REPLIES OF THE EUROPEAN COMMISSION

TO THE EUROPEAN COURT OF AUDITORS' SPECIAL REPORT

E-Government actions targeting businesses: Commission's actions implemented, but availability of E-services still varies across the EU

Contents

EXECUTIVE SUMMARY (Paragraphs I-XI)

Commission replies:

I-X: Digital government is a transversal topic that is addressed by multiple initiatives in many services of the European Commission.

The e-Government Action Plan 2016 to 2020 was designed to serve as a catalyst to coordinate public sector modernisation efforts and resources in the field of eGovernment and to help coordinate funding sources and accompanying measures that are available to Member States through different EU programmes. It was set up as a commitment on the part of the Commission, thus setting deadlines for Commission actions only. Member States could build on this to meet deadlines set elsewhere (e.g. Regulation (EU) No 910/2014, Regulation (EU) 2018/1724, Directive (EU) 2017/1132, Directive (EU) 2019/1151.

The e-Government Action Plan 2016-2020 did not have an attributed budget, therefore, as observed by the ECA, the promotion of developed solutions was mainly limited to the activities as planned in the individual actions and an exchange on best practices between Member States. As recommended by the ECA, the Commission strives to develop a more comprehensive strategy for promoting e-Government services effectively.

The eGovernment Action plans laid the grounds for future activities planned by the Commission for which it intends (as recommended by the ECA) to strengthen the implementation framework to urge Member States to complete e-Government services.

Under the Digital Decade Policy Programme "Path to the Digital Decade" (DDPP) (which was politically agreed after the end of the audit and remains to be formally adopted) both the implementation framework for eGovernment services and the strategy for promoting e-Government services will be strengthened by the monitoring mechanism, the cooperation framework as well as the reports & recommendations to address shortcomings set forth in Member States' work towards reaching the Digital Decade targets.

The need to develop national roadmaps and trajectories towards reaching the target that all key public services should be available online by 2030 in conjunction with the EU-level monitoring mechanism under the DDPP will also promote eGovernment services.

Some of the main ongoing and future activities include work by the Expert Group on Public Administration and Governance, the revision of the eGov Benchmark, enhancing the ecosystem for digital identity and trust services, supporting the sustainable provision of digital government services at local level, the proposal to create a structural cooperation on interoperability amongst Member States and the Commission, implementing the Single Digital Gateway Regulation, and new initiative in the field of company law, (see eGovernment | European Commission)

VII. The Commission considers the eGovernment Benchmark suited for measuring the level of the provision of public services in Member States. Although the Benchmark exercise was not specifically designed to monitor the Action Plan, the Commission considers that it covers the plan because it measures its principles through its indicators.

IX. Synergies between promotional activities under the different funding regimes (such as the ISA2 programme), were exploited (e.g. through common repositories (JOINUP), campaigns (Digital

innovation challenge) and events (DIGITALL Conference, common workshops at EWRC)). Coordination was limited by their differing timeline and organisational settings and the absence of a separate budget for the eGovernment action plan.

XI. The Commission accepts all the recommendations.: See the Commission's replies in the recommendations section.

INTRODUCTION (Paragraphs 1-13)

Commission replies:

4. The Commission stresses that policy initiatives and financial programmes decided after the expiry of the eGov Action Plan such as the Digital Decade Policy Programme and the New Generation EU / Recovery and Resilience Fund promote the establishment of digital public services and a system of target-setting and monitoring which should allow Member States to take a step change in establishing digital government services following the principles and many actions of the eGovernment Action Plan 2016-2020.

The Commission highlights that there is an upcoming proposal on interoperability – EU Government Interoperability Strategy, which aims at setting a shared governance to steer the development of interoperability between EU public administrations (CWP 2022[1]).

AUDIT SCOPE AND APPROACH (Paragraphs 14-19)

No Commission replies.

OBSERVATIONS (Paragraphs 20-85)

Commission replies:

Box 1 – Vision and policy priorities of the Action Plan

See reply to paragraph 27.

25. The eGovernment Action Plan 2016 to 2020 could not and was not intended to introduce new obligations for Member States. It was designed to serve as a catalyst (as referred in ECA paragraph II) to coordinate public sector modernisation efforts and resources in the field of eGovernment and to help to coordinate funding sources and accompanying measures that are available to Member States through different EU programmes.

