



22.7.2022

# PROVISIONAL AGREEMENT RESULTING FROM INTERINSTITUTIONAL NEGOTIATIONS

**Subject: Proposal for a decision of the European Parliament and of the Council establishing the 2030 Policy Programme “Path to the Digital Decade” (COM(2021)0574 – C9-0359/2021 – 2021/0293(COD))**

The interinstitutional negotiations on the aforementioned proposal for a decision have led to a compromise. In accordance with Rule 74(4) of the Rules of Procedure, the provisional agreement, reproduced below, is submitted as a whole to the Committee on Industry, Research and Energy for decision by way of a single vote.

Proposal for a

**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing the 2030 Policy Programme “Path to the Digital Decade”**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,  
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 173(3) thereof,  
Having regard to the proposal from the European Commission,  
After transmission of the draft legislative act to the national parliaments,  
Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,  
Having regard to the opinion of the Committee of the Regions<sup>2</sup>,  
Acting in accordance with the ordinary legislative procedure,  
Whereas:

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ C , , p. .

- (1) In its Communication "2030 Digital Compass: the European way for the Digital Decade" of 9 March 2021<sup>3</sup> ("Digital Compass Communication") the Commission laid out its vision for 2030 to empower citizens and businesses through the digital transformation. The Union way for the digital transformation of economy and society should encompass digital sovereignty in an open manner, respect of fundamental rights, rule of law and democracy, inclusion, accessibility, equality, sustainability, resilience, security, improving the quality of life, the availability of services and respect of citizens' rights and aspirations and should contribute to a dynamic, resource efficient, and fair economy and society in the Union.
  - (1a) Such a digital transformation will not be possible without a strong support to science, research, development and to the scientific community which are the driving force of the technological and digital revolution. Moreover, as the degree of digitalisation of an economy or society has been shown not only to be a critical underpinning of economic and societal resilience, but also a factor in global influence, the international dimension of the Union action will structure the broad range of existing cooperation in line with the pillars of the Digital Decade. This is also reflected in the joint Communication "The Global Gateway", with which the Union intends to contribute to narrowing the global investment gap, based on a democratic, value-driven approach fostering high-standard, and transparent partnerships to meet global infrastructure development needs.
- (2) In their statement of 25 March 2021, the members of the European Council considered the Digital Compass Communication as a step towards charting Europe's digital development for the next decade and confirmed the vision set out in the Digital Compass Communication, including the idea of a Policy Programme with an efficient governance framework to facilitate the implementation of multi-country projects that are necessary for Europe's digital transformation in critical areas. It also invited the Commission to widen the European Union's policy toolbox for digital transformation, both at the European Union and national level, and to use all available instruments from industrial, trade and competition policy, skills and education, research and innovation policy and long-term funding instruments to facilitate the digital transformation.
  - (2a) The European Declaration on Digital Rights and Principles for the Digital Decade (Signed XXXX) puts people at the centre of the digital transformation, and aims to promote principles for a digital transformation shared according to European values and laws. The Declaration should contribute to achieving the general objectives as laid down in this Decision. To this end, the Member States and the Commission should take into account the digital principles and rights as laid down in the Declaration when cooperating in view of achieving the general objectives as set out in this Decision.

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<sup>3</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "2030 Digital Compass: the European way for the Digital Decade" COM/2021/118 final/2.

- (3) As outlined in the Commission’s Communication updating the 2020 new industrial strategy<sup>4</sup>, it is necessary for the European Union to identify systems of critical technologies and strategic sectors, to address strategic weaknesses and high-risk dependencies which could lead to supply shortages or cybersecurity risks, and to foster digital transformation. This underlines the importance for Member States to join forces and to support industry’s efforts to address these dependencies and to develop strategic capacity needs. This also responds to the analysis in the 2021 Strategic Foresight Report<sup>5</sup>. In the framework of the Recovery and Resilience Facility and the preparation of national recovery and resilience plans, the Commission encouraged Member States to coordinate their efforts in favour of Multi-Country Projects in the digital area. This experience highlighted the need for the Commission to support coordination efforts by Member States, and for the Union to dispose of implementation mechanisms that facilitate joint investments, in order for Multi-Country Projects to materialise. In conjunction with other Commission’s initiatives such as the Observatory for Critical Technologies<sup>6</sup>, a governance structure implementing the Digital Compass Communication should be established and should help to identify the Union’s current and possible future digital strategic dependencies and contribute to strengthening its digital sovereignty in an open manner.
- (4) The Commission’s Communication on the European Green Deal<sup>7</sup> emphasised that Europe should leverage the potential of the digital transformation, which is a key enabler for reaching the Green Deal objectives. The Union should promote and invest in the necessary digital transformation as digital technologies and new methods and processes are a critical enabler for attaining the sustainability goals of the European Green Deal, the Paris Agreement and the United Nations Sustainable Development Goals in many different sectors. Digital technologies such as artificial intelligence, 5G, 6G, blockchain, cloud and edge computing and the internet of things should accelerate and maximise the impact of policies to deal with climate change and protect the environment, including through sustainable life cycles. Together with satellite navigation and localisation, digitalisation also presents new opportunities for distance monitoring of air and water pollution, and for monitoring and optimising how energy and natural resources are used. Europe needs a digital sector that puts sustainability at its heart, including in its supply chain, preventing excessive reliance on critical raw materials and ensuring that digital infrastructures and technologies become verifiably more sustainable, renewable and energy- and resource efficient, and contribute to a sustainable circular and climate-neutral economy and society in line with the European Green Deal.
- (4a) Policies and investments on digital infrastructure should also aim to ensure inclusive connectivity accessible to all and everywhere in the EU, with available Internet access,

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<sup>4</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions updating the 2020 new industrial strategy: Building a stronger Single Market for Europe’s recovery”, 5.5.2021 COM(2021) 350 final.

<sup>5</sup> COM(2021) 750 final of 8.9.2021 – “2021 Strategic Foresight Report - The EU’s capacity and freedom to act”.

<sup>6</sup> Action Plan on synergies between civil, defence and space industries, 22.02.2021, COM(2021) 70 final, Action 4.

<sup>7</sup> Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions “The European Green deal”, 11.12.2019, COM/2019/640 final.

in order to close the digital divide across the Union with special attention to the territorial divide.

- (5) The measures envisaged in the Digital Compass Communication should be implemented, to intensify actions defined in the strategy for Shaping Europe’s digital future, and building on existing Union instruments (such as Cohesion programmes, the Technical Support Instrument, Regulation (EU) 2021/694 of the European Parliament and of the Council<sup>8</sup>, Regulation (EU) 2021/695 of the European Parliament and of the Council<sup>9</sup> and Regulation (EU) 2021/523 of the European Parliament and of the Council<sup>10</sup>), Regulation (EU) 2021/690 of the European Parliament and of the Council<sup>11</sup> and Regulation (EU) 2021/1153 of the European Parliament and of the Council<sup>12</sup>) and on the funds allocated for digital transformation of Regulation (EU) 2021/241 of the European Parliament and of the Council<sup>13</sup>. By this Decision, a Policy Programme “Path to the Digital Decade” should therefore be established in order to achieve, accelerate and shape a successful digital transformation of the Union’s economy and society.
- (5a) The European Pillar of Social Rights recalls the right to access essential services of good quality, including digital communications as well as the right to quality and inclusive education, training and life-long learning.
- (6) In order to follow the trajectory of the Union regarding the pace of digital transformation, digital targets should be established at the EU level. These digital targets should be linked to concrete areas, where progress should collectively be made within the Union. The targets follow the four cardinal points identified in the Digital Compass Communication, identified as the essential areas for the digital transformation of the Union: digital skills, digital infrastructures, digitalisation of businesses and of public services.
- (6a) This Decision is without prejudice to Articles 165 and 166 TFEU.
- (7) Digital skills, basic and advanced, as well as other skills, including in the domains of Science, Technology, Engineering and Mathematics (STEM), are essential to speed up

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<sup>8</sup> Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240 (OJ L 166, 11.5.2021, p. 1).

