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Method for Assessing ICT Implications
of EU Legislation

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1.0 Introduction

This report describes a method to assess the Information and Communications Technologies (ICT) implications of EU legislation. ICT Implications are defined as the consequences a legislative act can have in relation to the use of ICT for the implementation thereof. The use of ICT in the implementation might entail the development of new ICT solutions or the adaptation of existing ones and is likely to impact on existing processes and IT systems of the Commission and the Member States. Implementation of legislation will impact in almost every case the processes, the data which needs to be stored, the data exchange between businesses, citizens and governmental organisations or the applications which are used to execute the processes.

This method has been designed on request of the European Commission, DG Informatics, to ensure a common method is available to the Commission and the Member States to assess the ICT implications of (new) legislation. The method consists of a process for assessing the implications, the actors who execute it and a set of tools that may be used during the process.

1.1 Background

The implementation of most new EU legislation is supported by ICT systems. This can be for the exchange of information between competent authorities across borders or for the direct delivery of online public services to businesses and citizens, which can also be across borders. To prepare for and to take account of the ICT aspects of EU legislation, stakeholders involved in the drafting and the implementation of legislative proposals must be aware of the ICT implications of such proposals. A coordinated, consistent approach to the assessment of the ICT implications is therefore in many cases needed at EU level and in the Member States.

Member States represented in the Interoperable Delivery of European eGovernment Services to Public Administrations, Businesses and Citizens (IDABC) programme management committee (also known as PEGSCO) have also requested action in relation to the assessment of ICT implications of EU legislation. Therefore, an action "Assessment of ICT implications of EU legislation" was included in the sixth version of the IDABC work programme, which has resulted in the design of this method.

1.2 Objectives

Gartner was asked to develop a method for the assessment of ICT implications of EU legislation. The objective of the study was to develop a method that can be used by the European Commission, by other implementing bodies at the EU level and by the Member States when assessing ICT implications of draft EU legislation and proposed or adopted EU legislation. Such an assessment should increase stakeholders' understanding of the ICT implications.

This study delivered a method, which separately addresses the European Commission and the Member States levels and which contains tools guiding the assessment of the ICT implications of EU legislation and an overview of involved actors. Cross-border implications of proposed and adopted EU legislation are considered.

The method at the Commission level is to be used by the policy developers and the ICT developers at the Commission for assessing the ICT implications of the legislation for the Commission and for specifying the ICT related requirements imposed on the Member States by the legislation. The outcome of the assessment at the Commission level will serve as a basis for implementing the ICT requirements of the pertinent act at the EU level and likewise as input for assessing the ICT implications of the pertinent act at the Member States level.

The outcome may also lead to a revision of the draft legislation, ensuring that the final legal act will entail ICT requirements that can be met by the EU institutions and/or Member State administrations and that will provide effective and efficient support for the legislation. A thorough assessment of the ICT implications will ensure a better indication of costs and timelines required for the implementation. The assessment of the ICT implications at the Commission level will always be performed in the context of the institutions' roles and competencies specified in the treaties.

The method at the Member States level assesses the ICT implications for the Member States. It is to be used for assessing the ICT-related consequences of proposed or adopted legislation for administrations, i.e. the ICT-related impact on information systems, processes, organisations, resources and other operational elements.

The results of this study will be used in the Interoperability Solutions for European Public Administrations (ISA) programme, in which pilot studies applying the method on real draft EU legislation are foreseen.

2.0 The ICT Implication Assessment Method

The goal of the ICT Implication Assessment method is to ensure that ICT implications of new legislation are known before the legislation is approved. In order to achieve this goal, collaboration between business, legal and ICT experts is required from the start of the legislation's development. This collaboration should result in a common understanding of the objectives of the legislation and the required ICT support. The documents produced during the process should be a result of this interaction and are only of value if extensive collaboration has taken place between the three expertise areas.

The method is a means for all involved parties to ensure that the implementation phase of the legislation will not result in major problems which, if investigated, could have been avoided. Furthermore, the ICT expert should take a proactive role in indicating areas where ICT solutions can facilitate the implementation.

2.1 Design Principles

The method as described in this document is based on experiences and expectations from both Commission experts and Member State experts. Input from these experts has been translated into design principles for the ICT Implication Assessment method. The following design principles are the basis for the method and have been agreed with the Commission Stakeholder Group and the Member State Expert Group:

1. **Start the ICT Implication Assessment as early as possible**

   Success of the assessment is dependent on collaboration between business, legal and ICT experts. An optimal ICT assessment can only be undertaken if already at an early stage of the legislation development it is considered how ICT can support the policy goals. The moment business departments have a concrete idea for new legislation, the first discussions should be initiated on the required ICT support and feasible ICT solutions.

2. **Alignment with the existing legislation development process**

   As the ICT Implication Assessment is a new process step to the existing legislation development process, the assessment has to align with the existing process. Although the ICT Implication Assessment itself will take time, it should not lengthen the total design process of new legislation.

3. **Alignment with the Parliament and Council adoption process**

Currently, one of the major difficulties in managing the ICT implications of new legislation is the adoption process of the Parliament and Council. Amendments introduced during this process can significantly change the legislative text and therewith the ICT implications of the legislation. The ICT Implication Assessment needs to align with the Council and Parliament process and should incorporate changes resulting from the Council and Parliament amendments.

4. **Possible inclusion of the ICT Implication Assessment in the Impact Assessment**

   Ideally, the ICT Implication Assessment should become part of the existing process of designing new legislation. To fully achieve this integration, inclusion of the ICT Implication Assessment into the existing Impact Assessment might be an interesting solution. However, in the short term, the ICT Implication Assessment will first need to prove its usefulness before inclusion will become relevant. Therefore, no activities to integrate with the Impact Assessment should be undertaken in the short term. As a temporary solution, the ICT Implication Assessment report could be distributed combined with the Impact Assessment and the draft legislation to the involved stakeholders.

