## 6.3 ICT IMPLICATIONS OF EU LEGISLATION  (2016.23)

### 6.3.1  IDENTIFICATION OF THE ACTION

| Type of Activity | Assessment of ICT implications of EU legislation |
|---|---|
| Service in charge | DG DIGIT.B6 |
| Associated Services | DG SG and any Commission DG wishing to assess the ICT impact of its legislation, especially those performing Impact Assessments and Evaluations, Parliament, Council, Publications Office |

### 6.3.2  EXECUTIVE SUMMARY

The assessment of ICT implications of EU legislation is directly mentioned as a main activity in the ISA$^2$ and ISA decisions and contributes to their main objective notably through ensuring that EU legislation is prepared and evaluated with ICT in mind. The later facilitates cross-border and cross-sector interoperability thus contributing to the realisation of the Digital Single Market (DSM) strategy. Given that ISA$^2$ special focus is on interoperability, it is also necessary that a mechanism is developed to measure the costs and benefits of interoperability not only when legislation is produced but also whenever it is necessary to justify new interoperability initiatives or promote existing ones.

The problem of not considering or underestimating ICT impacts when EU legislation is prepared or evaluated results into legislation that does not take advantage of new digital technologies, may impose unrealistic deadlines and be more costly in its implementation. Also the lack of a mechanism to prove the value of interoperability may slow down or undermine investments on interoperability.

The action has succeeded as part of the ISA programme to promote the ICT assessment concept within the Commission and produce the supporting tools (ICT assessment method) necessary for ICT impacts to be well analysed as part of the Impact Assessment and Evaluation process. It has also produced a draft mechanism to allow measuring the costs and benefits of interoperability, still pending testing.

The scope of the action includes that:

- ICT/digital checks apply to all new legislation through screening;
- New legislation is digital minded and ICT impacts are properly assessed in Impact Assessments and Evaluations as part of the policy cycle of the Commission;
- A hook is made with the ICT Governance of the Commission to ensure that an end-to-end governance process is in place;
- Support and training is provided to those involved in the law-making process;
- The ICT assessment method and all related tools are constantly refined as a result of gained experience;

- A proper mechanism to measure the costs and benefits of interoperability is developed and made publicly available.

Beneficiaries are the Commission DGs that will prepare coherent and interoperable ICT based legislation, as well as the legislation stakeholders, namely MS, business and citizens. MS public authorities involved in similar ICT assessments of national legislation could also use the action's ICT assessment method (possibly) refined to fit to their specific needs.

In 2016, the action will update the assessment methodology and conduct a number of assessments in relation to new legislations.

In addition, a method to measure the cost benefit of interoperability will also be developed.

## 6.3.3  OBJECTIVES

The objective is to ensure that ICT implications are well identified and assessed when EU legislation is prepared or evaluated and are properly and in due course taken into account to support the implementation of the concerned legislation effectively, timely and at reasonable cost. It is also to make available tools that could measure the value of interoperability and provide convincing arguments for its wide application.

The action is meant to support the DSM strategy by ensuring that EU legislation is digital minded, interoperable and fully exploits the benefits of ICT.

## 6.3.4  SCOPE

In scope:

- Monitoring of the pre-notifications (via Inception Impact Assessments and Evaluation Roadmaps) addressed by the Commission DGs about the preparation of new or evaluation of existing legislation  to early identify possible ICT implications;
- Establish a service to support the Impact Assessment and Evaluation process of the Commission in relation to ICT;
- Constant update of an Impact Assessment/Evaluation method (based on an IDABC method published in 2010) used in the delivery of the above service;
- Except from the Commission services, the method could also be used by the MS as a tool to assess the impact of EU and national legislation;
- Promotion within the EU services of the need to produce digital minded legislation in support to the Digital Single Market (DSM) strategy of the Commission;
- Development of a mechanism to measure costs and benefits of interoperability.

Out of scope:

- It is only the method that is provided to the MS as a tool to help them in their ICT assessment process and not the service.