<sup>9</sup> Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).

<sup>10</sup> Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017 (OJ L 107, 26.3.2021, p. 30).

<sup>11</sup> Regulation (EU) 2021/690 of the European Parliament and of the Council of 28 April 2021 establishing a programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme) and repealing Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014 and (EU) No 652/2014 (OJ L 153, 3.5.2021, p. 1).

<sup>12</sup> Regulation (EU) 2021/1153 of the European Parliament and of the Council of 7 July 2021 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014 (OJ L 249, 14.7.2021, p. 38).

<sup>13</sup> Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17).

the adjustment of the Union industry to structural changes. Digitally empowered and capable citizens, including those with disabilities, will be able to take advantage of the opportunities of the Digital Decade. To pursue that aim, there should be a focus on education to ensure that teachers and the education community as a whole are adequately trained, skilled and equipped to use technology effectively in their teaching methods and to teach digital technologies to ensure that students could be better equipped to enter the labour market in the short and longer term. Digital education and training should also enhance the Union's attractiveness for high-skilled professionals who have acquired advanced digital skills and their availability on the Union labour market. The Commission's Digital Economy and Society Index (DESI) 2021 states that even before the pandemic, Union businesses, in particular small and medium-sized enterprises (SMEs), struggled to find ICT professionals in sufficient numbers. Therefore, digital training and education should support all the actions to ensure that workforces are equipped with the current and future necessary skills supporting the mobilisation of and the incentive for all relevant stakeholders for maximising the impact of investments in improving existing skills (upskilling) and training in new skills (reskilling) as well as life-long learning of the active population in order to ensure that full advantage is taken of the opportunities of the digitalisation of industry and services. The non-formal digital training provided by employers in the form of learning-by-doing should also be encouraged. Education and training also will bring concrete career incentives to eliminate and avoid divides between women and men.

- (7a) A sustainable digital infrastructure for connectivity, microelectronics and the ability to process big data are essential enablers for taking advantage of the benefits of digitalisation, for further technological developments and for the Union's digital leadership. In line with the Commission's communication of 30 June 2021 on "A long-term Vision for the EU's Rural Areas - Towards stronger, connected, resilient and prosperous rural areas by 2040", reliable, fast and secure connectivity for everybody and everywhere in the Union, including in rural and remote areas, such as islands, mountainous and sparsely populated as well as outermost regions, is needed. Societal needs for converging upload and download bandwidth are constantly growing. By 2030, networks with Gigabit speeds should become available to those who need or wish to have such capacity. All Union end-users should be able to use Gigabit services provided by networks at a fixed location deployed up to the network termination point. Moreover, all the populated areas should be covered by a next generation wireless high-speed network with at least 5G equivalent performance. All market actors benefiting from the digital transformation should assume their social responsibilities and make a fair and proportionate contribution to the public goods, services and infrastructures, for the benefit of all Europeans.
- (7b) Technological neutrality enshrined in Article 3(4)(c) of Directive 2018/1972 is a principle that should guide Union and national digital policies for digital connectivity infrastructure of the highest performance, resilience, security and sustainability to enjoy prosperity. Therefore, all technologies and transmission systems able to contribute to the achievement of the Gigabit connectivity, including the current and upcoming advancements of fibre, satellite, 5G or any other future ecosystem and next generation Wi-Fi should be treated equally, when having equivalent network performance.
- (7c) Semiconductors are essential to most of the key strategic value chains and are expected to be in even higher demand in the future, in particular the most innovative areas. As

they are central to the digital economy they are also powerful enablers for the sustainability transition contributing thus to the Green Deal objectives. Semiconductors with a low-energy footprint support also the positioning the Union as a leader in sustainable digital technologies. The aim should be to strengthen the resilience of the semiconductor value chain and production capacity (including material, equipment, design, fabrication, processing and packaging), inter alia through building large-scale innovative infrastructure compliant with requirements stemming from Union legislation regarding sustainability. For example quantum capacity as well as low-power semiconductors are critical enablers to achieve the climate neutrality of highly secure edge nodes that guarantee access to data services with low latency regardless of businesses' location.

- (8) Beyond enablers, all the above mentioned technologies and the technologies of the future will be at the core of new products, new manufacturing processes and new business models based on fair and secure sharing of data in the data economy, while ensuring effective protection of privacy and personal data. The transformation of businesses will depend on their ability to adopt new digital technologies rapidly and across the board, including in industrial and services ecosystems that are currently lagging behind. That transformation is particularly important for SMEs, which continue to face challenges in the take-up of digital solutions.
- (8a) Member States are encouraged to apply the once-only principle within their public administration, fostering the re-use of data, in accordance with the data protection rules, so that no additional burden falls on citizens or businesses.
- (9) Democratic life and key public services will also crucially depend on digital technologies. Every citizen and business should be able to interact digitally with public administrations, several parameters of these interactions including user centricity and transparency being monitored in DESI. Key public services, including electronic health records, should be fully accessible on a voluntary basis as a best-in-class digital environment providing for easy-to-use, efficient, trustworthy and personalised services and tools with high security and privacy standards. Such key public services should cover also those that are relevant for major life events for natural persons, such as e.g. when losing and finding a job, studying, owning and driving a car, starting up a business, and for legal persons in their business life. Offline accessibility of services should nevertheless be maintained while transitioning to digital tools.

- (9a) Digital technologies should contribute to achieving broader societal outcomes that are not limited to the digital sphere, but have positive effects on citizens' everyday life and their wellbeing. If it is to be successful, the digital transformation should go hand-in-hand with improvements as regards democracy, good governance, social inclusion and more efficient public services.
- (10) The Commission should review these digital targets and relevant definitions by June 2026 to assess whether they still meet the high level of ambition of the digital transformation and may propose to revise them, if it deems it necessary to address technical, economic and societal developments, notably in the areas of data economy, sustainability and cybersecurity.
- (10a) Where public funds are used, it is crucial that maximum value is gained for society and businesses. Therefore, public funding should aim at open and non-discriminatory access to the outputs of funded projects, unless otherwise deemed justified and proportionate.
- (11) A harmonious, inclusive and steady progress towards the digital transformation and towards the achievement of the digital targets in the Union requires a comprehensive, robust, reliable, flexible and transparent form of governance, based on close cooperation and coordination between the European Parliament, the Council, the Commission and the Member States. An appropriate mechanism should ensure coordination of convergence, the transfer of best practices and the consistency and effectiveness of policies and measures at Union and national level and should also encourage the activation of appropriate synergies between the Union and national funds, and also between the different Union initiatives and programmes. To that end, the Commission could support and guide Member States how to make best use of the most suitable types of synergies. Considering all this, it is necessary to lay down provisions on a monitoring and cooperation mechanism implementing the Digital Compass Communication. Such a mechanism should take into account the diversity of situations across and within Member States, be proportionate, notably with regards to administrative burden, and leave the possibility for Member States to follow a greater level of ambition when defining their national objectives.
- (12) This mechanism should include an enhanced monitoring system to identify gaps in the strategic digital capacities of the Union. It should also include a reporting mechanism, among others, on the progress towards the 2030 vision and corresponding digital targets as well as on the more general state of compliance with the objectives set in this Decision. It should establish a cooperative framework between the Commission and Member States to identify solutions addressing weaknesses and to propose targeted actions for effective remedies.