5. **Differentiation between a light and a full ICT Implication Assessment**

   The ICT Implication Assessment needs to be practical and efficient for all types of legislation; therefore, differing levels of assessments should be available. In cases where the legislation will have limited ICT implications, an assessment is still helpful, but it does not have to be as extensive as in those cases where ICT plays a significant role.

6. **An "à la carte" toolbox supporting all types of ICT Implication Assessments**

   In concert with the differing levels of assessments, the assessment tools should be adjustable to specific situations. The method should therefore consist of multiple tools from which an Expert Group can choose the most relevant ones for each specific case.

2.2 Method Structure

The ICT Implication Assessment method contains — a process to follow, the actors who execute it, and the tools to use.

The process — describes how the new process interlinks with existing Commission processes, and which process steps are included in the method. To ensure the method is suitable for all types of legislation, three types of ICT Implication Assessments are designed, allowing for legislation with extensive, medium or limited ICT implications. For all three types of assessments, this method describes which process can be followed, which actors are involved, which approaches can be used and which tools are relevant.

The actors — describes what roles are involved in the assessment and what skills are required to facilitate the assessments. Furthermore, a possible governance structure is indicated.

The toolbox — describes the tools that can be used in the assessments. Specific attention will be given to the checklist which is delivered as part of this study.

Figure 1.   ICT Implication Assessment Method
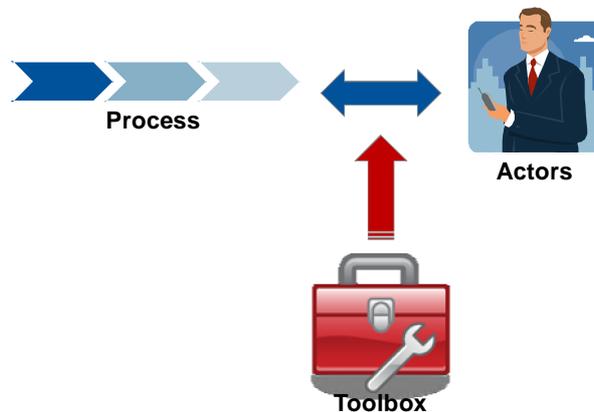
2.2.1   The Process

Taking the process elements as a basis, the implication assessment should be positioned as early as possible in the process; the sooner the assessment and collaboration begin, the more useful the results will be.

The figure below provides a graphical overview of the ICT Implication Assessment process and its relationship to the other processes involved.

The illustration provides three layers:

1.   *Legislation development layer* — this layer represents the legislative process from designing legislation to creating draft legislation, Commission adoption, review in Council and Parliament to the final legislation and the adoption thereof.

2.   *Impact assessment layer* — this layer represents the impact assessment process as defined within the Commission. This layer is a simplified version of the actual process; it only represents one activity — namely, the impact assessment. The process results in an Impact Assessment Report.

3.   *ICT Implication Assessment layer* — this layer represent the process steps and documents relevant to the ICT Implication Assessment.

The ellipse shown in Figure 2, the Collaborative Expert Group, is in fact the core of the assessment. All ICT Impact Assessment activities are executed by the Expert Group.

Figure 2.   ICT Implication Assessment Process
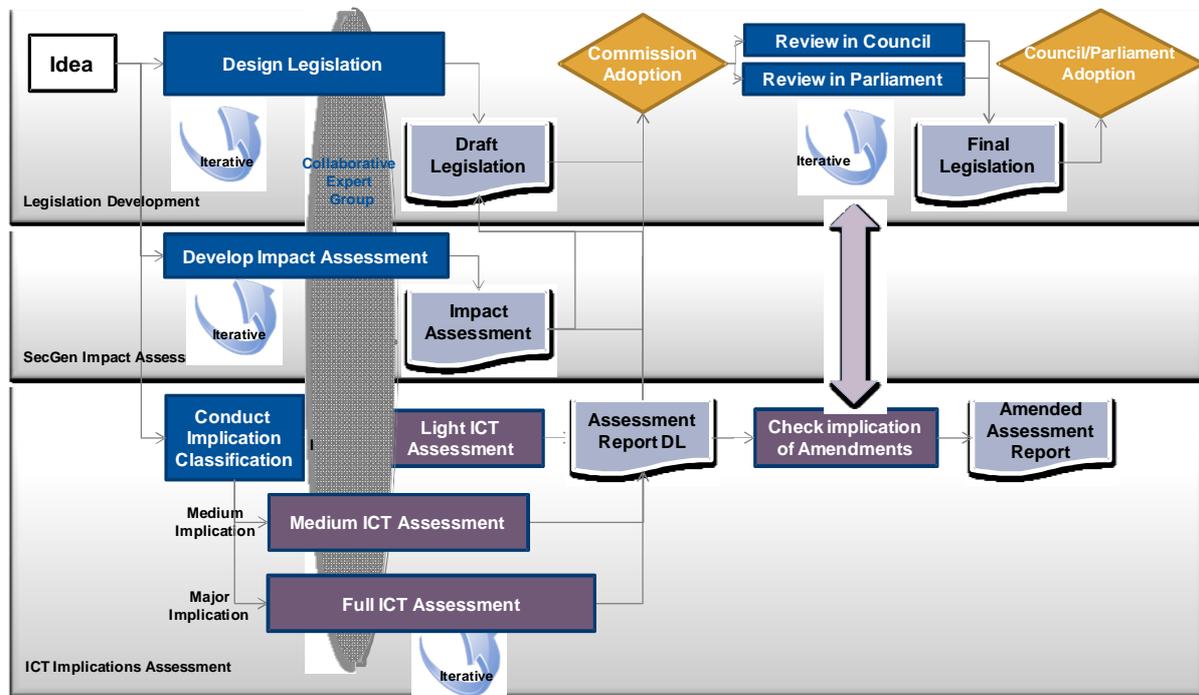
The trigger for all three process layers is a political idea that could lead to a new piece of legislation. According to Commission procedures the first step will be to start the Impact Assessment. After the Impact Assessment, or in some cases during the Impact Assessment, the legislative teams will start developing the legislation. As soon as there are indications the legislative text will impose ICT requirements, the ICT Implication Classification should be initiated. The ICT Implication Assessment process should start as early in the process as possible to ensure that ICT experts are involved from the start of the initiative and can help the legislation developers in drafting the ICT aspects of the legislation.