## 6.3.5 PROBLEM STATEMENT

In relation to the ICT implications method:

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|---|---|
| The problem of | not taking into account ICT implications of EU legislation during the legislative proposals' preparation stage or at legislation evaluation |
| affects | the Commission services involved in the preparation, adoption, implementation and evaluation of the concerned legislation and the legislation's target audience, usually EU Public Administrations, citizens and businesses |
| the impact of which is | moderate ICT implementation quality, at higher cost, unmet deadlines, lack of interoperability, possible sub-optimal implementation of the legislation due to insufficient ICT support, etc. |
| a successful solution would be | the early consideration of ICT impacts when EU legislation is prepared or evaluated to allow for efficient use of ICT technologies, timely identification of synergies with other IT systems, reusability and interoperability, provide guaranties of timely implementation and decrease the administrative burden/cost. |

In relation to the measurement mechanism for costs and benefits of interoperability:

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|---|---|
| The problem of | not having tangible means to assess costs and benefits of interoperability |
| affects | the Commission and the MS wishing to invest on interoperability initiatives |
| the impact of which is | hesitation to make proper interoperability investments etc. |
| a successful solution would be | To develop such a mechanism and make it publicly available |

## 6.3.6 EXPECTED BENEFICIARIES AND ANTICIPATED BENEFITS

A monetary benefit of running the specific action cannot be estimated upfront. The expected benefit will be cumulative:

- from all studies (Impact Assessment and Evaluation) that consider an ICT based approach as an integrated part of the EU legislation as opposed to having ignored or underestimated ICT and
- from savings due to applying interoperability principles in ICT developments.

Qualitative benefits can be identified and are listed below:

| Beneficiaries | Anticipated benefits |
|---|---|
| European Commission services<br>Public Administrations<br>Businesses<br>Citizens | • Legislation benefitting from ICT: it means legislation that applies both to the physical and digital worlds and makes ultimate use of ICT means to provide electronic, online and interoperable services;<br>• Wider use of interoperability due to proofs that it can provide benefits (included monetary)<br><br>This will have positive impact to the modernisation of Public Administrations, will maximise growth through a European digital economy and enable an inclusive e-society. |

## 6.3.7 RELATED EU ACTIONS / POLICIES

| Action / Policy | Description of relation, inputs / outputs |
|---|---|
| Communication on "A Digital Single Market Strategy for Europe", COM(2015)192 | Legislation to be prepared or evaluated in various domain related to the DSM (e-health, e-government, e-transport, e-energy, etc.) can benefit from the action and the proposed ICT assessment method to assess ICT impacts. |
| Communication on "Better Regulation for better results", COM(2015) 215 | It concerns an update to the Commission's guidelines on how to perform Impact Assessments and Evaluations. This new version requires explicitly the consideration of ICT as part of the process and includes a tool to help such assessment (tool No 23 on "ICT assessment, the digital economy and society"[58]). The action will align with the requirements set out by the new guidelines and will put in place a service to help targeted Impact Assessments and Evaluation in the identification and analysis of their ICT impacts. |
| Any other policy domain the action will be asked to support though Impact Assessments and Evaluations | |
| ISA[2] Action 'Participatory knowledge for supporting decision making' | Reusable solutions that allow the electronic participation of stakeholders, the analysis of the captured opinions and the discovery and generation of knowledge will be taken into account for the properly preparation and evaluation of EU legislation regarding the ICT implications. |

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[58] http://ec.europa.eu/smart-regulation/guidelines/tool_23_en.htm

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| ISA[2] Action 'Interinstitutional framework for digital OLP management' | The proposed interoperable ways of structuring the content of the documents that need to be exchanged between the institutions for the purposes of the ordinary legislative procedure will be taken into account for the properly preparation and evaluation of EU legislation regarding the ICT implications. |
| ISA[2] Action 'Legislation interoperability tools (LEGIT)' | Existing or under development building blocks (i.e. software, tools etc.) that support and improve the electronic exchange of documents and metadata in the context of the legislative process and the transformation between different formats will be taken into account for the properly preparation and evaluation of EU legislation regarding the ICT implications. |
| ISA[2] Action 'European Legislation Identifier (ELI)' | The proposed approach for identifying legislation documents and the supporting assets and solutions will provide input for the properly preparation and evaluation of EU legislation regarding the ICT implications. |
| ISA[2] Action 'Application of EU law: provision of cross-sector communication and problem solving tools (THEMIS)' | Reusable tools and the underlying semantic structures and data standards for monitoring the application of EU law will be taken into account for the properly preparation and evaluation of EU legislation regarding the ICT implications. |

