








Procedure file

Basic information		
INL - Legislative initiative procedure	2021/2161(INL)	Procedure completed
Digitalisation and Administrative Law		
Subject 1.20.05 Public access to information and documents, administrative practice 3.30.06 Information and communication technologies, digital technologies		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs	 MELCHIOR Karen	12/04/2021
European Parliament		Shadow rapporteur	
		 RADEV Emil	
		 LEITÃO-MARQUES Maria-Manuel	
		 HAUTALA Heidi	
		 DZHAMBAZKI Angel	
		 MAUREL Emmanuel	
European Commission	Commission DG Communications Networks, Content and Technology	Commissioner BRETON Thierry	

Key events			
07/10/2021	Committee referral announced in Parliament		
24/10/2023	Vote in committee		
27/10/2023	Committee report tabled for plenary	A9-0309/2023	Summary
22/11/2023	Decision by Parliament	T9-0426/2023	Summary

Technical information	
Procedure reference	2021/2161(INL)

Procedure type	INL - Legislative initiative procedure
Procedure subtype	Request for legislative proposal
Legal basis	Rules of Procedure EP 47
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	JURI/9/07109

Documentation gateway

Committee draft report	PE746.653	09/06/2023	EP	
Amendments tabled in committee	PE750.255	10/07/2023	EP	
Committee report tabled for plenary, single reading	A9-0309/2023	27/10/2023	EP	Summary
Text adopted by Parliament, single reading	T9-0426/2023	22/11/2023	EP	Summary

Digitalisation and Administrative Law

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 Unions 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 Unions administrative procedures)

The European Parliament considers that the advancements in digitalisation and its impact on the administrative procedures of the Unions 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 Unions 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 Unions 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 Unions administration for the purpose of public administration using public money should be made available to the public under the European Union Public Licence (EURL); 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 Unions 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.

Digitalisation and Administrative Law

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 Unions 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 Unions 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 Unions 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 Unions 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 Unions 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 Unions 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.