- (13) DESI<sup>14</sup> should become a part of the report on the state of the Digital Decade and should be used to monitor the progress towards the digital targets. This monitoring should include an analysis of the indicators measuring progress at Member States' level, national policies and initiatives aimed at reaching the objectives of this Decision and the targets as well as horizontal and thematic analyses tracking the digital transformation of European economies and a ranking of Member States progress therein. In particular, DESI's dimensions and indicators should be aligned with digital targets set out in this Decision. For each digital target, key performance indicators ('KPIs) should be set out in implementing acts to be adopted by the Commission. The KPIs should be updated when necessary for continued effective monitoring and to take account of technological developments. The data collection mechanism within Member States should be reinforced, where appropriate, to present a thorough state of play on the progress towards the digital targets, as well as information on the relevant policies, programmes, and initiatives at national level, and should include, where applicable, gender- and regional-disaggregated data, in accordance with Union and national law. Based on the reviews and where needed, the Commission should prepare, in consultation with the Member States, a planning to set out future data collection needs. In defining the DESI, the Commission should rely largely on official statistics collected in different Union surveys on the information society<sup>15</sup>. The Commission should use specific studies to collect data for those relevant indicators that are not measured in the Union surveys or collected through other reporting exercises, such as the Commission's small business act strategy, including its annual SME performance review. The definitions related to the targets do not constitute precedents for KPIs and they in no way hinder the upcoming measurement of the progress on targets via the KPIs.
- (13a) Since 2019, the DESI has incorporated the Women in Digital Scoreboard, which assesses Member States' performance in the areas of internet use, internet user skills as well as specialist skills and employment, based on 12 indicators. The inclusion of the Women in Digital Scoreboard in the report on the "State of the Digital Decade" should enable monitoring of the digital gender divide.

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<sup>14</sup> DESI is an annual set of analyses and measurement indicators, which since 2014 have been used to monitor Europe's overall progress and to benchmark individual Member States' progress in digital, feeding into the European Semester process and the country specific recommendations.

<sup>15</sup> Regulation (EC) No 1006/2009 of the European Parliament and of the Council of 16 September 2009 amending Regulation (EC) No 808/2004 concerning Community statistics on the information society (OJ L 286, 31.10.2009, p. 31–35).

- (14) In order to keep the co-legislators informed about the progress of digital transformation in the Union, the Commission should submit to the European Parliament and the Council an annual report on the “State of the Digital Decade”, containing an overview and analysis of the digital transformation of the Union and an evaluation of the progress made with regard to the objectives of the Digital Decade and the digital targets for the period towards 2030. The report on the “State of the Digital Decade”, and in particular the DESI, should feed into the European Semester, including aspects relating to the Recovery and Resilience Facility, while the recommended policies, measures and actions included in the “State of the Digital Decade” report should be complementary to the country specific recommendations.
- (15) In particular, the Commission should report on how effectively the general objectives of this Decision have been translated into policies, measures and actions, as well as the progress towards the digital targets, detailing the degree of Union progress in relation to the projected trajectories for each target, the assessment of the efforts necessary to reach each target, including investment gaps in digital capacities and innovation as well as raising awareness about the actions needed to increase digital sovereignty in an open manner. The report should also include an assessment of the implementation of relevant regulatory proposals as well as of the actions undertaken at Union and Member States level.
- (16) On the basis of this analysis the report would include specific recommended policies, measures and actions. When recommending policies, measures or actions in the report, the Commission should take into account the most recent data available, the joint commitments undertaken, the policies and measures defined by Member States as well as progress regarding recommended actions identified in earlier reports and addressed in the course of the cooperation. In addition, the Commission should take into account the differences in individual Member States’ potential to contribute to the digital targets, as well as the policies, measures and actions already in place and considered appropriate to achieve the targets, even if their effects have not yet materialised.
- (18) With a view to ensuring that the Digital Decade objectives and digital targets, as laid down in this Decision, are achieved, and that all Member States effectively contribute to that end, the design and implementation of the monitoring and cooperation mechanism should ensure exchanges of information and best practices through a constructive and inclusive dialogue between Member States and the Commission, while ensuring that the European Parliament is duly and timely informed by the Commission.
- (19) The Commission should, together with Member States, develop projected trajectories for the Union to reach the digital targets as laid down in this Decision. These projected trajectories should then be translated by Member States into national trajectories, where possible, and, where appropriate taking due account of the regional dimension. The different potential and different starting points of Member States to contribute to the digital targets should be taken into account and reflected in national trajectories. These trajectories should help assess progress over time at Union and national level respectively.

- (20) In order to ensure that cooperation between the Commission and the Member States is efficient and effective, Member States should submit to the Commission national Digital Decade strategic roadmaps covering the period up to 2030 ('national roadmaps') proposing, where possible and measurable at national level, national trajectories, describing all the instruments adopted, planned or implemented with a view to contributing to the achievement at Union level of the general objectives and the digital targets. Member States should be able to include in their national roadmaps information on policies, measures and actions to be undertaken at regional level. The national roadmaps should be drafted after consulting key stakeholders, such as business organisations, including SME representatives, social partners and civil society, including older people and youth, as well as local and regional representatives and should be a crucial tool for the coordination of the policies of the Member States and for ensuring predictability for the market. Member States should take into account relevant sectoral initiatives, both at Union and national level, and foster consistency with them. The commitment of a Member State to provide a national roadmap to support achieving the digital targets at Union level in no way prevents the Member State from designing and implementing strategies at national or regional level nor from specialising in certain industrial or digital domains.
- (20a) During the cycle of cooperation, Member States could propose adjustments to their national roadmaps to take into account the evolution of the digital transformation at Union and national level and to respond, in particular, to the Commission recommended policies, measures and actions. In order to foster a consistent and comparable approach across Member States and facilitate the preparation of their national roadmaps, the Commission should provide guidance setting out in more detail the key elements of the structure of a national roadmap and, in particular, the common elements that all roadmaps should include. The guidance should also provide for a general approach to be followed by the Member States when developing their national trajectories.
- (23) The cooperative dialogue between the Commission and the Member States should commence with the assessment of their national Digital Decade strategic roadmaps and should be based on the data provided and assessment made in the report of the "State of the Digital Decade", as well as on the feedback received by relevant stakeholders, such as business organisations, including SME representatives, social partners and civil society, as well as regional and local representatives.
- (24) The cooperation should subsequently be structured within a cycle. The timing of the cooperation should take into account the need to reflect the results of the cooperation thus far, as well as policies, measures, actions and the possible adjustments to the national roadmaps every two years.