1.   As the first step in the ICT Implication Assessment the Expert Group is to conduct an **"Implication Classification"**. This activity is designed to assess the complexity of the ICT solution and the dependence on an IT solution. The objective of this exercise is to define the correct level of ICT assessment and to select relevant approaches and tools to execute the ICT Implication Assessment. Depending on the degree of expected ICT implications, three levels of ICT Implication Assessment are available within the method: a light, a medium and a full ICT assessment.

2.   The second step is the actual **ICT Implication Assessment** conducted by the Expert Group. Whichever level of assessment is chosen, the result should be an Assessment Report which can be distributed together with the impact assessment and the draft legislation.

3.   When the draft legislation is adopted by the Commission, the **Council and Parliament discussions** will commence. At this stage it is quite important that, for each amendment made during the process, the ICT implications are investigated and communicated.

4.   Ultimately, the final legislation will be adopted and an **updated ICT Implication Assessment Report** will need to be developed, according to the final text.

In the following paragraphs, further details of these four steps are provided.

Step 1.   The Implication Classification

The first step is the Implication Classification, to determine which level of ICT Implication Assessment (light, medium or full) is the most suitable for the legislation being discussed. The Implication Classification is a tool which can support this decision process.

To perform the analysis, an Expert Group is needed. The Expert Group should represent expertise from business, legal and ICT functions. One of the roles of the Expert Group is to determine who will be involved in the actual assessment and who will be the facilitator of the process. In Section 2.2.2, the Expert Group structure will be discussed in more detail.

To determine the most suitable level of ICT Implication Assessment, the Expert Group will discuss the objectives and goals of the legislation, how the process is expected to run and which kinds of ICT support will be required. The two main questions which need to be answered during the Impact Classification are:

1.   To what extent is the implementation of the legislation dependent on ICT solutions?

2.   How complex will the ICT solutions be?

These two questions are represented in Figure 3 below. Answering the questions will suggest the most relevant type of assessment for the specific case. In this classification the Expert Group should also consider proactive ways of how ICT can support the implementation of the legislation, suggestions of how ICT can support might change the required type of ICT assessment.

As the classification needs to be assigned at an early stage of the legislation development process, it will most probably not yet be possible to make a full analysis of the ICT dependence and the ICT complexity. This classification should therefore be seen as an indicator and a starting point; if future findings indicate that another type of assessment would be more relevant, the classification would then be adjusted.

Figure 3.   ICT Implication Classification Levels
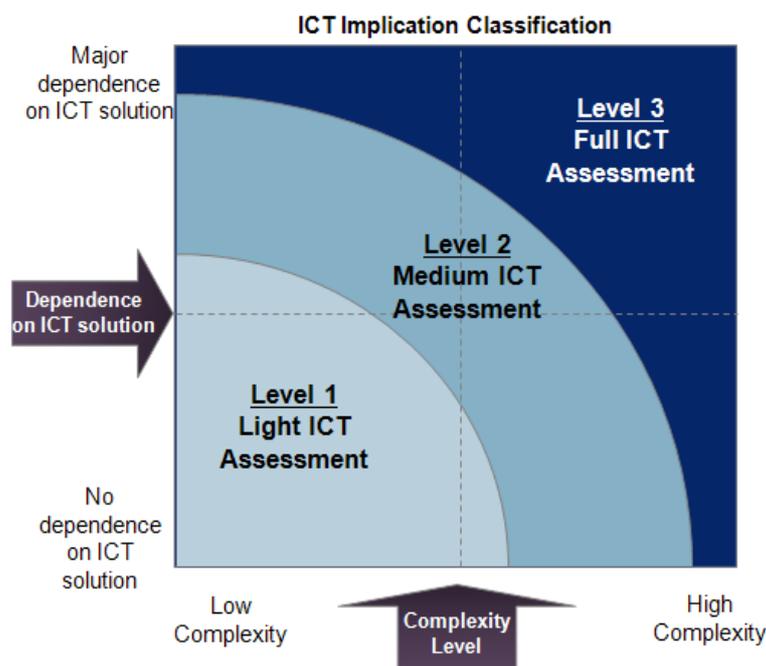
In assessing dependence and complexity levels, the Expert Group can make use of additional supporting questions. These are guiding questions which can assist the Expert

Group in determining the dependence on and complexity of the ICT solution. The questions are not exhaustive; other topics may be included in the analysis if relevant.

In terms of dependence on the ICT solution, the following supporting questions have been defined. The answers to the questions indicate how dependent the legislation will be on ICT solutions. In general, the more new processes, data exchange and collaboration are required, the greater the dependence on the ICT solution will be.

