYCLING



3 regions from different Member States want to work together on smart solutions for recycling. The possible regulatory learnings would be most relevant for the EU legal acquis.

Functioning of regulatory sandboxes under the Interoperable Europe Act?



RESPONSIBLE PARTICIPANTS

At least 3 public sector bodies,
If personal data supervised by national
data protection authorities, EDPS;
Involvement of GovTech actors and
third countries possible



SPECIFIC PLAN

Participants elaborate a specific plan
(minimum content Art. 12.3)



AUTHORISATION

From the Commission, after
consultation of
the Interoperable Europe
Board
the EDPS (if personal data)



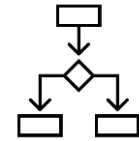
TIMING

2 years (extension up to
one year possible)



REPORTING

periodic and final reports to
the Board and the
Commission



OPINION

Board issues opinion
to Commission on
outcome of the
regulatory sandbox

Regulatory sandboxes (Art 11, 12) - Interaction with other legislation



- Supervisory and corrective powers of any authorities not affected (Art. 12.4)
- Participants liable for damage caused in the course of their participation (Art. 12.5)
- Personal data may be processed in a regulatory sandbox, if certain conditions are fulfilled (Art. 12.6) - in line with the AI Act second Presidency compromise text.
- Commission is empowered to adopt implementing acts to set out detailed rules and conditions (Art. 12.9)
- In case of conflict with the provisions on regulatory sandboxes in the AI Act, the AI Act prevails (Art. 12.10)

The background features a complex, symmetrical pattern of glowing green and blue lines and particles. The lines form a central, diamond-like shape that tapers towards the left and right edges. The particles are scattered throughout, creating a sense of depth and movement. The overall color palette is dominated by dark blue, with vibrant green and blue highlights.

Thank you



interoperable europe

innovation ∞ govtech ∞ community

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