- (25) In order to progress towards achieving the targets in alignment with the projected trajectories, Member States which are considered in the report as having made insufficient progress in a given area, should propose adjustment measures and actions they intend to undertake to foster progress in that critical area. Furthermore, the Commission and Member States should examine how recommended policies, measures and actions made in the previous year's report have been addressed by Member States collectively and individually. A Member State should be able to request a peer review process to be launched in order to give other Member States an opportunity to comment on proposals it intends to present in its national Digital Decade strategic roadmap, in particular as regards their suitability to achieve a specific target. The Commission should facilitate the exchange of experiences and best practices by way of the peer review process.
- (26) The Commission and one or more Member States, or at least two Member States may undertake joint commitments regarding coordinated actions they would like to undertake in order to achieve the digital targets, establish Multi-Country Projects, and agree on any other measures and actions at Union and national level with the objective to progress towards achieving the digital targets in alignment with the projected trajectories. A joint commitment is an initiative to cooperate, notably with the aim of contributing to the achievement of the general objectives and digital targets set out in this Decision. Membership of Multi-Country Projects and EDICs should include at least three Member States.
- (27) In the monitoring of the fulfilment of the general objectives and digital targets, the Commission and the Member States have the obligation to cooperate sincerely in accordance with Article 4(3) TEU. It is therefore necessary that any call for cooperation made by the Commission is followed up appropriately by Member States, in particular where there is a significant deviation from the Member State's trajectories or where such deviation has not been addressed for a substantial period.
- (28) The effective implementation of the recommended policies, measures and actions and of the national roadmaps and their adjustments, is crucial for the achievement of the general objectives and digital targets. A structured dialogue with individual Member States is deemed to be essential to guide and support those Member States in identifying and implementing the appropriate measures to progress towards achieving their national trajectories, in particular where Member States need to adjust their national roadmaps based on the Commission recommended policies, measures and actions. The Commission should ensure keeping the European Parliament and the Council appropriately informed, in particular regarding the process and the outcome of the structured dialogue.

- (29) In order to ensure transparency and public participation, the Commission should engage with all interested stakeholders. To that end, the Commission should closely cooperate with stakeholders including civil society, private and public actors, such as bodies governed by public laws of the education and training or health sectors, and consult them on measures to accelerate the digital transformation at Union level. When consulting stakeholders, it is necessary to be as inclusive as possible and involve those bodies that are instrumental to promoting girls' and women's participation in digital education and professional careers, aiming to promote the most gender-balanced approach when implementing the national roadmaps. The involvement of stakeholders would be important at the level of Member States as well, in particular when adopting their national roadmaps and their possible adjustments. Both at Union and national level, the Commission and the Member States should involve business organisations, including SME representatives, social partners and civil society, in a timely manner and proportionately to their resources.
- (30) Multi-Country Projects involving several Member States should allow for large-scale intervention in key areas necessary for the achievement of the digital targets, notably by pooling resources from the Union, Member States, and where appropriate private sources. Where necessary for the achievement of the digital targets, Member States should be able to involve third countries' associated to a directly managed Union programme that supports the digital transformation of the Union. They should be implemented in a coordinated manner, in close cooperation between the Commission and Member States. For that reason, the Commission should play a central role in accelerating the deployment of Multi-Country Projects through the identification of Multi-Country projects ready for implementation among the projects categories indicatively included in Annex, in advising Member States on the choice of the most suitable existing implementation mechanism, on the choice of the sources of funding and their combination, on other strategic matters related to the implementation of those projects. Where appropriate, the Commission should provide guidance on the setting-up of a European Digital Infrastructure Consortium (EDIC) as an implementation mechanism. Member States, wishing to do so, may cooperate or take action in areas other than those provided in this Decision.
- (31) Public support to the Multi-Country Projects should be used notably to address market failures or sub-optimal investment situations, in a proportionate manner, without distorting the level playing field, duplicating or crowding out private financing. Multi-Country Projects should have a clear European added value, and should be implemented in compliance with applicable Union law and national law consistent with Union law.

- (32) Multi-Country Projects should be able to attract and combine, in an efficient manner, various sources of Union and Member States' funding and, where applicable, funding from third countries' associated to a directly managed Union programme that supports the digital transformation of the Union, finding, where possible, synergies among them. Notably, the combination of the funds from centrally managed Union programme with resources committed by Member States should be possible, including, under certain conditions, contributions from the Recovery and Resilience Facility, as explained in Part 3 of the Commission guidance to Member States on Recovery and Resilience Plans<sup>1</sup>, as well as contributions from European Regional Development and Cohesion funds. Whenever justified by the nature of a given Multi-Country Project, it should also be open to contributions from entities other than the Union and Member States, including private contributions.
- (33) The Commission, in cooperation with the Member States and acting as the coordinator of Multi-Country Projects, should assist Member States in the identification of their interests in Multi-Country Projects, give non-binding guidance regarding the selection of optimal implementation mechanisms and provide assistance in the implementation, contributing to the widest possible participation. The Commission should provide such support unless Member States participating in a Multi-Country project object and should always act in cooperation with the participating Member States.
- (34) The Commission should be able to establish, upon Member States' application, and where it considers it appropriate, a European Digital Infrastructure Consortium ('EDIC') to implement that Multi-Country Project.
- (34a) The host Member State should determine whether an EDIC meets the requirements to be recognised as an international body within the meaning of Articles 143, point (g) and 151(1), point (b) of Council Directive 2006/112/EC[1] and as international organisation within the meaning of Article 12(1), point (b), of Council Directive 2008/118/EC.
- (35) In order to ensure uniform conditions for the implementation of this Decision implementing powers should be conferred on the Commission as regards the key performance indicators and for setting up the EDIC. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>16</sup>,
- (35a) This Decision does not apply to measures taken by Member States concerning national security, public security and defence.

HAVE ADOPTED THIS DECISION:

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<sup>16</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

CHAPTER 1  
**SUBJECT MATTER, OBJECTIVES AND DEFINITIONS**

*Article 1*

**Subject matter**

1. This Decision establishes a Policy Programme “Path to the Digital Decade” and sets out a monitoring and cooperation mechanism for that programme consisting of measures to:
  - (a) create an environment favourable to initiative by setting a clear direction for the digital transformation of the Union and for delivery of the digital targets at Union level by 2030 based on measurable indicators;
  - (b) structure and stimulate cooperation between the European Parliament, the Council, the Commission and the Member States;
  - (c) foster the consistency, comparability, transparency and completeness of the monitoring and reporting by the Union.
2. This Decision also establishes a framework for Multi-Country Projects.

*Article 2*

**General objectives**

1. The European Parliament, the Council, the Commission and the Member States shall cooperate to support and achieve the following general objectives at Union level (general objectives):
  - (a) promote a human-centered and fundamental rights-based, inclusive, transparent and open digital environment where secure and interoperable digital technologies and services respect and enhance Union principles, rights and values and are accessible to all, everywhere in the EU;
  - (b) reinforce Member States’ collective resilience and bridge the digital divide, achieve gender and geographical balance by promoting continuous opportunities for all individuals, to develop basic and advanced digital skills and competencies, including via vocational and professional training, and lifelong learning, and by fostering the development of high-performing digital capacities within horizontal education and training systems;