---

[1] CWP 2022/ An Europe fit for the digital age: resource.html (europa.eu)

27. As the action plan constituted a commitment on the Commission's side, it included deadlines for the Commissions actions only, on which Member States could build to meet deadlines set elsewhere (e.g., Regulation (EU) No 910/2014, Regulation (EU) 2018/1724, Directive (EU) 2017/1132, Directive (EU) 2019/1151)

While the action plan itself was clearly time-boxed (2016-2020), it was intended to contribute to outcomes well beyond its own timeframe and lead to impacts with timelines specific to the different covered domains and often set out in the relevant legal acts.

Box 4 – Targets to be achieved for digitalising public services

See reply to paragraph 30.

30. Since the Commission adopted its Proposal for a Decision of the European Parliament and of the Council (COM(2021) 574 final / 15.9.2021) establishing the 2030 Policy Programme "Path to the Digital Decade" (which was politically agreed after the end of the audit and remains to be formally adopted):

- On Target (1), 'key public services' are defined as essential services provided by public entities to natural persons in their major life events and to legal persons in their professional life-cycle.
- a new formulation of Target 3 has emerged: "100% of Union citizens have access to a secure electronic identification (eID) means recognised throughout the Union, enabling users' full control over identity transactions and shared personal data".

This should address ECA's observation.

32. See reply to paragraph 40.

34-36. Regular meetings of the eGovernment Action Plan Steering Board provided a platform for an exchange on progress in relation to the fulfilment of the Action Plan and the update on state of play.

The Commission monitored the output of the Commission's actions. It did not monitor comprehensively the action plan outcomes or impacts, as it was clear that these would sometimes be achieved outside the timeline of the action plan.

In addition, as stated by the ECA in paragraphs 72, 73 and 75, the Commission was informed about progress through regular contact with Member States in the context of specific expert groups created for collaboration and exchange (e.g. in the CEF Expert Group and CEF Committee, the SDG Coordination Group, the Interoperability expert group).

Box 5 – Specific monitoring arrangements for the European Interoperability Framework

The National Interoperability Framework Observatory (NIFO) will remain in place for the 2021-2027 period as one of the key performance indicators for the Digital Europe Program and the main instrument to measure interoperability in Europe.

40, 41 and 42. The eGovernment Benchmark, as mentioned, is the annual measurement instrument to evaluate the availability and characteristics of eGovernment in Europe. It analyses the state of play of the provision of digital public services in Europe and helps identifying the need for further actions at EU level. The indicators measured are linked to and derived from the policy priorities set out in the Action Plans and Declarations signed by Member States. The Commission considers the eGovernment Benchmark suited for measuring the level of the provision of public services in Member States. Although the Benchmark exercise is not designed to monitor specifically the Action Plan, the Commission considers that it covers the plan because it measures its principles through its indicators.

43. The Commission follows the trends and the needs that emerge around the provision of digital public services. As a results, the methodology is meant to be updated every 3-4 years to keep the pace of advancements. In this way, the Commission can provide historical comparisons for 2 years (the data collection is biennial, therefore a full picture of all services under all life events is visible every second year).

In the 2021 report, and after the latest method update, scores were merged for 2 years following different methods. The method paper was updated and this merging was explained in the report. Adjustments were not feasible, given the fact that new services were added, some were removed, while several questions for measuring different services were also updated/removed/added.

46. The Commission highlights that the National Interoperability Framework Observatory (NIFO) will remain in place for the 2021-2027 period as the main instrument to measure interoperability in Europe and also as one of the Key Performance Indicators for the Digital Europe Programme.

48. The Commission underlines that one of the targets under the digitalisation of public services is the provision of 100% of key public services online.

This target is divided in two sub targets under DESI:

- Digital public services for citizens
- Digital public services for businesses

Both indicators derive from specific calculations (online availability for national and cross border services for businesses and citizens) under the eGovernment Benchmark Framework exercise. KPIs are available online: https://ec.europa.eu/newsroom/dae/redirection/document/88735

Box 7 – The delayed implementation of the payment processing tool for actions 9 and 10

As all mandatory information published by the Member States through the IRI are available free of charge, and Member States may only charge fees for information or documents which they include optionally and additionally to the set of mandatory information in the interconnection system (whereas no Member State so far expressed any intention of doing so), the Commission considers that the impact of a missing payment system for IRI is not too significant.

