Digitalisation and Administrative Law

2021/2161(INL) - 22/11/2023 - Text adopted by Parliament, single reading

The European Parliament adopted by 531 votes to 17, with 66 abstentions, a resolution with recommendations to the Commission on Digitalisation and Administrative Law.

Parliament recalled that it has consistently called on the Commission, in its resolutions, to take legislative action in this area. In 2013, Parliament called for a European Union administrative procedure law and in 2016 it called for a proposal for a regulation of the European Parliament and of the Council for an open, efficient and independent European Union administration. In essence, Parliament's repeated calls are for a regulation on the administrative procedure of the European Union (European Administrative Procedure Law).

A legislative initiative

Parliament requested 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.

Recommendations concerning the 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.

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

Parliament recommended taking the following elements into consideration:

- **General aspects**: (i) 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; (ii) the **interoperability** of digital services offered by the Union's administration; (iii) the contribution of digital technologies and solutions to higher levels of legal certainty, public security and safety and trust in Union institutions; (iv)

the establishment of procedures and clarification of the use of digital technologies in the external communication of the Union's administration.

- **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; analogue alternatives to digital services should always be provided and offered clearly to citizens and companies.

- **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; the right to be given a personal explanation for an output of the algorithm.

Recommendation 3: Development and deployment of digital solutions

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.