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EUROPEAN COMMISSION

Maroš Šefčovič
Executive Vice-President

Brussels, 27/02/2024

Dear President,

The Commission would like to thank the European Parliament for its legislative resolution of 22 November 2023 adopted in accordance with Article 225 of the Treaty on the Functioning of the European Union (TFEU), with recommendations to the Commission on a legislative proposal, on the basis of Article 298 TFEU, for a regulation on an open, efficient and independent European Union administration, as well as on the principles guiding digitalisation of the Union's administrative procedures and on the principles for the development and deployment of digital solutions.

The Commission welcomes the importance which the Parliament pays to the matter of good administration and how digitalisation affects citizens contacts with the EU institutions and appreciates the concrete recommendations that it has made. It fully shares the objective to provide citizens and businesses with a transparent, accessible, fair and efficient EU administration and emphasises that it has been also guided by this objective when developing digital tools.

The Commission would like to recall that following Parliament resolution of 15 January 2013 on the same subject (P7_TA(2013)0004), the Commission carefully screened the legislation in force and organised an expert seminar on 21 February 2014 (with experts from 19 Member States, the Commission, the European Parliament, the Council, the Ombudsman, European Central Bank, European Investment Bank, European Economic and Social Committee, European Chemicals Agency, European Aviation Safety Agency, European Union Intellectual Property Office (Office for Harmonization in the Internal Market at the time) and academia), which discussed national experiences with administrative law and the current framework at EU-level on EU administrative law. At that point in time, the Commission did not find that there would be added value in proposing one common regulation on administrative procedure. In its reply to another resolution on the subject on 9 June 2016 (P8_TA-PROV(2016)0279), the Commission explained why, at that time, it was not convinced that the benefits of using a legislative instrument would outweigh the costs. The Parliament and the Commission have also had several other opportunities to exchange on the topic, including in structural dialogues between Commissioners and the relevant Parliament committees, in which the Commission has expressed its views on the matters.

Ms Roberta Metsola
President of the European Parliament

Yet, the Commission acknowledges that the European Parliament does not share the Commission's concerns and has taken due note of the wishes expressed in its resolution of 22 November 2023. It is understood that these are driven by the desire to ensure that citizens and businesses can interact efficiently and effectively with the Union administration and that the progress in the field of digitalisation is put in service of good administration. The Commission welcomes that the European Parliament links the topic of administrative law and digitalisation.

Therefore, this Commission will start preparatory work in order to determine the most appropriate way to follow-up with a view to a positive response to the Parliament resolution on digitalisation and administrative law. To this end, the Commission will analyse current procedures and practices and gather further evidence on an administrative law as requested by the European Parliament, including consultation of experts. It will also be important to take account of the views and recommendations of the European Ombudsman. The Commission may also explore the possibility of setting up inter-institutional exchanges among administrations of the different institutions on their administrative practice.

An important element of the preparatory work will be to look for ways to address the concerns expressed by the Commission in previous exchanges in relation to the risk of creating unclarity for the citizens and legal uncertainty when introducing a general regulation on administrative procedure in addition to existing, sector-specific legislation.

It is important to underline that good administration is not created with legal provisions alone, but also with appropriate practices. The Commission works consistently on providing citizens with transparent, accessible, fair and efficient administration, and strives to achieve the highest standards in this respect. It has taken several practical steps to improve interaction with its citizens, businesses and administrations.

Agile and transparent citizens' engagement practices (through participatory processes, such as Citizens' Panels, focus groups, co-creation formats or 'practice checks' that the European Parliament has recently called for[1]); simple, lean (i.e. non-burdensome) and inclusive online processes; easily accessible search facilities and information provision (e.g. on funding opportunities and initiatives) as well as transparent and effective communication are equally important and are being employed by the Commission.

These practices can also help to ensure that citizens, businesses and administrations are given a greater role in the EU policy-making, that irritants are avoided and that citizens feel that they have access to high-quality and transparent public policies, services and relevant information in an appropriate way.

Based on experience and taking advantage of technological developments, the Commission has significantly improved the way information is presented on its website in a more user-centred perspective, thereby directly enhancing citizens' rights. It has further clarified and facilitated the different ways in which citizens can contact the Commission, such as to pose questions on EU activities or the work of the Commission, make a complaint against a Member State, request a document, or to provide their views on draft legislation. With eTranslation, the Commission's own translation tool, more and more information is now also provided in the 24 official languages of the EU institutions.

[1] European Parliament resolution of 23 November 2023 on European Union regulatory fitness and subsidiarity and proportionality – report on Better Law-Making covering 2020, 2021 and 2022 (2023/2079(INI))at https://www.europarl.europa.eu/doceo/document/TA-9-2023-0442_EN.html

In addition, in order the increase of transparency of our administration and to standardise the requirements for the protection of information protection, the Commission adopted in 2022 a Proposal for a Regulation on information security in all the institutions and bodies of the Union, C (2022) 119 final, based on Article 298 of the TFEU. This draft Regulation aims to create a standard set of rules for the protection of information across the whole European administration. Such legal framework would significantly contribute to the increase of transparency of our administration since the requirements for information protection are unified.