Figure 4.   Supporting Questions to Determine the Dependence on the ICT Solution

Criteria	Low dependence on ICT solution	Medium dependence on ICT solution	High dependence on ICT solution
Does the legislation require the design of information rich processes?			
Does the legislation require the design of new business processes?			
Are large amounts of data gathering required in these processes?			
Is collaboration between ICT systems of multiple DG's or institutions/ organisations required?			
Is the legislation concerning ICT systems or is ICT a supporting function of the legislation?			
Total			

In terms of ICT complexity, the following supporting questions have been defined. The answers to the questions indicate how complex the ICT solutions might be.

Figure 5.   Supporting Questions to Determine the Complexity of the ICT Solution

Criteria	Low Complexity	Medium Complexity	High Complexity
Does the legislation require new ICT solutions or can existing applications fulfill the requirements?			
Are there any legacy systems which might hamper the implementation?			
Does the legislation impose authentication requirements?			
Is a large amount of data exchange between Member States and/or the Commission required?			
What is the required lead-time of the implementation (urgency)?			
Are new interoperability specifications required?			
Does the initiative impose high security requirements on the ICT solution?			
Total			

Based on the outcomes of these questions three types of assessment can be chosen from:

1.   A light ICT assessment — minor ICT implications expected

2.   A medium ICT assessment — medium ICT implications expected

3.   A full ICT assessment — major ICT implications expected

Although in this stage it is not realistic to fully weight the initiatives relative to the axes, as information is still "soft," the Implication Classification nonetheless provides a first indication of ICT implications. If, however, further on in the process new information indicates that a different level of assessment is more suitable to the situation, the Expert Group can always decide to increase or decrease the scope of the ICT Implication Assessment.

Step 2.   The ICT Implication Assessment

The three types of assessments require different analysis approaches and tools. The second task of the Expert Group will therefore be to select the most suitable approaches and tools for a specific case. The Expert Group can choose a combination of the following approaches and tools for its assessment.

Approach

- *Legislative text review* — In this approach, ICT experts are requested to review the text of the draft legislation before it is adopted. This review consists only of a read-through and does not require background study from the ICT experts. This check is of most use in the light ICT assessment, where the ICT experts verify that no major ICT implications are overlooked.

- *Content study by Commission ICT experts* — In this approach, ICT experts are requested to study the ICT implications and ICT solutions in greater detail. It is not only a read-through, but ICT experts are also requested to investigate the impact on the legislation and to recommend possible solutions and best practices.

- *Member State Consultation* — In this approach, Member States are consulted to learn their current ways of working and/or their opinions on proposed processes and ICT solutions. This method can be used in medium and full ICT assessment to consult with Member States on how the processes actually work and what impact the legislation will have on the processes and ICT solutions within the Member States.

- *Content study by Member State ICT experts* — In this approach, Member State experts are requested to study the ICT implications and solutions at the Member State level. This method delves one step deeper than the Member State Consultation. A group of Member State ICT experts can be formed to investigate the implications of the legislation on the different Member States.

- *Vendor consultation* — In this approach, the vendor market is consulted on current and future ICT solutions. This method can best be used in situations where it is unclear whether the market already provides certain ICT solutions. Vendors can be asked to demonstrate which solutions they already have, or can develop before the implementation of the legislation. This input can be used to ensure the proposed ICT solution is feasible.

- *Pilot study* — In this approach, a pilot study is executed to determine how the legislation will need to function in practice. A pilot study will normally not be part of an ICT assessment, but can be considered in specific situations.

Tools

- *High-level checklist* — A high-level checklist is a resource providing the most important ICT aspects to check in new legislation. The list is a means to assess the legislation in cases where no in-depth study is necessary. This list will most often be used in a light ICT assessment in combination with the method "draft legislation review." The high-level checklist has been developed as part of this study and is included in the Appendix.

n *Detailed checklist* — A detailed checklist is a guide with topics and questions which can be used to facilitate the Expert Group meetings. The list provides an overview of context, content and project management aspects related to the implementation of the legislation. It is the objective of the checklist to kick off discussion in the Expert Group and thereby improve the legislation to ensure implementation of the legislation from and ICT point of view is possible, efficient and effective. This list will most often be used in a medium and full ICT assessment. The detailed checklist has been developed as part of this study and is included in the Appendix.

n *Template assessment report* — A template assessment report can be used to document the findings of the ICT Implication Assessment. The report should be a decision document containing the information gathered by the Expert Group, the analysis of this information, and possible implementation scenarios from an ICT perspective. For distribution to the stakeholders, the report may be combined with the impact assessment and the draft legislation.

n *Scoring sheet* — A scoring sheet can be helpful in cases where DGs are already accustomed to methods such VAST and RUP, and where these methods have proven successful.

n *Architecture overview* — In cases where detailed overviews of processes and layers of ICT support are required, detailed architecture overviews can be developed. Existing templates to document architectures can be used to conduct the overview. (European) Interoperability standards can be used to design the architecture overviews.

n *Business process modelling (BPM)* — In cases where large amounts of data exchange are required and/or many repetitive activities need to be executed, the design of business processes will be helpful. Business processes need to be modelled by experts from both business and ICT departments. For designing the processes, the experts can make use of full BPM tooling or can use more-basic tooling such as Visio. Whichever tools are being used, it is necessary to select a standard for designing the process, to ensure all parties can understand the process flows. The Common Market standard for designing business processes is BPMN (Business Process Modelling Notation).

n *Project plan template* — In cases where the focus is on the actual implementation plan, the use of a project management template will be helpful. Existing market standards such as Prince2 can be used as templates. Designing project plans will ensure detailed insight within the required time frame, and that resources will be available to implement the legislation.

n *Business case* — In cases where financial comparison between different scenarios needs to be made, the use of business cases will be helpful. Business cases provide insight into the costs and benefits of different implementation scenarios. The benefits of a case can be divided into both quantitative and qualitative benefits.