- (c) ensure the Union's digital sovereignty in an open manner, in particular by secure and accessible digital and data infrastructures capable to efficiently store, transmit and process vast volumes of data that enables other technological developments, supporting the competitiveness and sustainability of the Union's industry and economy, in particular of SMEs, and the resilience of the Union's value chains as well as fostering the start-up ecosystem and a smooth functioning of the European Digital Innovation Hubs;
- (d) promote the deployment and the use of digital capabilities, reducing the geographical digital divide and granting access to digital technologies and data on open, accessible and fair terms, in order to achieve a high level of digital intensity and innovation in Union's enterprises, in particular start-ups and SMEs;
- (da) develop a comprehensive and sustainable ecosystem of interoperable digital infrastructures where high performance, edge, cloud, quantum computing, artificial intelligence, data management and network connectivity work in convergence, to promote their uptake in the Union businesses, to create opportunities for growth and jobs through research, development and innovation; ensure that the Union has a competitive, secure and sustainable data cloud infrastructure in place, with high security and privacy standards and complying with its data protection rules;
- (db) promote a Union digital regulatory environment to support Union undertakings', especially SMEs', ability to compete fairly along global value chains;
- (e) ensure that online participation in democratic life is possible for everyone, and that public services, health and care services are also accessible in a trusted and secure online environment for everyone, in particular for disadvantaged groups including persons with disabilities and in rural and remote areas, offering inclusive, efficient, interoperable and personalised services and tools with high security and privacy standards;
- (f) ensure that digital infrastructures and technologies, including their supply chains, become more sustainable, resilient, and energy- and resource efficient, minimizing their negative environmental and social impact, and contribute to a sustainable circular and climate-neutral economy and society in line with the European Green Deal, including by promoting research and innovation which contribute to that end and by developing methodologies for measuring energy and resource efficiency of the digital space;
- (g) facilitate fair and non-discriminatory conditions for users in digital transformation throughout the Union by strengthening the synergies between private and public investments and the use of Union and national funds, and by developing predictable regulatory and supportive approaches that also involve the regional and local level;
- (h) ensure that all policies and programmes which are relevant to the achievement of the digital targets, are taken into account in a coordinated and coherent way to fully contribute to the twin green and digital transition, while avoiding overlaps and minimising administrative burdens;

- (ha) improve resilience to cyberattacks, contribute towards increasing risk-awareness and knowledge of cybersecurity processes, increasing the efforts of public and private organisations to achieve at least basic levels of cybersecurity.
2. When cooperating to achieve the general objectives set out in this article, the Member States and the Commission shall take account of the digital principles and rights put forward in the interinstitutional solemn declaration between the European Parliament, the Council and the Commission.

### *Article 3*

#### **Definitions**

For the purposes of this Decision, the following definitions apply:

- (1) ‘Digital Economy and Society Index (‘DESI’)’ means an annual set of analyses and measurement indicators on the basis of which the Commission monitors the Union’s and Member States’ overall digital performance across several policy dimensions, including their progress towards the digital targets set out in Article 4;
- (2) ‘Multi-Country Projects’ means large scale projects facilitating the achievement of the digital targets set out in Article 4, including the Union’s and Member States’ financing, and meeting the requirements set out in Article 12;
- (3) ‘statistics’ means statistics as defined in Article 3(1) of Regulation (EC) No 223/2009 of the European Parliament and of the Council<sup>17</sup>;
- (4) ‘peer review’ means a review mechanism whereby Member States exchange best practices on specific aspects of the policies, measures and actions proposed by a given Member State, and in particular on their efficiency and suitability to contribute to achieving a specific target of the digital targets set out in Article 4, in the context of the cooperation established in Article 8;
- (5) ‘projected trajectory’ means the assumed path per digital target until 2030, to achieve the digital targets set out in Article 4 and based on historical data where available;

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<sup>17</sup> Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

- (5a) ‘Edge nodes’ means distributed data processing capacity connected to the network and located close to (or in) the physical endpoint where the data is generated. Edge nodes offer distributed computing and storage capabilities for low latency data processing;
- (5b) ‘digital intensity’ means the aggregated value attributed to an undertaking, based on the number of technologies it uses, against a scoreboard of different technologies, in line with the DESI;
- (5c) ‘Key public services’ means essential services provided to natural persons in their major life events and to legal persons in their business life cycle, provided by public entities;
- (5d) ‘advanced digital skills’ means the skills and professional competencies requiring the knowledge and experience necessary to understand, design, develop, manage, test, deploy, use and maintain digital technologies, products and services;
- (5e) ‘basic digital skill’ means the ability to perform, by digital means, at least one activity related to the following areas: information, communication and collaboration, content creation, safety and personal data, and problem solving;
- (5f) ‘unicorn’ means:
  - (a) either an undertaking founded after 1990 that has had an initial public offering or trade sale above USD 1 billion;
  - (b) or an undertaking that has been valued at over USD 1 billion in their last private venture funding round, including where the valuation has not been confirmed in a secondary transaction;
- (5g) ‘small or medium sized enterprise’ or ‘SME’ means a micro, small or medium-sized enterprise as defined in Article 2 of the Annex to Commission Recommendation 2003/361/EC<sup>18</sup>.

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<sup>18</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

CHAPTER 2  
**DIGITAL TARGETS**

*Article 4*

**Digital targets**

1. The European Parliament, the Council, the Commission and the Member States shall cooperate to achieve the following digital targets in the Union by 2030 (digital targets):
  - (1) a digitally skilled population and highly skilled digital professionals with the aim of achieving gender balance:
    - (a) at least 80% of those aged 16-74 have at least basic digital skills;
    - (b) at least 20 million information and communications technology (ICT) specialists are employed within the Union, promoting the access of women to this field, and increasing the number of ICT graduates;
  - (2) secure, resilient, performant and sustainable digital infrastructures:
    - (a) all end users at a fixed location are covered by a Gigabit network up to network termination point and all populated areas are covered by next generation wireless high-speed networks with at least 5G equivalent performance, in accordance with the principle of technology neutrality;
    - (b) the production, in accordance with Union legislation on sustainability, of cutting-edge semiconductors in the Union is at least 20% of world production in value;
    - (c) at least 10 000 climate neutral highly secure “edge nodes” are deployed in the Union, distributed in a way that guarantees access to data services with low latency (few milliseconds) wherever businesses are located;
    - (d) by 2025, the Union has its first computer with quantum acceleration, paving the way for the Union to be at the cutting edge of quantum capabilities by 2030;

- (3) digital transformation of businesses:
  - (a) at least 75% of Union enterprises have taken up one or more of the following, in line with their business operations:
    - (1) cloud computing services;
    - (2) big data;
    - (3) artificial intelligence;
  - (b) more than 90% of Union Small and Medium Enterprises ('SME') reach at least a basic level of digital intensity;
  - (c) the Union facilitates the growth of its innovative scale ups and improves their access to finance, leading to at least doubling the number of unicorns;
- (4) digitalisation of public services:
  - (a) 100% online accessible provision of key public services and, where relevant, the possibility to interact online with public administrations for Union citizens and businesses;
  - (b) 100% of Union citizens have access to their electronic health records;
  - (c) 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.

2. The Commission, taking into account the in particular the information submitted by MS in accordance with the provisions of Chapter III, shall review the digital targets and relevant definitions by 30 June 2026. The Commission shall submit a report to the European Parliament and to the Council regarding the outcome of the review and shall submit a legislative proposal to revise the digital targets in paragraph 1 where it considers this to be necessary to address technical, economic and societal developments for a successful digital transformation of the Union.