The Commission welcomes the resolution's focus on developments in the field of digitalisation, including how digital tools are used by the EU administration in general and in its contacts with citizens and businesses in particular. It would like to emphasize that digitalisation is a key priority for the Commission, and that it has taken several actions over the last years in this respect, fully in line with the resolution, establishing a common regulatory setup for digitalisation of the institutions and public sector bodies across the EU.

The Commission revised its corporate digital strategy in 2022[2] as framework for continuous digital transformation. This strategy is well aligned with the resolution, insisting on staff empowerment and inclusion and optimising business processes for a more efficient European administration. Cybersecurity and a common cloud and infrastructure approach, as well as interoperability, the reusability of solutions and open source are guiding the Commission IT governance process, namely for the assessment of its IT investments.

The recently adopted Commission AI strategy[3] is a clear commitment to applying the principles of the future AI Act already now to its own operations, with a strict focus on human-centricity and agency. The regulation on cybersecurity of EU bodies[4], that recently entered into force, establishes a common cybersecurity risk management, control and governance framework for all EU entities. Unfortunately, negotiations on the parallel proposal for a common information security regulation for EU bodies have not yet started[5].

A particularly important aspect in addressing the recommendations of the European Parliament's resolution is to make EU policy initiatives 'digital-ready': ensuring that any digital aspects of EU laws and policies are addressed in a coherent manner, considering the principles of user-centricity, once-only, digital- and interoperable-by-default, the reuse of open-source solutions and technology neutrality throughout, from policy design to implementation. The Commission is fully committed to digital-ready EU policymaking and urges the co-legislators to endorse this approach for the legislative process[6].

The upcoming Interoperable Europe Act[7] is the central legislative instrument for digital-ready policy-making. It will improve the interoperability of digital services provided by EU institutions, bodies and agencies and public sector bodies across the Union as its rules on digital government are addressed both to the EU administration and to public sector bodies in Member States. This regulation will help sectoral initiatives address cross-border and cross-sector interoperability aspects by way of mandatory interoperability assessments. It will increase the reuse of commonly available interoperability solutions to reduce multiplicity of

[2] Commission digital strategy: Next generation digital Commission of 30 June 2022 (C(2022)4388)

[3] https://commission.europa.eu/system/files/2024-01/EN%20Artificial%20Intelligence%20in%20the%20European%20Commission.PDF

[4] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L_202302841

[5] https://ec.europa.eu/commission/presscorner/detail/en/IP_23_6782

[6] https://commission.europa.eu/document/download/7ad24728-71d5-4148-a6a6-2af7551726fe_en?filename=Communication%20Interoperable%20Europe%20Act

[7] The signature of the file is planned for the Plenary session on 13 March 2024

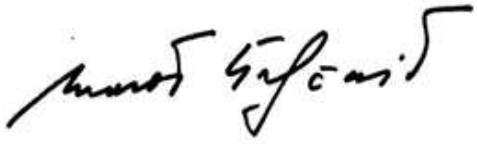
tools and related effort and cost. It encourages the use of open-source technology across public administrations and supports public-private experimentation and innovation partnerships ('GovTech'). The Act also introduces tools, trainings and policy support measures to Member States and EU institutions, bodies and agencies to support the implementation, experimentation, and uptake of interoperability solutions.

The close monitoring and evaluation of the Interoperable Europe Act will identify which further steps could be taken to allow increasingly connected public administrations across Europe to offer citizen centric, transparent, efficient and effective public services – thus contributing to coherent administrative practice, encompassing EU entities and Member States public bodies. This is part of the joint work of the EU institutions and Member States on meeting the objectives of the Digital Decade[8]. Similarly, the European Digital Identity proposal[9], on which a political agreement between the co-legislators was reached and should be adopted soon, is fully consistent with the objective of the European Parliament to accelerate the digital transformation of the public sector, to support Member States to provide citizens with an open, efficient and independent administration and to contribute to a human-centric approach when accessing digital public services.

Against this background, I consider that significant legislative and operational progress is being made in addressing the Parliament's recommendations on digitalisation. In addition, the Commission will continue to address the wide variety of aspects of good administration and the impact which digitalisation has on how citizens interact with the EU institutions, as raised by the Parliament in its resolution. On that basis, the next College of Commissioners can decide on the concrete measures, including possible legislative action, which it could propose to the other institutions, in order to best address the recommendations of the European Parliament.

The Commission looks forward to continuing the close and constructive cooperation with the Parliament on this matter.

Yours sincerely,



Maroš Šefčovič

[8] https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/europes-digital-decade-digital-targets-2030_en
[9] COM(2021)281 final