Digitalisation and Administrative Law

2021/2161(INL) - 27/10/2023 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted the report by Karen MELCHIOR (Renew, DK) with recommendations to the Commission on Digitalisation and Administrative Law.

As a reminder, the European Commission announces its priorities at the beginning of each legislative term. The European Parliament has repeatedly called for the issue of administrative law to be addressed, therefore Parliament expects it to be included in the upcoming European Commission priorities for 2024-2029.

Members request the Commission to urgently submit a legislative proposal, on the basis of Article 298 TFEU, for a regulation on an open, efficient and independent European Union administration so that it can be adopted before the second half of the new legislative term, following the recommendations set out in the Annex hereto. They also request the Commission to take into account the advancement of digitalisation and its impact on the Union's administration and administrative procedure.

Details of the proposed recommendations

The recommendations called for by the Members may be summarised as follows:

Recommendation 1 (on the basis for a Commission proposal on a regulation on an open, efficient and independent European Union administration)

It is recommended that the Commission proposal should take the form of a regulation laying down a general act relating to administrative procedure, as outlined in the Annex to the Parliament resolution of 9 June 2016 for an open, efficient and independent European Union administration.

Recommendation 2 (on the principles guiding digitalisation of the Union's administrative procedures)

The European Parliament considers that the advancements in digitalisation and its impact on the administrative procedures of the Union's administration should be taken into account by the Commission when presenting the proposal requested under this resolution. In particular, the following should be considered:

- ***General aspects***: the 'once only principle', namely that every person should submit their data or information only once when they are digitally interacting with the Union's administration, and should be empowered to make use of the European Digital Identity Wallet to supply that data if they so choose; the interoperability of digital services offered by the Union's administration, both between and within its institutions, bodies and agencies and as well with relevant Member States' services; the need to promote the sharing of best practices with and amongst Member States on the use of digital technologies in this context;

- **Accessible, inclusive digital public services**: digital public services should be human-centric and accessible at all levels; digital public services should be accessible to persons who are vulnerable, elderly or have disabilities;

- **Security, accountability and data protection**: the 'public money - public code' principle, namely that the source code of any software developed by the Union's administration for the purpose of public administration using public money should be made available to the public under the European Union

Public Licence (EUPL); the privacy and security of users of digital public services should be protected; the right to rectify an error made without incurring penalties for the error itself, and the right to rectification.

Recommendation 3: Development and deployment of digital solutions

The need to develop new digital solutions in order to meet the needs of the Union's administration in the digitalisation process should be recognised. In order to ensure that such solutions best serve Union citizens and Union staff, the following principles should be considered:

- Union staff should be consulted when developing digital tools for the administration, and should be duly trained to be able to use these tools in an efficient manner;

- a high level of Cybersecurity should be ensured with a proactive approach, and measures should be taken to ensure that design and use of digital solutions supports the respect for rule of law and citizens' rights;

- the development of in-house digital solutions that are essential for the deployment of the public service concerned should be considered; in the event of outsourcing, European companies should preferably be used;

- when outsourcing, public procurement procedures for the digitalisation of projects and processes should be subdivided into calls for proposals for smaller projects, in order to make digitalisation contracts more accessible to European SMEs.