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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 7.4.2003
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2002/0187 (COD)

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Amended proposal for a

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the adoption of a multi-annual programme (2003-2005) for the monitoring of eEurope, dissemination of good practices and the improvement of network and information security (MODINIS)

(presented by the Commission pursuant to Article 250 (2) of the EC Treaty)

1. BACKGROUND

Transmission of the Proposals to the Council and the European Parliament (COM(2002) 425 final – 2002/0187(COD) in accordance with article 157§3 of the Treaty:26 July 2002

Opinion of the Economic and Social Committee : 24 October 2002

Opinion of the Committee of Regions : 12 February 2003

Opinion of the European Parliament - first reading : 12 February 2003

2. OBJECTIVE OF THE COMMISSION PROPOSAL

The proposal on the MODINIS programme **aims to create** a legal basis for the continuation of monitoring activities of the *e*Europe 2005 Action Plan and dissemination of best practices. Furthermore the draft Decision allows to launch preparatory actions for the establishment of the Network and Information Security Agency.

3. COMMISSION OPINION ON THE AMENDMENTS ADOPTED BY THE PARLIAMENT

3.1. Amendments accepted by the Commission

Of the 15 amendments adopted by the European Parliament, 4 amendments are fully accepted by the Commission, namely amendments 1,2,3,9.

Amendment 1 adding in recital 6 a reference to the Resolution of 22 October 2002 of the European Parliament related to the networks and information security. This is a useful addition completing the reference to political acts inviting the Commission to present proposals on this issue.

Amendment 2 (recital 6a new), proposing a reference to the *e*Europe 2005 Action plan and its objective to create a Cyber security task force to become a centre of competence on security questions. The Commission agrees with this useful amendment.

Amendment 3 proposing in recital 7, the replacement of the word "*two-tiers-society*" with the word *"digital exclusion"*.

Amendment 9 (article 1) adding an invitation to Member-States to provide up-to-date statistics. This amendment could be accepted and the Commission proposes the following text: *"inviting Member-States to provide the most recent data that is available"*.

3.2. Amendments accepted in part or in principle by the Commission

Amendment 4 (recital 7 paragraph 2a new) proposing a new recital with a reference to people in groups which in the past have been unable to take advantage of the ICTs. In particular, there is a reference to actions in the field of the Information Society, aiming to further promote the participation of some categories of disadvantaged people (women, disabled people, elderly people and unemployed). The Commission can agree in principle with the addition of this recital. However the reference to an explicit list of disadvantaged people would unduly limit the scope of the amendment. For this reason, the Commission proposal is to read the text of the recital 7, paragraph 2a new as follows: *"The European Union and Member States actions in the field of Information Society aim to further promote the participation of disadvantaged groups".*

Amendments 5, 6, (recitals 13 a and b new) proposing a new recital linking in detail all different activities of the programme to the European Parliament proposal for its extension to the Accession Countries, EEA, associated countries of the Central and Eastern Europe and Turkey. The Commission agrees in principle with a new recital mentioning the request of the European Parliament and therefore proposes a new recital 13a by merging the two recitals with the following text: *"these activities pursue the objectives of promoting synergies and co-operation between Member States, EEA, Accession countries as well as associated countries and Turkey, the Commission could encourage in the future further involvement of these countries in the activities of the programme" .*

Amendment 10 (article 1 point c) adding clarification in order to guarantee that the analysis of economic and societal consequences of the IS would give responses also in terms of social inclusion and to eliminate digital divide. The Commission can accept in principle this clarification and proposes the following text: *"as well as in terms of social inclusion in order to eliminate the risks of digital divide and in terms of internal market efficiency".*

Amendments 11 and 12 (article 1 point d and article 2 point e) constitute useful clarifications. The Commission agrees with this clear reference to the Cyber-security body. However, the Commission proposes that the text has to fit with the recently adopted Commission's proposal on the creation of a "Network and Information security Agency". Therefore, the Commission accepts the amendment by replacing the words *"Cyber-security task force"* by the words *"Network and Information Security Agency".*

Amendment 15 (new article 7a) proposes a clear reference to the possible openness of the programme to the Accession countries, EEA and Turkey. The Commission agrees with this clear reference to these countries. However, the second paragraph of the European Parliament text seems to repeat the same meaning and therefore the Commission proposes to maintain only the first paragraph of the amendment as follows:

" The programme may be opened, within the framework of their respective agreements with the European Community, to participation of countries of the European Economic Area, the Accession Countries as well as associated countries and Turkey".

3.3. Amendments the Commission cannot accept

Amendment 7 (recital 13 c new) adds a reference to the Gothenburg European Council (June 2001) where a similar initiative on benchmarking monitoring in CEEC has been launched following the same methodology as in the European Union. The initiative has been based on the decision of the Heads of Government of the EU Candidate Countries. This programme is now running and ends at the end of the year 2003. The Commission considers that this reference is not necessary as these countries will fully participate in the programme from 2004 as Member States.

Amendment 8 (recital 14) proposing an "*advisory committee"* instead of a *"management committee".* The Commission considers that its proposal is the most appropriate for transparency reasons. The Commission proposal has taken also into account Member States wishes for the management of the programme as they have been expressed during the implementation of the predecessor "PROMISE programme".

Amendment 13 (article 6) referring to the nature (advisory committee) and the composition (one representative per Member State and participation of representatives of other participant countries) of the MODINIS Committee (amendment linked to amendment 8).

a) This issue will be part of the internal regulation of the Committee which will be based on the model rules of procedure decided by the Commission on the basis of the Council Decision 1999/468. In these rules it is considered that every Member State has to be represented by one member. After authorisation of the President of the Committee there is a possibility for other experts to participate paid by the concerned Member State concerned.

b) It is implicit in the Commission's proposal that the participation of other countries is automatic as far as these countries participate in the programme. The Accession Countries will automatically be included in the programme in 2004.

c) For the reasons referred to in the amendment 8, the Commission considers that the nature of the implementation committee has to be of management type.

Amendment 14 adding a reference to budgetary procedures requirements (annual quantitative and qualitative evaluation based on performances). This amendment is not necessary because it repeats the general obligation for the Commission in the implementation of the annual budgetary expenditure (article 27§3 and 4 of the financial regulation N° 1605/2002 of the 25.6.2002).

4. CONCLUSION

Having regard to article 250(2) of the EC Treaty, the Commission modifies its proposals as indicated above.