56. eIDAS nodes will not be automatically replaced by the wallet and it is likely that they will continue be used to facilitate use of national id means across borders.

77. The Commission coordinated the promotional activities to the degree possible, given the different funding regimes, the diverse nature of the actions involved and their differing timeline and organisational settings. This extended to common repositories (JOINUP), campaigns (Digital innovation challenge) and events (DIGITALL Conference, common workshops at European Week of Regions and Cities (EWRC). As there was no separate budget for the eGovernment action plan, all promotional activity was linked to specific actions or funding programmes.

85. The Commission strived to get an idea of Member States' actions to promote European or national e-Government solutions in as far as it obtained information on:

- promotional activities connected with the implementation of CEF Digital Service Infrastructures, through the obligatory reporting as agreed in the Grant agreements.
- best practices for promotional activities through the exchange of experience and good practice in the eGovernment Action Plan Steering Board.

CONCLUSIONS AND RECOMMENDATIONS (Paragraphs 86-98)

Commission replies:

86. The Commission wishes to stress that the focus of the eGovernment Action Plan at actions within the Commission limited its leverage on effectively fostering the implementation and the take-up of e-Government solutions by Member States.

Recently, the Commission has introduced new policy instruments , with increased political leverage (Path to Digital Decade, 2030 Digital Compass) and substantially increased funding. In the Commission's view, this should allow for the aims of the action plan to be met in the long run. These instruments also are proposed to include strict targeting and monitoring arrangements with Member States.

88. Art. 5(1) of the politically agreed Digital Decade Policy Programme (in the draft Lawyer-Linguists version) reads as follows:

"The Commission shall monitor the progress of the Union towards the general objectives set out in Article 3 and the digital targets set out in Article 4. To that end, the Commission shall rely upon DESI and shall set out by means of an implementing act the KPIs for each digital target. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 23(2)."

The Commission expects to mitigate the risk of diverse interpretations by Member States by defining clear KPIs in the implementing acts.

89. The new indicators will supplement existing KPIs reported by the eGovernment Benchmark and the Digital Economy and Society Index allowing for the close monitoring of the targets of the "Path to the Digital Decade" and providing the context necessary for understanding the developments.

93. The Commission is confident that the amendment of the eIDAS Regulation will result in providing all people in Europe with secure, trusted, and widely accepted means of digital identification that can be used across the Union.

Recommendation 1 - Strenghten the implementation framework to urge Member States to complete e-Government services

The Commission accepts this recommendation:

A solid foundation for implementing this recommendation is already in place.

The political agreement has been reached on the DDPP in July 2022; Member States have to devise national roadmaps and work against trajectories towards the targets; annual reports will take stock of progress and specific recommendations will aim to address shortcomings. In addition, a new Member States Expert Group has been set up to redefine and implement the eGovernment Benchmark in cooperation between Commission and Member States and to monitor progress towards the DDPP target on public services.

The Commission expects Member States to closely coordinate their efforts, taking full advantage of the mechanisms provided by DDPP.

95. Synergies between promotional activities under the different funding regimes (such as the ISA2 programme), were exploited (e.g. through common repositories (JOINUP), campaigns (Digital innovation challenge) and events (DIGITALL Conference, common workshops at EWRC)). Coordination was limited by their differing timeline and organisational settings and the absence of a separate budget for the eGovernment action plan.

97. The outreach to business and SMEs will be renewed in the framework of the new eID and trust ecosystem to be set-up following the proposal for a European Digital Identity Framework.

Recommendation 2 – Develop a comprehensive strategy to promote e-Government services effectively

The Commission accepts this recommendation:

With Digital Innovation Hubs and the GovTech Incubator, as funded under the Digital Europe Programme, two important instruments will become available to promote technical solutions for digital Government throughout Europe. The Commission will investigate the best way to leverage these capabilities pursuing increased awareness of existing solutions.

Besides, the upcoming proposal for a strengthened EU public sector interoperability policy aims at improving the take-up of interoperable digital government solutions, by encouraging coordinated development and experimentation, and by increasing availability of and access to commonly accepted solutions..