

The devil in the legal details

The DE4A project is a ground breaking project in many ways. One such area is the ability to test precisely how once-only laws should be implemented in practice, through concrete services and solutions. The central regulatory framework for the project is the Single Digital Gateway Regulation (SDGR), an EU level piece of legislation that was adopted in October 2018. The SDGR defines the conditions under which information can be exchanged in Europe under the once-only principle, and stipulates the rights of citizens and businesses.

But the SDGR is not a comprehensive framework. Whilst it establishes all of the main principles, it still leaves quite a few details unsettled, particularly from a legal perspective. This is no accident: the Regulation follows the common sense principle that only the most stable and critical elements should be settled in the main text of the law. Details can be hashed out through so-called implementing acts – more targeted legal instruments,

generally easier to adopt (and adapt) than regulations.

The SDGR also requires such an implementing act to be adopted, in order to set out the technical and operational specifications of the required infrastructure. The SDGR even set a concrete deadline for the adoption of the implementing act: 12 June 2021. That should leave a reasonable amount of time before the comprehensive entry into application of the Regulation on 12 December 2023, when European citizens are expected to be able to use the European once-only system, including the components which are developed by DE4A.

But the devil is in the details, and unfortunately, the deadline has been missed. While a fairly advanced draft implementing act had been circulating in the past months, it has not obtained all necessary approvals. The draft settled some very important rules – e.g. on how identification should happen, where documents could be previewed before exchanging them, and what kind of logging system



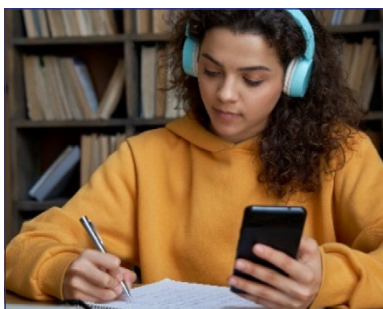
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should be used to establish both privacy protection and legal resilience – but it also left many questions unanswered. A common concern with some Member States was that many technical and operational details remained unsettled, and that the proposal might not allow the Member States sufficient control over the finalisation of these details. For that reason, the draft has been subjected to a so-called “right to scrutiny” procedure, in which these questions can be sorted out. Hopefully, this will allow a final draft to be adopted in the coming months.

Meanwhile, DE4A moves full steam ahead. While the legal framework may not be entirely stable and complete yet, this is not necessarily a blocking influence in practice. After all, the project aims to pilot once-only services in Europe with an open mind – compliance with the Regulation and the Implementing Act is desirable for most aspects of the project, but in the absence of conclusive rules, there is ample margin for innovation!



INESC-ID joins DE4A to simplify student mobility



The Portugal-based research institute - INESC-ID (IN-ID), has joined the project to participate in the studying abroad pilot.

Established in 2000, IN-ID specialises in computer science and engineering, electronics and telecommunications. Its team includes more than 100 PhD qualified researchers, many of whom are professors from the Instituto Superior Técnico (IST, University of Lisboa) (ULisboa).

IN-ID has a proven track record for participating in EU projects and has also published more than 1,800 scientific papers, dozens of industrial prototypes and a number of patents and awards.

Within the framework of the DE4A project IN-ID will primarily focus on the Studying Abroad Pilot. Europe has around 4,000 higher education institutions, with over 19 million students and 1.5 million staff. The pilot aims to simplify cross-border interactions for students engaging with procedures, systems and platforms used by these establishments. Three use cases (application to public higher education, applying for a study grant and diploma recognition) will demonstrate how administrative burdens can be reduced, by re-using evidence from trustworthy sources, as well as strengthening security levels for cross-border services and increasing the use of electronic identities.

The opportunity and importance of the once only principle

Georg Nessler is Head of Division “eGovernment for Businesses” in DG ICT of the Federal Ministry for Digital and Economic Affairs. He considers the opportunities and importance of the Once Only Principle (OOP) for the future of the Digital Single Market.

What do you consider to be the biggest opportunity that the OOP creates?

Once Only creates more than one opportunity, it is rather a bunch of opportunities. Let us split it into government internal and external opportunities, which could result in real benefits in time. For the government internal area, we can extend and foster our attempts to automate processes, for which the Once Only Principle provides technical, juridical and organisational support. It brings up the chance to evaluate existing processes of data management, “End2End” alongside the governmental “value chain”. It touches the data systems itself and could result in data harmonisation in large-scale, both nationally and

European wide. That is also a reason why we are so eager to participate in European research projects, such as DE4A, because it brings up significant advantages and experiences to cope with all the challenges. We can learn a lot from other experiences in Europe and we hope we are a good partner for others as well.