## CHAPTER 3

### GOVERNANCE: MONITORING AND COOPERATION MECHANISM

#### *Article 5*

##### **Monitoring of progress**

1. The Commission shall monitor the progress of the Union against the general objectives and digital targets. To this end, the Commission shall rely upon DESI and shall set out in an implementing act the key performance indicators ('KPIs') for each digital target. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 25(2).
2. Member States shall provide to the Commission in a timely manner the necessary statistics and data required for the effective monitoring of the digital transformation and of the degree of achievement of the digital targets with data disaggregated, where possible, to the regional level and by gender, taking into consideration Union and national law. Where the relevant statistics from Member States are not yet available, the Commission may use an alternative data collection methodology, such as studies or direct collection of data from the Member States, in consultation with the Member States, including in order to ensure that the regional level is properly documented. The use of that alternative data collection methodology shall not affect the tasks of Eurostat as laid down in Commission Decision 2012/504/EU<sup>19</sup>.
3. The Commission, in close cooperation with Member States, shall define Union-level projected trajectories for the attainment of each of the digital targets, which would serve as basis for the monitoring and the national Digital Decade strategic roadmaps. Where necessary, in light of technical, economic or societal developments, the Commission, in close cooperation with Member States, shall update one or more of these projected trajectories. The Commission shall report to the European Parliament and the Council about the Union-level trajectories and their updates in due time.

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<sup>19</sup> Commission Decision 2012/504/EU of 17 September 2012 on Eurostat (OJ L 251, 18.9.2012, p. 49).

## Article 6

### Report on the “State of the Digital Decade”

1. The Commission shall submit and present annually to the European Parliament and to the Council the comprehensive report on the “State of the Digital Decade”. The comprehensive report shall cover progress with regard to the digital transformation of the Union and it shall include the DESI. The first report shall be submitted within 12 months after the date of entry into force of this Decision.
2. In the report on the “State of the Digital Decade”, the Commission shall provide an assessment of the progress of the Union’s digital transformation against the digital targets as well as the state of compliance with the general objectives. The assessment of the progress made shall be based, in particular, on the analysis and key performance indicators in the DESI as compared to Union and national projected trajectories, taking into account, where applicable and possible, the analysis of the regional dimension. The assessment of the progress made shall also be based, where applicable, on the establishment of and progress regarding Multi-Country Projects.
3. In the report on the “State of the Digital Decade”, the Commission shall identify significant gaps and shortages and recommend policies, measures or actions to be taken by Member States in areas where progress was insufficient to achieve the general objectives and digital targets. Those recommended policies, measures or actions may, in particular, address:
  - (a) the level of ambition of contributions and initiatives proposed by Member States, with a view to achieving general objectives and digital targets;
  - (b) policies, measures and actions at Member State level, including where relevant of regional dimension, and other policies and measures of potential cross-border relevance;
  - (c) any additional policies, measures or action that might be required in the adjustments of national Digital Decade strategic roadmaps (national roadmaps);
  - (d) interactions between and consistency of existing and planned policies, measures and actions.
4. The report shall take into account joint commitments as referred to in Article 8(4) as well as their implementation.

5. The report shall also include information on progress regarding recommended policies, measures or actions referred to in paragraph 3 of this Article and mutually agreed conclusions pursuant to Article 8, paragraph 6 and their implementation.
6. The report shall also assess the need for any additional policies, measures or actions that might be required at the Union level.

#### *Article 7*

#### **National Digital Decade strategic roadmaps**

1. By ... [*nine months after the date of entry into force of this Decision* ], each Member State shall submit to the Commission its national roadmap. The national roadmaps shall be consistent with, and shall contribute to, achieving at Union level, the general objectives and digital targets. They shall take into account relevant sectoral initiatives and foster consistency with them.
2. Each national roadmap shall comprise the following:
  - (a) the main implemented, adopted and planned policies, measures and actions that contribute to the general objectives and digital targets ;
  - (b) national projected trajectories contributing to relevant digital targets measurable at national level while the regional dimension is reflected where possible in the national roadmaps;
  - (c) the timing and expected impact of the implemented, adopted and planned policies, measures and actions, referred to in point (a) on the general objectives and the digital targets;
3. The policies, measures and actions referred to in paragraph 2 shall relate to one or more of the following:
  - (a) directly applicable Union or national laws are in force;
  - (b) one or more commitments to adopt policies, measures or actions have been undertaken;
  - (c) allocated public financial resources;
  - (d) mobilised human resources;
  - (f) they constitute other important enablers related to objectives and digital targets.

4. Member States shall provide an estimate of the investment and resources needed to contribute to the achievement of general objectives and digital targets as set out in their national roadmaps, as well as a general description of the sources of that investment, either private or public, including, where applicable, planned use of Union programmes and instruments. The national roadmaps may include proposals for Multi-Country Projects.
- 4a. Member States may establish regional roadmaps. The Member States shall strive to align and may integrate such regional roadmaps with the national roadmaps in order to ensure that the general objectives and digital targets are pursued throughout their territory.
5. Member States shall ensure that their national roadmaps take into consideration the latest country-specific recommendations issued in the context of the European Semester. Adjustments to national roadmaps shall take into utmost account the recommended policies, measures and actions under Article 6(3).
6. The Commission shall provide guidance and support to Member States in the preparation of their national roadmaps, including, where possible, on how to establish at national level, and, where possible with regional dimension, appropriate projected trajectories which can effectively contribute to the achievement of Union-level projected trajectories.

#### *Article 8*

##### **Cooperation between the Commission and the Member States**

1. Member States and the Commission shall closely cooperate to identify ways to address deficiencies in areas where progress is regarded as insufficient by the Commission and the Member States to achieve one or more of the digital targets or where significant gaps and shortages have been identified based on the results of the report on the "State of the Digital Decade". This analysis shall take into account, in particular, the different capacities of Member States to contribute to some of the digital targets and the risk that delays on certain of these targets may have a detrimental effect on the achievement of other digital targets.
2. Within two months from the publication of the report on the "State of the Digital Decade", the Commission and the Member States shall endeavor to discuss the Member State's preliminary observations, notably as regards policies, measures and actions recommended by the Commission in the report on the "State of the Digital Decade".

3. Within five months from the publication of the second report on the “State of the Digital Decade” and every second year thereafter, the Member States concerned shall submit to the Commission adjustments to their national roadmaps consisting of policies, measures and actions they intend to undertake, including, where relevant, proposals for Multi-Country Projects, to foster progress in the areas concerned by the digital targets and to fulfill general objectives. If a Member State considers that no action is required and that its national roadmap does not require updating, it shall provide its reasons to the Commission.
4. At any point of the cooperation, the Commission and one or more Member States, or at least two Member States may undertake joint commitments, consult with other Member States on policy, measures or actions or establish Multi-Country Projects as provided for in Article 12. Member States may also request a peer review process to be launched regarding specific aspects of their policies, measures or actions, and in particular on their suitability to contribute to achieving a specific digital target, as well as for the purposes of the implementation of the obligation and tasks established in this Decision. The outcome of the peer review process may be included in the following report on the “State of the Digital Decade”, if the Member State concerned agrees.
5. The Commission shall inform Member States about the recommended policies, measures and actions it intends to include in the report on the “State of the Digital Decade” before the publication of the report.
- 5a. In case of a significant or continuous deviation from the national trajectories, the Commission or the Member State concerned may initiate a structured dialogue with each other. The structured dialogue shall be based on a specific analysis of how the deviation as referred to in the first sub-paragraph could affect the collective achievement of the general objectives and digital targets, in view of the evidence and data in the annual report on the "State of the Digital Decade". The aim of the structured dialogue shall be to guide and support the Member State concerned to identify the appropriate adjustments to its national roadmap or any other measures that would be needed. The structured dialogue shall result in mutually agreed conclusions, which shall be taken into account in the follow-up actions to be taken by the Member State concerned. The Commission shall duly inform about the process and present the mutually agreed conclusions to the European Parliament and to the Council.