The indicated checklists are available as part of this study and are included in the Appendix. The other tools are not provided as part of this study, but can be based on existing Commission standards or market best practices such as BPMN for business process modelling and Prince2 for project templates.

In the following paragraphs, the process, approaches and tools to consider are described for each type of assessment.

A Light ICT Assessment

In conducting a light ICT assessment, the expected dependency on and complexity of the ICT solution is considered minor. The process to follow will be:

1. Business informs ICT on the initiative and its objectives.

2. ICT indicates the major risk areas from an ICT perspective.

3. Business provides ICT the draft legislation for review.

4. ICT provides feedback on the draft legislation to ensure all ICT aspects are fully covered and not overlooked.

This is a Commission internal exercise; no Member State consultation on specific ICT aspects is required.

The approach to consider is the legislative text review, and the tool is the high-level checklist.

Approaches to consider
þ **Legislative text review**
¨ Content study by Commission ICT experts
¨ Member State Consultation
¨ Content study by Member State ICT experts
¨ Vendor consultation
¨ Pilot study

Tools to consider
þ **High-level checklist**
¨ Detailed checklist
¨ Template assessment report
¨ Scoring sheet
¨ Architecture overview
¨ Business process modelling
¨ Project plan template
¨ Business case

A Medium ICT Assessment

In conducting a medium ICT assessment, the expected dependency on and complexity of the ICT solution is considered medium. The process to follow will be:

1. Business informs ICT on the initiative and its objectives.

2. An Expert Group and facilitator are assigned responsibility for assessing the ICT implications.

3. The Expert Group studies the initiatives and indicates ICT attention points, risks and potential benefits. Checklists can be used to ensure all aspects are covered.

4. The Expert Group provides its feedback and input for the legislation to the business.

5. Finally, the Expert Group executes a legislative text review to provide final comments.

Approaches to consider
þ **Legislative text review**
þ **Content study by Commission ICT experts**
þ **Member State Consultation**
¨ Content study by Member State ICT experts
¨ Vendor consultation
¨ Pilot study

Tools to consider
þ **High-level checklist**
þ **Detailed checklist**
¨ Template assessment report
¨ Scoring sheet
¨ Architecture overview
¨ Business process modelling
¨ Project plan template
¨ Business Case

The Expert Group of representatives of business departments, Commission ICT and legal departments assesses the ICT implications; this Expert Group is guided by a facilitator.

This is mostly a Commission internal exercise; however, in specific cases, Member States may be consulted on ICT aspects.

Approaches to consider are the legislation text review, content study by Commission ICT experts, and Member State Consultation. Tools can be the high-level or detailed checklist.

A Full ICT Assessment

In conducting a full ICT assessment, the expected dependency on and complexity of the ICT solution is considered major. The process to follow will be:

1. Business informs ICT on the initiative and its objectives.

2. An Expert Group and facilitator are assigned responsibility for assessing the ICT implications.

3. The Expert Group studies the initiatives and indicates ICT attention points, risks and potential benefits. Checklists can be used to ensure all aspects are covered.

4. The Expert Group provides its feedback and input for the legislation to the business on a regular basis.

5. Finally, the Expert Group executes a legislative text review to provide final comments.

Approaches to consider
þ **Legislative text review**
þ **Content study by Commission ICT experts**
þ **Member State Consultation**
þ **Content study by Member State ICT experts**
þ **Vendor consultation**
þ **Pilot study**

Tools to consider
þ **High-level checklist**
þ **Detailed checklist**
þ **Template assessment report**
þ **Scoring sheet**
þ **Architecture overview**
þ **Business process modelling**
þ **Project plan template**
þ **Business Case**

The Expert Group of representatives of business departments, Commission ICT and legal departments assesses the ICT implications; this Expert Group is guided by a facilitator.

In the full ICT assessment, involvement of Member States ICT representatives is possible.

Approaches to consider are the legislative text review, content study by Commission ICT experts, Member State consultation, content study by Member State ICT experts, vendor consultation and a pilot study.

Tools to consider are the high-level and/or detailed checklists, a template assessment report, a scoring sheet, an architecture overview, business process modelling, project management templates and business cases.

Reporting

The result of any type of assessment is an assessment report on the draft legislation. This report can be very limited in cases of a light ICT assessment, but can be very detailed and contain many attachments in cases of full ICT assessments.

The assessment report can be combined with the draft legislation and the Impact Assessment Report and be distributed to the stakeholders of the legislation as background to the draft legislation.

Step 3.   Council and Parliament Discussions

When the proposal is adopted by the Commission, the legislation is proposed to the European Council and the European Parliament. As indicated by both the Commission stakeholders and the Member State experts, this process often results in adjustments to the legislation without investigating impacts on the ICT aspect. This method therefore suggests that the Expert Group monitors the discussions in the Council and Parliament and provides input to the discussion by assessing the implications of the changes made.

In some DGs, this activity is already prepared upfront by providing scenario analyses of changes which might be made to the legislation and which will have significant ICT implications.

This process step will result in a final legislation and a Council and Parliament adoption of the legislation.

Step 4.   Amended ICT Implications Assessment Report

When the final legislation is adopted, the ICT Implications Assessment Report related to the draft legislation needs to be updated and also aligned with the final legislation. It is the responsibility of the Expert Group to update the documents.

For the implementation plan of the legislation, the amended assessment report can be consolidated into a guidebook for implementation. It would be a valuable guide and reference for the implementers at both European and national levels.

2.2.2   The Actors

In the process, the actors play a key role; their responsibilities and capabilities must therefore be well-defined. The process is best supported by experts with a mixed ICT and business background, who have extensive experience in implementing ICT solutions related to the specific legislation. As identified during the tests, there may be very little evidence of ICT implication in the actual legal text. Therefore, the legal text should be examined (or also — interpreted) for any clues leading to the identification of ICT implications.

