



October virtual breakfast on Better Legislation for Smoother Implementation **Summary and takeaways**

On the menu: Digital-ready policymaking in Denmark
October 21st 2020



Welcome from the European Commission

“We are aiming to a digital-ready and interoperability-ready legislation that does not introduce new barriers.

In the legal interoperability, we reduce the lack of awareness and for this, we need actors in the policy-making that will facilitate the knowledge shared. It is really important to have this multi-disciplinary community, to connect to each other and share the best practices, but also the things that did not work, and clearly view the link between technology and legislation.”

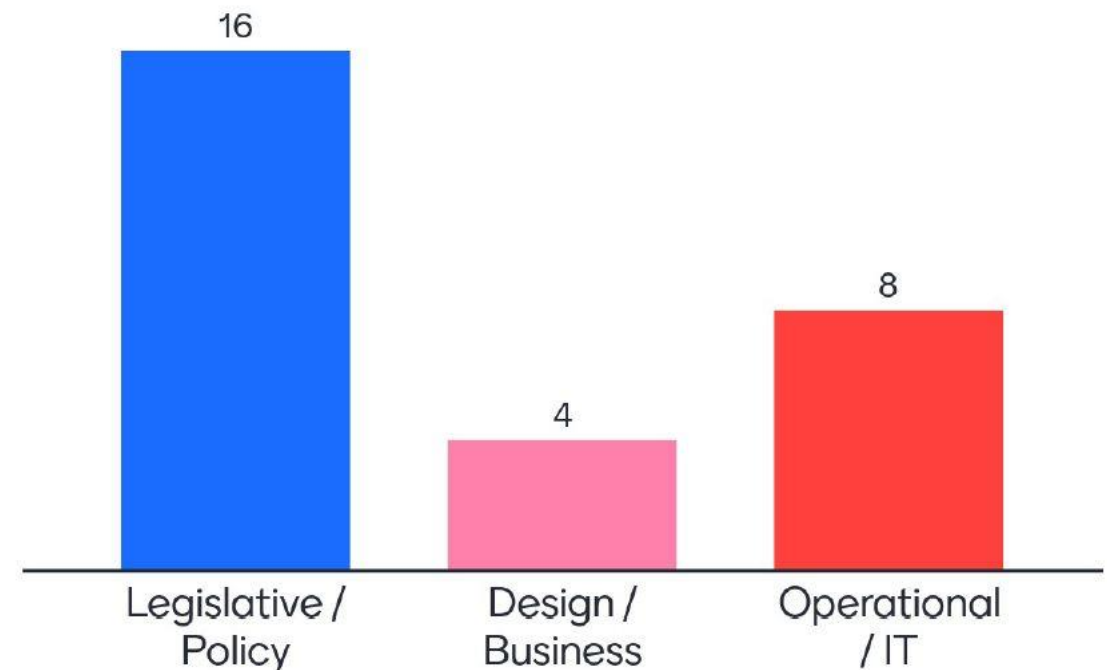
— Natalia Aristimuño
Head of Interoperability Unit, European Commission

“We are interested in using **digital** to enhance our work and learn how to create legislation that fits in the digital age.”

— Christiane Kirketerp de Viron
Member of Cabinet, Commissioner for Budget and Administration,
European Commission