## *Article 10*

### **Cooperation**

1. The Commission and the Member States shall closely cooperate for the purposes of the implementation of the obligations and tasks established in this Decision. To that end Member States may initiate a dialogue either with the Commission or with the Commission and the other Member States on any subject relevant to achieving the digital targets and general objectives. The Commission shall provide all appropriate technical assistance services, expertise and shall organize a structured exchange of information, best practices and coordination.

## *Article 11*

### **Stakeholder consultations**

1. The Commission shall, in a timely and transparent manner and on regular basis, closely cooperate with private and public stakeholders, including SME representatives, social partners and civil society, to collect information and develop recommended policies, measures and actions for the purposes of the implementation of this Decision. The Commission shall register the consultations carried out in accordance with this Article.
2. The Member States shall, in a timely manner and in line with national legislation, consult private and public stakeholders, including SME representatives, social partners, civil society, as well as regional and local representatives, when adopting their national roadmaps and their adjustments.

CHAPTER 4  
**FRAMEWORK FOR MULTI-COUNTRY PROJECTS**

*Article 12*

**Multi-Country Projects**

1. The purpose of the Multi-Country Projects shall be to facilitate the achievement of the digital targets.
2. Multi-Country Projects shall aim at one or more of the following specific goals:
  - (a) improving the cooperation of the Union and of Member States in the achievement of the general objectives of the Digital Decade;
  - (b) reinforcing the Union's technological excellence, leadership, innovation and industrial competitiveness in critical technologies, complementary technology combinations, digital products, services and infrastructures that are essential for economic recovery and growth and for the security and safety of individuals;
  - (c) addressing strategic vulnerabilities and dependencies of the Union along the digital supply chains in order to enhance their resilience;
  - (d) increasing the availability of and promoting best use of safe digital solutions in areas of public interest and the private sector while respecting the principles of technological neutrality;
  - (e) contributing to an inclusive and sustainable digital transformation of society and the economy that benefits all citizens and businesses, in particular SMEs, across the Union;
  - (ea) promoting digital skills for citizens through education, training and life-long learning, with focus on fostering a gender balanced participation to education and career opportunities;

The Annex sets out an indicative list of possible areas of activity in which Multi-Country Projects addressing these specific objectives could be established.

3. A Multi-Country Project shall involve the participation of at least three Member States.

- 3a. Where appropriate, a Member State participating in a Multi-Country Project may delegate the implementation of its part of that project to a region, in line with its national roadmap.
5. The Commission, pursuant to Article 6(3) and Article 8(4), may recommend that Member States propose a Multi-Country Project or participate in a Multi-Country Project meeting the requirements of paragraphs (1) to (3), taking into account the progress in implementing the national roadmaps. The Commission and Member States may also undertake to set up, or join, a Multi-Country Project as a joint commitment.

### *Article 13*

#### **Selection and implementation of Multi-Country Projects**

1. Taking into account proposals for Multi-Country Projects in the national roadmaps and joint commitments, the Commission shall, in close cooperation with Member States, prepare and publish, as an annex to the report on the “State of the Digital Decade”, the strategic principles and priorities in the implementation of Multi-Country Projects and a progress report on the Multi-Country Projects selected for implementation at the time of the publication of the report.
2. All Union programmes and investment schemes, if allowed by the acts establishing them, may contribute to a Multi-Country Project.
  - 2a. A third country may participate in a Multi-Country Project if this country is associated to a directly managed Union programme that supports the digital transformation of the Union, and where this participation is necessary to facilitate the achievement of the digital targets of the Union and of the Member States. Such an associated country, including its financial contributions, shall comply with the rules arising from the Union programmes and investment schemes contributing to the Multi-Country Project.
3. Other entities, whether public or private, may contribute to Multi-Country Projects where appropriate. Complementary private contributions shall contribute to the achievement of the purpose and goals laid down in Article 12.1 and 2 and support, where relevant, the open access to results and reuse in the interest of individuals and businesses in the Union.
4. Multi-Country Projects may be implemented by the following implementation mechanisms:
  - (a) Joint Undertakings;
  - (b) European Research Infrastructure Consortia;
  - (c) the Union’s agencies;

- (d) independently by Member States concerned;
- (e) to promote the execution of Important Projects of Common European Interest under Article 107(3), point (b) TFEU;
- (f) European Digital Infrastructure Consortia in accordance with Chapter 5 of this Decision;
- (g) any other appropriate implementation mechanism.

#### *Article 14*

#### **Multi-Country Projects Accelerator**

1. At the request of the participating Member States, or on its own initiative, the Commission shall, in agreement with the participating Member States, coordinate the implementation of a Multi-Country Project, in accordance with paragraphs (2) and (5), acting as a Multi-Country Project Accelerator.
2. In a first step of coordination, the Commission publishes a call for expression of interest addressed to all Member States. The call for expression of interest shall aim to establish whether a Member State intends to participate in the Multi-Country Project and what financial or non-financial contribution it proposes to provide.
3. In a second step of coordination, if at least three Member States express interest in a Multi-Country Project and at the same time propose financial or non-financial commitments to that project, the Commission, having consulted all Member States, shall give guidance on the choice of the appropriate implementation mechanism, on the sources of funding and on their combination within the project, as well as other strategic aspects related to the implementation of that project. The Commission may also propose on its own initiative to coordinate a Multi-Country Project in accordance with the steps described in paragraphs 2 and 3 to the participating Member States.
4. The Commission may give guidance regarding the setting-up of a new European Digital Infrastructure Consortium, in accordance with Article 15.
5. The Commission shall support the implementation of Multi-Country Projects by providing, as appropriate, services and resources referred to in Article 10.

CHAPTER 5  
EUROPEAN DIGITAL INFRASTRUCTURE CONSORTIUM

*Article 15*

**Objective and status of the European Digital Infrastructure Consortium (EDIC)**

1. Member States may implement a Multi-Country Project by means of an European Digital Infrastructure Consortium ('EDIC').
  - 1a. Any Member State may be represented by one or more public entities, including regions or private entities with a public service mission, as regards the exercise of specified rights and the discharge of specified obligations as a member of the EDIC.
2. An EDIC shall have legal personality from the date of entry into force of the Commission decision referred to in Article 16 (3), point (a).
3. An EDIC shall have in each Member State the most extensive legal capacity accorded to legal entities under the law of that Member State. It may, in particular, acquire, own and dispose of movable, immovable and intellectual property, conclude contracts and be a party to legal proceedings.
4. An EDIC shall have a statutory seat, which shall be located on the territory of a Member State that is a member providing a financial or non-financial contribution.