The following section will further detail the purpose and roles of the Expert Group and the suggested governance structure to manage the ICT Implication Assessments.

The Expert Group

The core element of the method is the interaction of experts in an Expert Group. The success of this method is dependent on the collaboration between these experts; none of them could do the assessment alone. In the Expert Group, four roles should be represented:

- n **Business knowledge —** This role is probably the initiator of the initiative and represents the overall goal and objective of the initiative. Furthermore, this role needs to indicate which business processes are required and where ICT support is necessary. In project management terms, this role fulfils the "client" role for the Expert Group.

- n **Legal knowledge —** This role represents the lawyers designing the legislation. This role is probably an expert on the content of the legislation and on the design of legislation.

- n **ICT knowledge —** This role needs to provide information on the ICT implications of the legislation. Based on the information provided by the business and legal experts, the ICT expert can indicate where ICT can provide additional value and where the legislation requires changes to existing systems or requires the development of new ICT systems. The ICT role needs to have overview and insight into the running initiatives in the DG and in the EU ICT infrastructural situation. Ideally this person has knowledge of the initiating DG.

- n **Facilitator —** This role facilitates discussion in the Expert Group. The facilitator needs to prepare the Expert Group meetings and monitor the process. The facilitator is trained in the ICT Implication Assessment method and has a good knowledge of both business processes management and ICT. Facilitators can either come from the initiating DG, from a central pool of facilitators, or can be external contractors.

Governance

Regarding the governance of this method, there are two aspects which need to be considered. Firstly, the overall governance of the method will be discussed; secondly, the governance of an individual assessment will be addressed.

Overall Governance

In view of overall governance, three roles can be distinguished. These roles are indicated in Figure 6 below.

Firstly, there is the method owner who maintains and updates the method, who provides training and communication on the method, and who stimulates its use. As DG Informatics is the initiator of this initiative, we assume DG Informatics will assume this role.

Secondly, a pool of experts needs to be constructed, all of whom are trained in the method and who can facilitate the individual assessments. Gartner suggest creating a team of facilitators from all DGs who will facilitate the assessments within their DG. The team functions as a knowledge pool on the ICT Implication Assessment; this pool can provide input for future adjustment of the method. When first using the tool, DG Informatics might decide to provide external facilitators to guide the first Implications Assessments and to train the facilitators from DGs.

Figure 6.   Overall Governance Overview
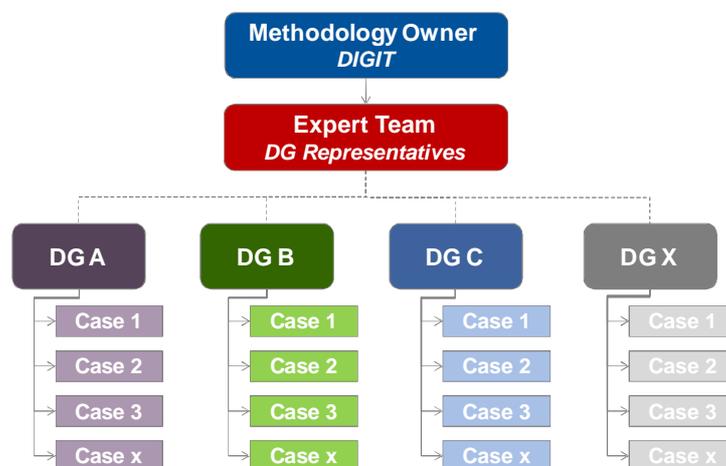
The third role is the role of the Directorates General that monitors the ICT Implications Assessments within their DG. For each DG, different models of who will actually initiate and execute the assessment can be implemented, based on the available expertise and current ways of working.

In this governance set-up, the Method Owner and the Expert Team both have a supporting role to the DGs, as they can provide knowledge and tools to execute an ICT Implication Assessment. The DGs have the lead in initiating the ICT Implication Assessment; ICT departments should however adopt a proactive role in observing new ideas which might benefit from an ICT Implication Assessment.

Governance in Individual Cases

For each individual case/legislation, it is recommended that the Directorate General initiate an ICT Implication Assessment. The DG might decide to monitor all initiatives or to approach them on a case-by-case basis.

For a new case, the DG assigns an Expert Group who can start with the Implication Classification and who can then propose how to continue the process. The DG needs to ensure all expertise areas are included in the Expert Group; depending on the resources

available within the DG itself, it can be decided to include (external) resources from the Expert Team and/or DG Informatics.

Figure 7.   Governance in Individual Cases

It will be the role of the facilitator of the Expert Group to coordinate the process and report progress to the Directorate General. The experts in the Expert Group provide their knowledge and need to investigate the topics discussed in the Expert Group.

2.3   The Member State Model

Member States can be involved in executing the ICT Implication Assessment process in three ways:

1.   Cases where Member States are asked to assess the ICT Implications of EU legislation as part of the Expert Group process

2.   Cases where Member States want to assess themselves the ICT Implications of national or EU legislation

3.   A combination of the two

In the first case, Member States are part of the Commission process and method as described in the previous paragraphs.

In the second case Member States can use the method as described in this report on their national level. During the design of this method Member State experts indicated that the same method and process as described on the Commission level is suitable on a Member State level.

In the third case a combination of both Member State involvement in the Commission assessment as well as an assessment on a national level is possible.