Audience

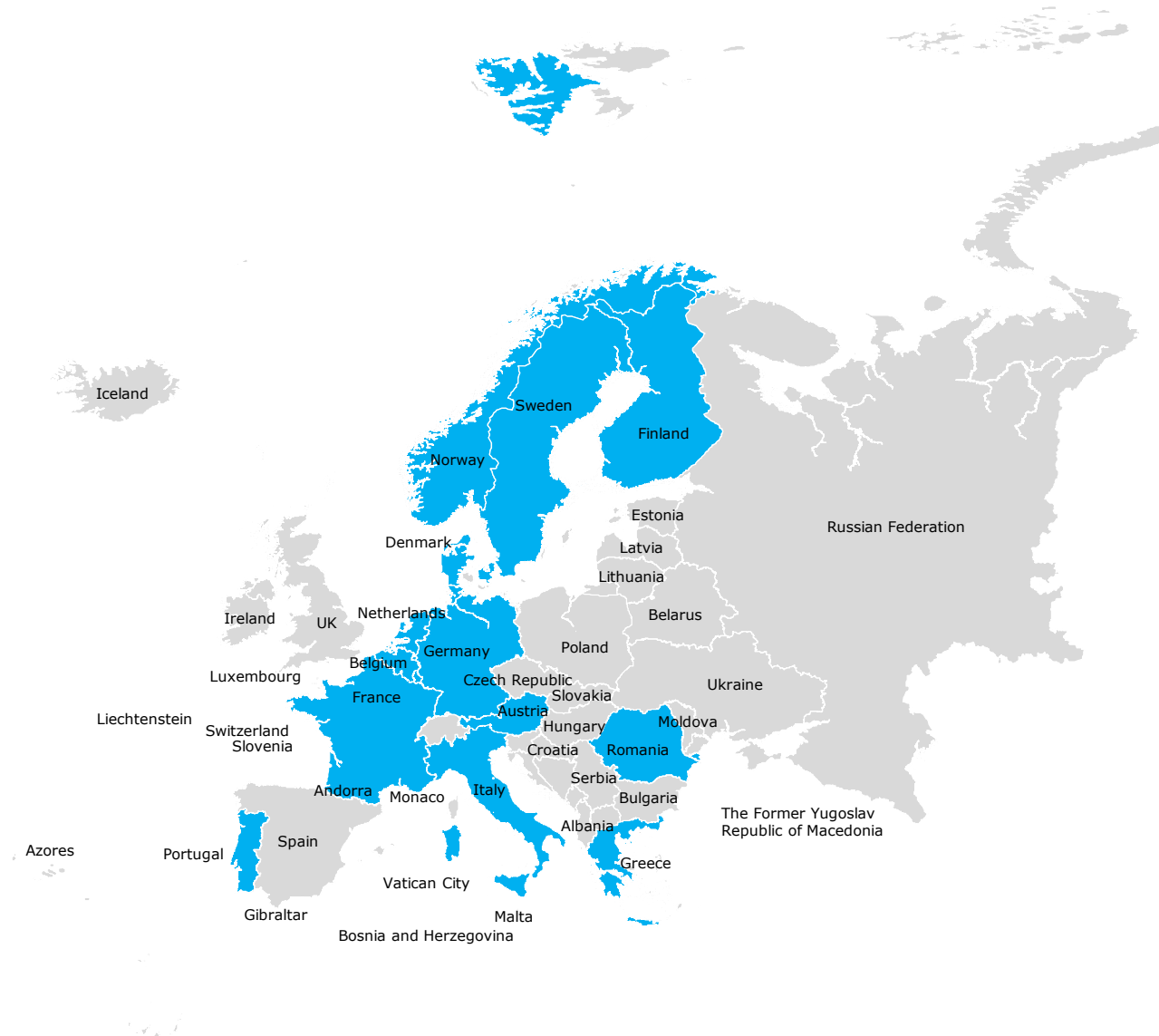
- Most of the audience was coming from the legislative/policy domain (including also Legal service of the Commission and the Publications office at EU)
- Significant participation also from the design and business domain, as well as the operational/IT field.
- Representatives both from the public and the private sector
- Some representatives' highlights:
 - Agency for digital Italy
 - Brussels administrative simplification agency
 - EU Council
 - Hellenic Parliament
 - Jersey Legislative Drafting Office
 - Norwegian Digitalisation Agency
 - Portuguese Official Gazette
 - Publications Office of the EU



Audience

Participants coming from:

- Austria
- Belgium
- Czechia
- Denmark
- Finland
- France
- Germany
- Greece
- Italy
- Island of Jersey
- Luxembourg
- Netherlands
- Norway
- Portugal
- Romania
- Sweden
- Tunisia (Africa)

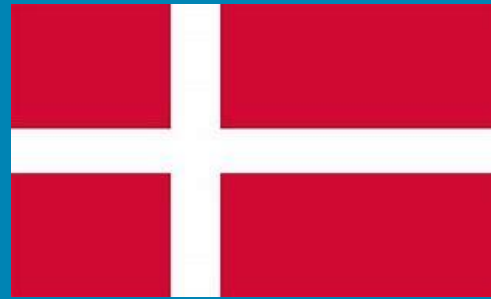


Expectations expressed by attendees

- To learn to what extent legislative drafting could be **digitised** without human intervention
- To see **approaches** to improving digital-ready considerations in legislative development
- **Information** on the link between legislation and digital technology
- **Understanding** how to improve the legislative process in order to define digital-ready laws

Also...