Looking at the external sphere we see some very important opportunities as well. The governmental internal advantages of Once Only Principle find its equivalent in the improvement of the external business processes. The more the Once Only Principle is developed and rolled out, the better for the businesses and the people, because their governmental related processes are more automated, securer and faster. The benefits are visible in domestic governmental procedures, but even more in the European dimension.

Nonetheless, we must consider some very important points on the road to Once Only Principle in the future, for example data protection and within this we have to strengthen all efforts



Georg Nessler, Head of Division “eGovernment for Businesses” in DG ICT of the Federal Ministry for Digital and Economic Affairs

and specifically on data minimisation.

Are there any examples of OOP in existence today that provide a blueprint for the EU?

The road to Once Only Principle is paved to a certain extent. This does

not mean that everything is tucked out, but the European and the Austrian ideas are stretched out. Following these guidelines we have created our strategies. The participation in European initiatives, work groups and the participation in European research projects from PEPPOL to TOOP and to DE4A brought and still bring up huge advantages to fulfil the tasks. The European initiatives also foster the Austrian strategy and their realisations. In Austria we are on the way to implementing the necessary legal basis; we have implemented the Austrian Data Hub, a technical service bus for secure data exchange; we have connections to our main registers in the business-related eGovernment; we set up an information obligation database (IVDB) with the aim of providing a national data catalogue and, finally, we are integrating the

specific Once Only use cases. Our national infrastructure will also serve as the hub for the European connections.

We share our experiences with other partners in Europe within the research projects and we also communicate our findings within the work groups, such as the SDG work groups. We are sure that all partners working together will give the best results. So, we invite everybody to get in touch with us and exchange ideas and experiences!

Given the societal and economic challenges COVID-19 has presented, how important is OOP in supporting the Digital Single Market?

I guess that all initiatives for strengthening the European Single Market will show positive socio-

economic effects, and the Once Only Principle is a central point in reducing the administrative burden for businesses and simplifying cross border activities.

As far as we see it now COVID-19 is a driver for the digital market and its future, and therefore it is to be expected that the recent pandemic crisis will result in significant digital initiatives, and within this also for the Once Only Principle. With a more specific view, the Once Only Principle minimises the need of physical interactions to gather information (potentially Europe-wide), so it reduces the risk of infections.

An introduction to the DE4A pilots

DE4A has published a new brochure that offers EU citizens and businesses an introduction into this transformative project, as well as an insight in to the three pilots and associated use cases, that are ongoing as the initiative enters its second year. The work, results and outcomes of these pilots will positively impact all EU citizens that intend to move to and/or study in a different Member State, as well as set-up and conduct business across international borders within the EU.

Europe has a large and thriving higher education sector with more than 19 million students studying at 4,000 institutions. In 2018, there were in total 1.3 million mobile tertiary students in the EU coming from abroad (both from another EU Member State and from outside the EU), a number which has increased by 36 % since 2013. DE4A's Studying Abroad pilot aims to make it easier for EU citizen students to apply to these institutions, have their qualifications recognised in the

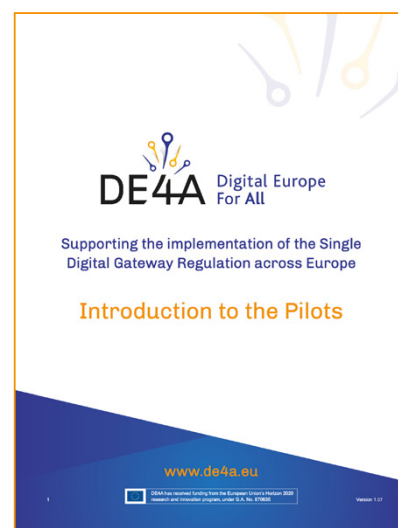
country they wish to study, and to apply for a grant.

Every EU citizen has the right to move to any EU country to live, work, study, look for a job or retire. In fact, in 2020 3% of the 447 million people living in the EU, had the citizenship of another Member State. The process of moving can present a logistical and administrative challenge, so the Moving Abroad pilot aims to reduce some of this burden in the areas of notifying change of address process, requesting birth, marriage or death certificates, and obtaining pension information and making claims.