In Figure 8 below, the process overview for the method is presented without reference to EU bodies. This illustration can be used within the Member States to communicate the process.
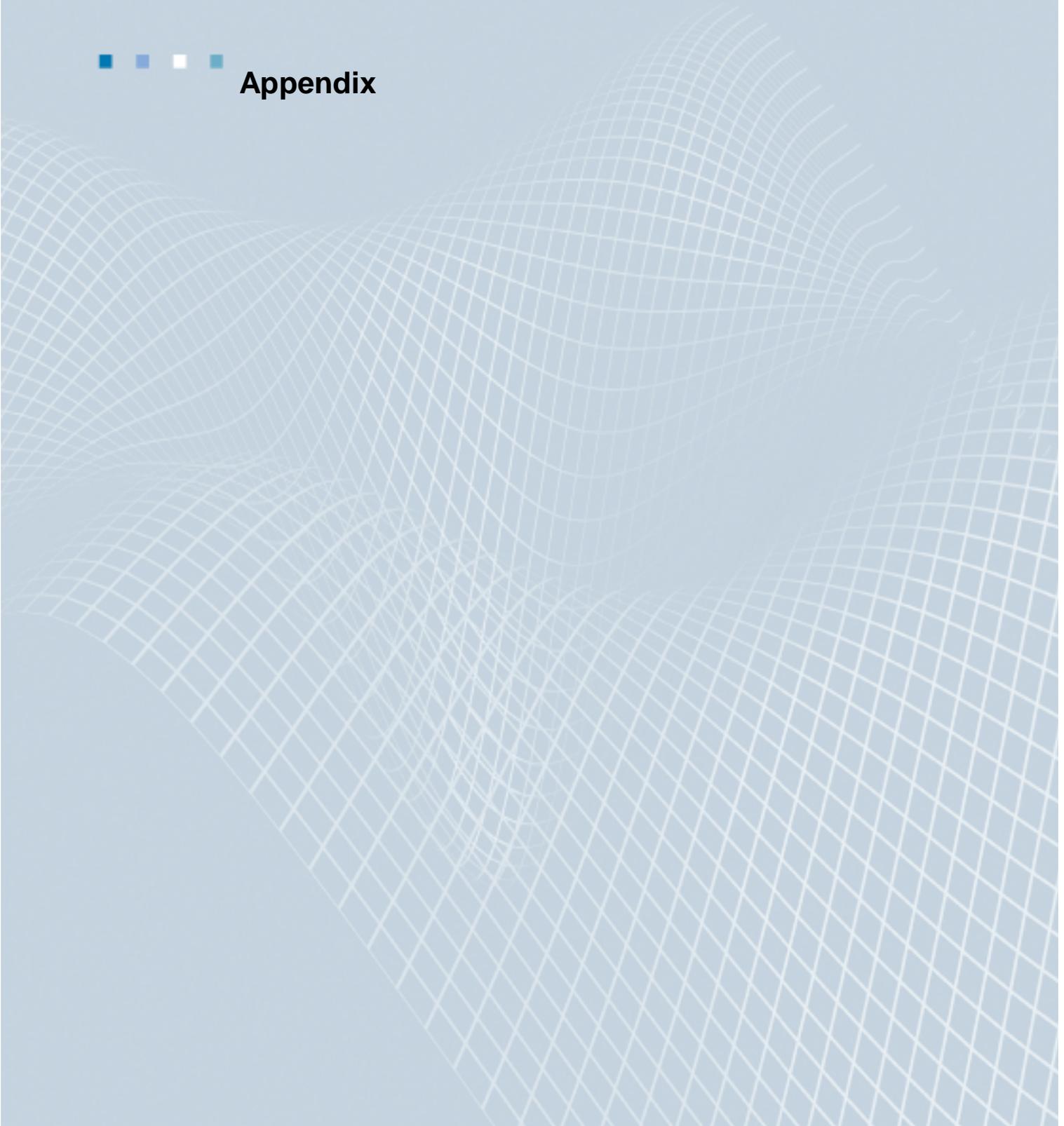
Figure 8.   Process Overview for Member States
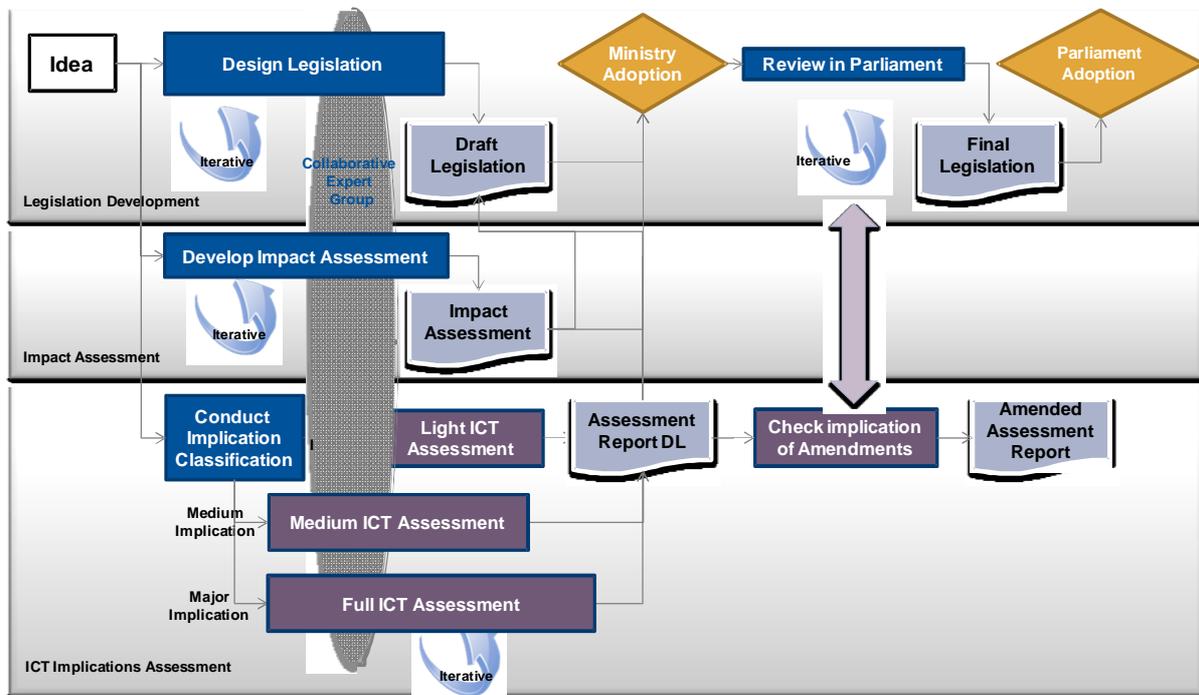
Using the method is voluntary for the Member States. However, within the Member State Expert Group meetings and in interviews with the Member States, it became clear that Member States are eagerly awaiting the results of this study and are interested in using the method — as it stands, or in an adjusted form based on the national situation.
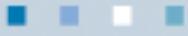
Appendix