- **Share own experiences** and hear other MS ideas about potential and challenges
- Learn new **best practices**
- **Learn more** about how to make legislation digital-ready



Digital-ready legislation in Denmark

Kristoffer Nilaus Olsen,

Special advisor to the Danish Agency for Digitisation

Reference Material

- [The Danish Agency for Digitisation: Digital-ready legislation, Lessons from the Danish experience](#)
- [Example cases of reducing administrative burden with digital-ready legislation \(2019-2020 session\)](#)

Digital-ready policymaking in Denmark



Kristoffer Nilaus Olsen
Special advisor to the Danish
Agency for Digitisation



Introduction – Background

- **Why the legislation should be digital-ready?**

We saw that with the current Covid-19 crisis, changes should be done quickly. In addition, legislation is characterized with vague terms.

- **Case with debts collection in Denmark (2003)**

The vision was to centralize the process of debts collection, but there were numerous delays in the process of implementation e.g. the collection performed in the new solution was not compliant with the legislation.

- **Harmonisation of the legislation (2017)**

A decision to address the high-complexity legal basis with different rules, as well as the inconsistent data about the individual debt.

- New legislation should be **digital-ready (July 2018)**

Digital-ready policymaking in Denmark

Indicative Examples



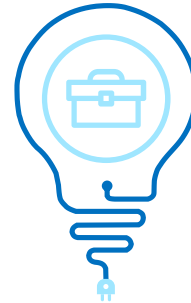
Defining threshold for reporting obligation in the agriculture domain

- Publicly available data used
- Principles 3 and 4 are followed

Stimulus check to 2,2 mio. benefits' recipients

- Objective rules to define benefits types
- Fully automatic handling of payment
- Principles 3 and 4 are followed

Lessons Learnt



- Strong mandate from political agreement leverages the process
- Mandatory, light-weight screening and consultation process are invaluable as a “daily reminder”
- Emphasis on providing value and being pragmatic partner
- Further work to be done on 'legacy legislation' and focus on new legislation

Going Forward



- Dialogue with likeminded peers in Austria, Netherlands, Germany, Canada, Norway, EC, OECD and other
- Improve the mechanism for revising legacy legislation
- Prioritize further involvement in formulation of early policy proposals



Q&A session

Q: The implementation of EU legislation is done by the Member States, thus there is a **problem to collect data** from 27 different IT systems. Do you prefer to have 27 different systems or a centralized one?

A: It depends on the specific content and the maturity of the domain, the local maturity of IT governance and the data standards in place. It is best probably to have it locally, in a highly mature environment and centrally in a domain where interoperability did not progress enough. The communication between IT systems depends on all layers of interoperability, i.e. legal, organisational, semantic and technical. This is why sometimes we need to align business processes (organisational interoperability), but also to harmonise legislation (legal interoperability).

Q: What sort of **compliance in practice** do you have with the principles from agencies? Do agencies or politicians just want to whatever they like? Is it a battle?

A: The political agreement facilitates the process and we need to make it transparent. There are different levels of compliances and we need to be transparent with regards to the principles.

Q: Do you encounter specific **issues** when applying the seven principles **while transposing EU law into Danish law**?

A: It is about rules in order to achieve a resolution and we needed to respect the legal culture of EU. Some automation can be applied and decreasing the room for discretion would help.

Q&A session



Q: Would you have **specific recommendations for federal states**? Legislation can come from different entities that have differences across the various legislative institutions.