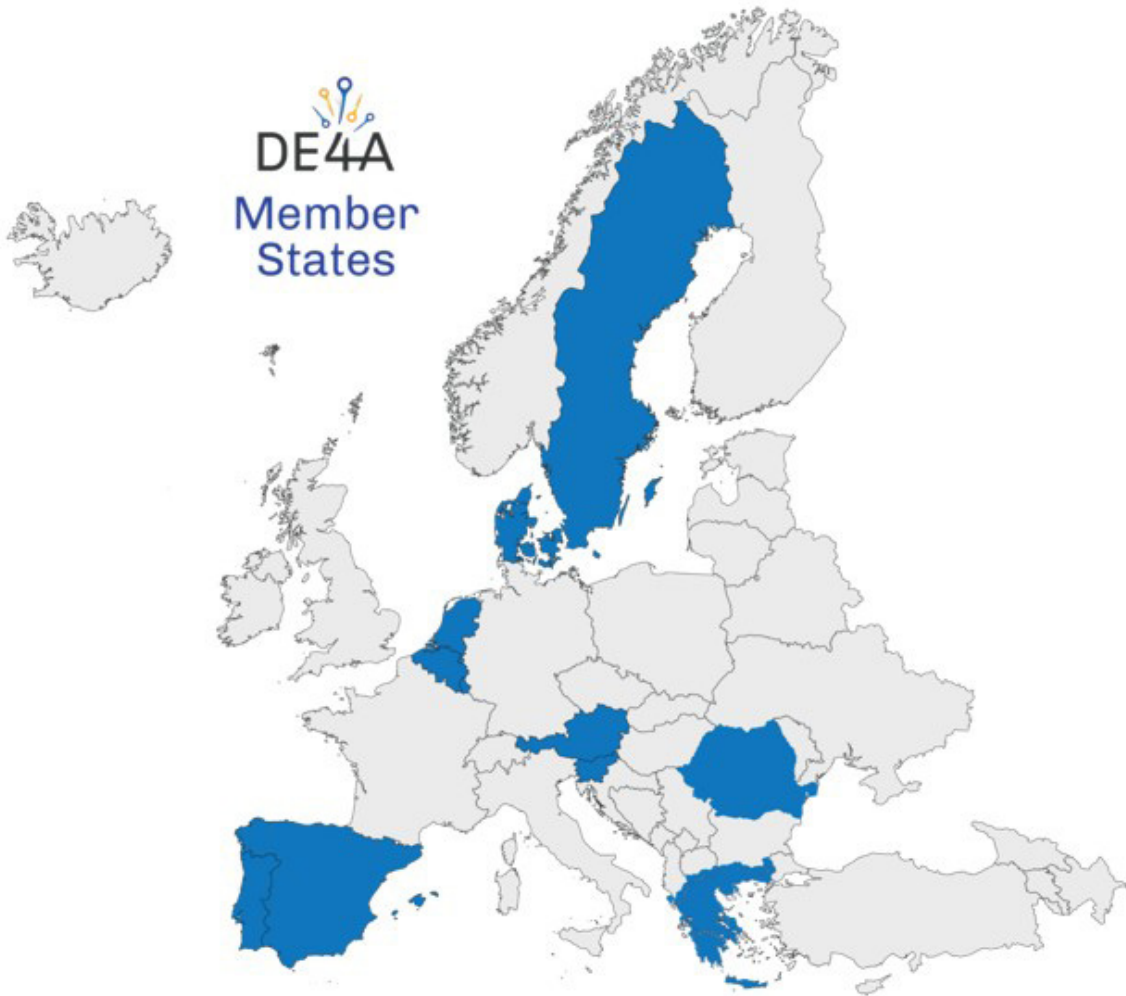
In addition to the freedom of movement, EU citizens also have the ability to start a business or set-up a subsidiary branch of an existing EU-based business, in another Member State (as well as Norway and Liechtenstein). The target guidance from the EU is that this should be possible in no more than three working days, with the process completed through a single administrative body. In support of this objective, the Doing

Business Abroad pilot is focusing on making it easier to start a business in another Member State, as well as breaking down barriers to do business in other Member States.

The DE4A 'Supporting the implementation of the Single Digital Gateway Regulation across Europe - Introduction to the Pilots' brochure is available to read and download at: [Public Information | Digital Europe For All \(de4a.eu\)](#)



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