Appendix — Checklist

Checklist Instructions – Detailed Checklist

INSTRUCTIONS FOR THE DETAILED CHECKLIST	*This checklist is part of the method for assessing the ICT implications of legislation and is used in the Expert Group process where business, legal and ICT experts discuss the ICT implication of legislation.*
Expert Group	Assemble an Expert Group by joining legal and business experts with ICT professionals experienced in working with the business and interpreting business processes as an input for ICT assessments. This process is called the Expert Group (EG) and is led by the Expert Group Facilitator. The EG Facilitator is leading the group process and has no immediate interest in the legislative text as well as in ICT. The interest of the EG Facilitator lies in the need to stimulate the discussion, drill down on questions and get clear answers on the discussions in the checklist to provide insight into all checklist items.
Expert Group Facilitator	Led by the EG Facilitator, the Expert Group walks through the checklist while listing and discussing each of the items relative to the legislative text under examination. Experiences with the Dutch ICT Implementation test have shown that at least three half-days are required for the assessment. It is the task of the EG Facilitator to manage the meeting agenda and the timeframes and based on the outcome of discussions, have decisions taken by the Expert Group.
Meeting process	Walk down the checklist and scrutinize each item by briefly discussing the item between legal and business experts and ICT experts to find the meaning and possible ICT implications. For ICT experts: do not go into detail in explaining the ICT backgrounds or risks - lawyers/policymakers are usually not very interested. For lawyers/policymakers: note that the success of implementation of the legislative text through effective and efficient use of ICT is mainly dependent on your ability to work with the feedback and ideas voiced by ICT experts in the Expert Group.
Objective of the discussion	It is the objective of the method to combine knowledge of business processes, legal processes and ICT to assess the implications of the legislation on ICT aspects before the legislation is approved. To do this, ICT experts need to take part in discussions on the legislative text by using an open and consultative approach to find ambiguous descriptions and language and to describe possible ICT support for the legislation.
Note and categorize answers	Distinguish the answers according to which parties or stakeholders are affected (e.g. Central, Regional or Municipality level). Implications may be different at different levels.
Disseminate the checklist before the meeting	Distribute this checklist up front to the participants of the Expert Group. This is for the purposes of preparation so that all come to the meeting well-prepared with a good background on the material and the subjects at hand.

Checklist Instructions – High-Level Checklist

INSTRUCTIONS FOR THE HIGH-LEVEL CHECKLIST	*This checklist is part of the method for assessing the ICT implications of legislation and is used in the Expert Group process where business, legal and ICT experts discuss the ICT implication of legislation. It has been derived from the detailed checklist by removing the explicit questions to be answered and discussed by the Expert Group.*
Expert Group	Assemble an Expert Group by joining legal and business experts with ICT professionals experienced in working with the business and interpreting business processes as an input for ICT assessments. This process is called the Expert Group (EG) and is led by the Expert Group facilitator. The EG facilitator is leading the group process and has no immediate interest in the legislative text as well as in ICT. The interest of the EG facilitator lies in the need to stimulate the discussion and use the subjects provided in the checklist to get a common high-level understanding on the ICT implications.
Expert Group facilitator	Led by the Expert Group facilitator, the Expert Group walks through the items of the checklist while listing and discussing each of the items relative to the legislative text under examination. The facilitator should thoroughly prepare the meeting by reading the questions of the detailed and the high-level checklist and introducing the items for discussion. As an estimate, the entire discussion should take a half day. It is the task of the EG facilitator to manage the meeting agenda and the timeframes and based on the outcome of discussions, have decisions taken by the Expert Group.
Meeting process	Walk down the checklist and scrutinize each item by briefly discussing the item between legal and business experts and ICT experts to find the meaning and possible ICT implications. For ICT experts: do not go into detail in explaining the ICT backgrounds or risks - business/legal people are usually not very interested. For business/legal people: note that the success of implementation of the legislative text through effective and efficient use of ICT is mainly dependent on your ability to work with the feedback and ideas voiced by ICT experts in the Expert Group.
Objective of the discussion	It is the objective of the method to combine knowledge of business processes, legal processes and ICT to assess the implications of the legislation on ICT aspects before the legislation is approved. To do this, ICT experts need to take part in discussions on the legislative text by using an open and consultative approach to find ambiguous descriptions and language and to describe possible ICT support for the legislation.
Note and categorize answers	Distinguish the answers according to which parties or stakeholders are affected (e.g. Central, Regional or Municipality level). Implications may be different at different levels.
Disseminate the checklist before the meeting	Distribute this checklist up front to the participants of the Expert Group Session. This is for the purposes of preparation so that all come to the meeting well-prepared with a good background on the material and the subjects at hand.

Checklists

The attached Excel document includes the high-level and detailed checklists.

Microsoft Office
Excel 97-2003 Worksh

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