A: It is a question of policy decision. How to design responsibilities in every level should be a collaborative decision among the different levels. It is a question of not putting more burden to one or to another responsibility. A good practice could be to look at the processes and see how the responsibilities can be split. Maybe not all responsibilities are equivalent. Maybe some of them are closer to implementation than others. Some priorities should be set between the EU and national level implementation and some dynamics, different for each Member State, should be applied.

Q: Do we have someone in the European Commission like in Denmark who identifies **which Commission Work Programme items have a digital dimension**?

A: In EC, there is a tool, a 'screening process' which is done by the Legal Interoperability Action team. In particular, we screen the initiatives of the Better Regulation portal, and we assess whether they are digital or not. Then we reach out to policy DGs. In Denmark, there are colleagues with technical skills that we can contact for the identification of digital dimensions. They follow a similar approach as in the 'screening process' and the aim is to further broaden their network of IT skills.



Better Regulation Tool on Digital-Ready Policymaking

European Commission Legal Interoperability team

Reference Material

[Better Regulation Tool on Digital-Ready Policymaking: Better Regulation \(BR\) in the Commission, new BR tool, future ambitions](#)

Better Regulation (BR) in the Commission

- **First tool on digital and ICT in 2017:** not ideal yet as it was lengthy and less user-friendly reading
- Our experience in the last years showed us the importance of:
 - ✓ hook our messages around **some main pillars** (getting inspired from the Denmark principles)
 - ✓ show the **benefits offered by digital-ready efforts**
- A more timely, smoother and less costly IT implementation was on our radar from the start
- The increased focus on admin burden reduction – with the soon to be announced one-in one-out EC approach – gives even more relevance for our work



Better Regulation Guidelines: Guideline for policymakers on topics around the policy cycle



Better Regulation Toolbox: 65 tools, including [Tool 27](#) on Digital-ready policymaking

“Why? Because digitalization can help cutting costs. As stated on the **‘Fit for future platform of the EC’** - which is a high-level expert group that will help the Commission in its efforts to simplify EU laws and reduce related unnecessary costs.”

New BR tool on digital-ready policymaking

Proposed digital checks:

1. **Building the right multidisciplinary team from the start**
2. **Making the needed interconnections to EU digital policies and standards** (e.g. in the fields of open data policy, security and privacy, audio visual media, Internet governance and web accessibility, telecommunications, electronic identification and transactions, public services online, European interoperability framework (EIF), and more)
3. **Clarifying the goals and identifying the business processes**
4. **Reusing existing solutions and existing data** (e.g. CEF building blocks, Joinup, etc.)
5. **Future-proofing and innovation**
6. **Fostering cross-border service delivery through interoperability**

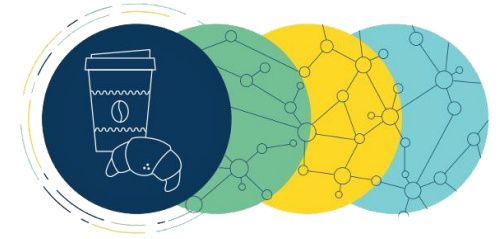


Future ambitions



- Continue the **discussion** on digital-ready legislation in the
- Open up for **synergies** and initiatives across all **Member States** (and beyond!)
- Share and discuss the **new BR tool** on digital-ready policymaking after its publication
- Consider **machine-learning / AI tools** to support the digital screening process

Next Breakfasts ahead - Stay tuned!



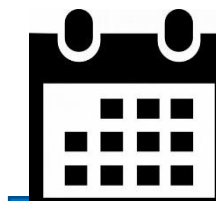
November virtual breakfast: Policy making after shock is digital-ready – Are you ready?

When? 17 November 2020 & Time: from 9.30 to 11.00 CEST



[Click here!](#)

Stay tuned to learn more details about our schedule and the upcoming topics!



[Click here!](#)

Shaping together



the future policy on

public sector

interoperability

A large yellow circle is positioned on the right side of the image. Inside the circle, the text 'KNOW MORE and GET INVOLVED' is written in blue. 'KNOW MORE' is in a larger font size than 'and GET INVOLVED'. Above the text, there are three small circular icons: a blue one with a white gear and a person, a teal one with a white brain and a hand, and a blue one with a white speech bubble. The background of the circle is a white circuit board pattern.





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