*Article 16*

**Setting up the EDIC**

1. Member States applying for the setting-up of an EDIC ("applicants") shall submit an application to the Commission. The application shall be submitted in writing and shall contain the following:
  - (a) a request to the Commission to set up the EDIC;
  - (b) the proposed Statutes of the EDIC;
  - (c) a technical description of the Multi-Country project to be implemented by the EDIC;

- (d) a declaration by the host Member State whether it recognises the EDIC as an international body within the meaning of Articles 143, point (g) and 151(1), point (b) of Council Directive 2006/112/EC<sup>20</sup> and as international organisation within the meaning of Article 12(1), point (b), of Council Directive 2008/118/EC<sup>21</sup>, as of its setting up. The limits and conditions of the exemptions provided for in those provisions shall be laid down in an agreement between the members of the EDIC.
2. The Commission shall assess the application based on the conditions set out in paragraph (1). It shall take into account the general objectives of this Decision as well as purpose and goals of the Multi-Country projects, pursuant to Article 12(1) and (2), and practical considerations related to the implementation of the Multi-Country project to be implemented by EDIC.
  3. The Commission shall, taking into account the results of the assessment referred to in paragraph 2, and in accordance with the examination procedure referred to in Article 25(2) adopt one of the following decisions by means of implementing acts:
    - (a) setting up the EDIC after it has concluded that the requirements laid down in this Chapter are met;
    - (b) rejecting the application if it concludes that the requirements laid down in this Chapter are not met, including in the absence of the declaration referred to in Article 16(1), point (d). In this case, Member States may still form a consortium by way of an agreement but it shall not carry the name EDIC, nor benefit from the implementation structure laid down in this Chapter.
  4. The decision referred to in paragraph 2 shall be notified to the applicants. Where the application is rejected, the decision shall be explained in clear and precise terms to the applicants.
  5. The decision setting up the EDIC shall be published in the Official Journal of the European Union. The Commission shall create a publicly accessible list of the EDICs and update it in a timely manner.
  6. The essential elements of the Statutes of the EDIC, as set out in Article 19(1), points (c), (ca), (cb) and (fa) contained in the application shall be annexed to the decision setting up the EDIC.

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<sup>20</sup> Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

<sup>21</sup> Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC (OJ L 9, 14.1.2009, p. 12).

## *Article 17*

### **Membership**

1. The membership of EDIC shall include at least three Member States. Only Member States that provide a financial or non-financial contribution shall be members of EDIC with voting rights.
2. Following the adoption of a decision setting up an EDIC, other Member States may join as members at any time on fair and reasonable terms specified in the Statutes.
3. Member States that do not provide a financial nor a non-financial contribution may join EDIC as observers without voting rights, by notifying the EDIC.
4. Membership of an EDIC may be open to entities other than Member States, which may include inter alia third countries referred to in Art 13.2a, international organizations of European interest, public and private entities, as specified in the Statutes. If this is the case, Member States shall hold jointly the majority of the voting rights in the assembly of members regardless of the amount of contributions from entities other than Member States.

## *Article 18*

### **Governance**

1. An EDIC shall have at least the following two bodies:
  - (a) an assembly of members made up of the Member States, other entities referred to in Article 17(4) and of the Commission as the body having full decision-making powers, including the adoption of the budget;
  - (b) a director, appointed by the assembly of members, as the executive body and legal representative of the EDIC.
2. The Commission shall participate in the deliberations of the assembly of members without voting rights. However, where a centrally-managed Union programme financially contributes to a Multi-Country Project, the Commission shall have a veto right on the decisions of the assembly related only to actions financed under centrally-managed Union programmes. Decisions of the assembly shall be made publicly available within 15 days of its adoption.
3. The Statutes of an EDIC shall establish specific provisions concerning the governance, within the requirements of paragraphs 1 and 2.

## *Article 19*

### **Statutes of the EDIC**

1. The Statutes of an EDIC shall contain at least the following:
  - (a) a list of members, observers and the procedure for changes in membership and representation, which shall respect the right of non-participating Member States to join an EDIC;
  - (b) the detailed description of the Multi-Country Project, the tasks of Members, if applicable, and indicative timeline;
  - (c) the statutory seat and name;
  - (ca) the duration and the procedure for the winding-up in compliance with Article 22;
  - (cb) the liability regime, in compliance with Article 20;
  - (d) the rights and obligations of the members, including the obligation to make contributions to the budget;
  - (e) voting rights;
  - (f) rules on the ownership of infrastructure, intellectual property, profit and other assets, as applicable.
  - (fa) information on the declaration of the host Member State referred to in Article 16(1)(d).
2. The amendments of the essential elements of the Statutes annexed to the decision setting up an EDIC pursuant to Article 16(6) shall be subject to the procedure referred to in Article 16.
  - 2a. The amendments of other elements of the Statutes shall be submitted to the Commission by the EDIC within ten [10] days after its adoption.
  - 2b. The Commission may raise an objection to such amendment within sixty [60] days from the submission giving reasons why the amendment does not meet the requirements of this Regulation.
  - 2c. The amendment shall not take effect before the period for objecting has expired or has been waived by the Commission or before an objection raised has been lifted.

- 2d. The application for the amendment shall contain the following: (a) the text of the amendment proposed or, where appropriate, as adopted, including the date on which it enters into force; (b) the amended consolidated version of the Statutes.

*Article 20*

**Liability**

1. An EDIC shall be liable for its debts.
2. The financial liability of the members for the debts of the EDIC shall be limited to their respective contributions provided to the EDIC. The members may specify in the Statutes that they will assume a fixed liability above their respective contributions or unlimited liability.
3. The Union shall not be liable for an EDIC's debts.

*Article 21*

**Applicable law and jurisdiction**

1. The setting-up and internal functioning of an EDIC shall be governed:
  - (a) by Union law, in particular this Decision;
  - (b) by the law of the Member State where the EDIC has its statutory seat in the case of matters not, or only partly, regulated by acts referred to in point (a);
  - (c) by the Statutes and their implementing rules.
2. Without prejudice to the cases in which the Court of Justice of the European Union has jurisdiction under the Treaties, the law of the Member State where the EDIC has its statutory seat shall determine the competent jurisdiction for the resolution of disputes among the Members in relation to the EDIC, between the members and the EDIC, and between an EDIC and third parties.

## *Article 22*

### **Winding up**

1. The Statutes shall determine the procedure to be followed for the winding-up of an EDIC following a decision of the assembly of members. Winding-up may include the transfer of activities to another legal entity.
2. The insolvency rules of the Member State where the EDIC has its statutory seat shall apply in the event that the EDIC is unable to pay its debts.

## *Article 23*

### **Reporting and control**

1. An EDIC shall produce an annual activity report, containing a technical description of its activities and a financial report. It shall be approved by the assembly of members and transmitted to the Commission. This report shall be made publicly available.
2. The Commission may provide guidance regarding the matters covered in the annual activity report.

CHAPTER 6  
**FINAL PROVISIONS**

*Article 24*

**Provision of information**

1. Upon request from the Commission, Member States shall provide the Commission with the information necessary to carry out its tasks under this Decision, in particular regarding information necessary for the implementation of Articles 7, 8 and 9. The information requested by the Commission shall be proportionate to the performance of those tasks. Where the information provided refers to information previously provided by undertakings at the request of a Member State, such undertakings shall be informed thereof before providing information to the Commission.

*Article 25*

**Committee**

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

*Article 26*

**Entry into force**

1. This Decision shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## Annex

### Areas of activity

Non-exhaustive areas of activity:

- (a) European common data infrastructure and services;
- (b) Endowing the Union with the next generation of low-power trusted processors;
- (c) Developing the pan-European deployment of 5G corridors;
- (d) Acquiring supercomputers and quantum computers, connected with the EuroHPC;
- (e) Developing and deploying an ultra-secure quantum and space-based communication infrastructures;
- (f) Deploying a network of security operations centres;
- (g) Connected public administration;
- (h) European blockchain services infrastructure;
- (i) European digital innovation hubs;
- (j) High-tech partnerships for digital skills through the Pact for Skills;
- (ja) Skills and training in cybersecurity;
- (k) Other projects which meet all the criteria of Article 12 of this Decision and which become necessary to the achievement of the objectives of the Digital Decade policy programme over time due to emerging social, economic or environmental developments.