## 6.3.8 REUSE OF SOLUTIONS DEVELOPED BY ISA, ISA[2] OR OTHER EU / NATIONAL INITIATIVES

Various ISA[2] actions such as the EIRA, EIC, EIS, EIF, TES, Semantics, Base Registries, Catalogue of Services, just to name some of them, inter-relate with the action in question. The idea is that whenever ICT implications are analysed, interoperability effects and reusability possibilities are always considered. ISA and ISA[2] actions provide the means (frameworks, services and tools) to achieve the above.

In case interoperability requirements are to be defined in proposed legislation, EIF should be named as the desired framework. If a high level architecture is to be included, then EIRA as such or a compatible one could be proposed. EIC, TES, Base registries and Catalogue of Services can be used as sources of reusability whereas Semantics can drive the definition of legislations' data models. The cost and benefit model used by the action in question will be enriched with the mechanism to measure costs and benefits of interoperability.

Liaison with the internal Commission ICT Governance is a must to ensure that ICT implications identified during the law-making process are well linked with the internal ICT Governance procedures when the Commission is amongst the concerned stakeholders. This way, reusability possibilities are highly increased.

## 6.3.9 EXPECTED RE-USABLE OUTPUTS (solutions and instruments)

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|---|---|
| Output name | ICT Implications Assessment method |

| Description | It is a method to guide the ICT assessment process. It is based on an older method developed in 2010 by IDABC. The method was updated in Jun 2015 and will be formally published in 2016 following additional testing in a number of cases and consultation with the MS. |
|---|---|
| Reference | Older IDABC method: http://ec.europa.eu/isa/actions/documents/isa_3.1_description_of_the_method.pdf Draft updated method: http://ec.europa.eu/isa/documents/actions/ks-sc9-d04-03-ict-assessment-method_v5.00.pdf |
| Target release date / Status | Q2/2016 / Stable release Current status: Draft |

| Output name | Measurement mechanism for costs and benefits of interoperability |
|---|---|
| Description | It is a mechanism to allow measuring the exact cost and benefit of interoperability solutions |
| Reference | |
| Target release date / Status | Q1/2015 as draft (to pilot with the MS in 2016) |

## 6.3.10     ORGANISATIONAL APPROACH

### 6.3.10.1 Expected stakeholders and their representatives

| Stakeholders | Representatives |
|---|---|
| European Commission services | The Secretary General and any Commission DG in charge of preparing new or evaluating existing legislation. |
| Member States | MS representations to the ISA[2] Committee and Coordination group and through them MS public administration authorities involved in similar studies at national level that may use the proposed method and/or give feedback on good practices applied nationally. |

### 6.3.10.2 Communication plan

The communication plan includes:

- Promotion/consultation rounds with the Commission stakeholders namely, the IT heads, the Impact Assessment units and the concerned policy units of the Commission DGs;
- Communication with the ICT Governance of the Commission to better align the law-making and the ICT development processes within the Commission thus ensuring policy coherence and maximising ICT rationalisation effects;
- Active participation to the Impact Assessment Working Group and communication of the benefits resulting from the assessment of the ICT impacts;
- Communication with the MS representatives through the regular ISA$^2$ management meetings and through webinars and dedicated workshops.

### 6.3.10.3 Governance approach

The action will be managed by DIGIT with the support of an external contractor. Whenever major deliverables are to be published, the validation of the MS representatives will be sought.

## 6.3.11     TECHNICAL APPROACH

A good step forward has been done with the integration of ICT assessment in the policy cycle of the Commission and the update of the ISA assessment method. Also, a measurement mechanism for costs and benefits of interoperability will be in draft mode by the end of 2015.

Next major objective is to ensure that the use of the method is generalised. The method should be constantly maintained and refined with lessons learnt and its benefits should be measured and evaluated with feedback received from the policy makers. The measurement mechanism should also be made part of the method once tested with the MS.

Q2/2016 – Q1/2017:

- The updated method is foreseen to be used in a number of different cases (3–6). Communication activities to promote its use within the Commission DGs will be intensified. A good link should be established with the ICT Governance of the Commission and tested in practise;
- The mechanism to measure costs and benefits of interoperability will be tested in pilots with the Member and will be put on Joinup as a web tool. It should be noticed that this mechanism will be used for the 2017 work-programme as a means to assess candidate actions, in accordance with the ISA$^2$ decision.

## 6.3.12 COSTS AND MILESTONES

### 6.3.12.1 Breakdown of anticipated costs and related milestones

| Phase: Inception Execution Operational | Description of milestones reached or to be reached | Anticipated Allocations (KEUR) | Budget line ISA$^2$/ others (specify) | Start date (QX/YYYY) | End date (QX/YYYY) |
|---|---|---|---|---|---|
| | • Screen/Monitor all published Inception Impact Assessments and Roadmaps of the Commission to identify the need of ICT impact analysis;<br>• Assess ICT implications of Impact Assessments and Evaluations as needed through a service provided by DG DIGIT;<br>• Update the method as needed;<br>• Pilot and finalise a measurement mechanism for costs and benefits of interoperability and make it available on Joinup. | 450 | ISA$^2$ | Q2/2016 | Q1/2017 |
| | **Total** | **450** | | | |

### 6.3.12.2 Breakdown of ISA$^2$ funding per budget year

| Budget Year | Phase | Anticipated allocations (in KEUR) | Executed budget (in KEUR) |
|---|---|---|---|
| 2016 | | 450 | |
| 2017 | | | |
| 2018 | | | |
| 2019 | | | |
| 2020 | | | |

### 6.3.13 ANNEX AND REFERENCES

| Description | Reference link | Attached document |
|---|---|---|
| IDABC existing method and Draft updated method | http://ec.europa.eu/isa/actions/documents/isa_3.1_description_of_the_method.pdf<br><br>http://ec.europa.eu/isa/documents/actions/ks-sc9-d04-03-ict-assessment-method_v5.00.pdf | |

## 6.4 EUROPEAN LEGISLATION IDENTIFIER (2016.08)

### 6.4.1 IDENTIFICATION OF THE ACTION

| Type of Activity | Common frameworks |
|---|---|
| Service in charge | Publications Office |
| Associated Services | Luxembourg, France, United Kingdom, Ireland, Denmark, Council of the EU, e-Law working group  (e-law), Parliament, Council |

### 6.4.2 EXECUTIVE SUMMARY

ELI is a basic building block for the interoperability and exchange of legislation data in Europe. It provides a practical and flexible system for naming legislation documents and for sharing metadata that is sufficiently standardised to realise the benefits of interoperable legislative data, while respecting each Member State's unique legislative and legal traditions.

ELI comes as a response to the problem of not being able to refer in a unique and commonly acceptable way to the EU and national legislation thus hindering the exchange and sharing thereof, although it is at large available in electronic format.

ELI proposes a unique identifier (HTTP URI), which should be recognisable, readable and understandable by both humans and computers. In addition, ELI proposes a set of metadata elements to describe legislation in compliance with a recommended ontology. ELI aims to takes into account not only the complexity and specificity of regional, national and European legislative systems, but also changes in legal resources (e.g. consolidations, repealed acts, codes etc.). ELI has been carefully constructed to respect the legal and constitutional differences between Member States.

With the ISA funding received in the frame of ISA work program 2014-2015, a number of assets were developed in view of facilitating the implementation of ELI by Member States. Since the beginning of this initiative, ELI has been deployed by different stakeholders including a growing number of Member States, which are considering ELI as a solution to enrich their legal acts and improve interoperability