More grip on digitisation Appendix 2

Background document quick scan (phase 1)

Contents

1   Belgium

Belgium is a federal parliamentary constitutional monarchy. The institutional organisation is complex and structured on both regional (Flanders, Wallonia, Brussels Capital Region) and linguistic grounds (Flemish Community, French Community and German-speaking Community).[1] Belgium has six different governments and parliaments:

- The Federal Parliament;
- The Parliament of the Brussels-Capital Region
- The Walloon Parliament;
- The Flemish Parliament;
- The Parliament of the French Community;
- The Parliament of the German-speaking community.

The Federal Parliament consists of the Senate (150 members) and the Chamber of Representatives (*Kamer van Volksvertegenwoordigers*) (60 members).

The Chamber of Representatives has several permanent committees, each responsible for a particular policy area (e.g. justice or social affairs). These permanent committees examine legislative proposals and, to this end, occasionally hold hearings. A permanent committee consists of 17 members appointed according to proportional representation. There are also temporary, advisory committees, and special committees, such as the Committee on Naturalisations.

The Senate uses committees for various purposes as well. They have the same duties as those in the Chamber. A standing committee comprises 20 senators, the members are appointed according to proportional representation. There are currently seven permanent committees within the Senate, one of which is responsible for the supervision of intelligence services. The Senate can also set up special committees, advisory committees, or working groups to examine a particular bill or a specific subject (such as the working group on bioethics).

The Federal Parliament also has joint committees, such as the Parliamentary Consultation Committee, which is responsible for resolving certain problems relating to legislative procedures.

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[1]   https://www.vlaamsparlement.be/over-het-vlaams-parlement/het-vlaams-parlement-het-politieke-landschap/parlementen-en-regeringen

The Senate, like the Chamber of Representatives, has the right to conduct parliamentary investigations. Article 56 of the Belgian Constitution stipulates that 'Each Chamber has the right of inquiry'. Committees of inquiry were seldom set up until 20 years ago, but are being used more frequently in recent years.

The Flemish Parliament is supported by an independent organisation in the field of technology issues: the *Vlaamse Instelling voor Technologisch Onderzoek* (Flemish Institute for Technological Research). The *Vlaamse Raad voor Wetenschap en Innovatie* (Flemish Council for Science and Innovation) advises both the Flemish government and parliament on science and technology policy. Attached to the Walloon Parliament is SPIRAL, the Walloon sister organisation of the Rathenau Instituut, which is also part of the *European Parliamentary Technology Assessment*-network (EPTA) to which all sister organisations of the Rathenau Instituut are affiliated.

Parliamentary working methods

Not much is happening in the field of digitisation in the various parliaments. From 2005 to 2008 the Flemish Parliament had a special committee called *Digitaal Vlaanderen*. This committee organised hearings on digitisation issues such as ICT procurement and the digital divide.[2]

Working method 1: Committee on Economics, Work, Social Economy, Innovation and Science Policy (Flemish parliament)

Under the theme Science and Innovation, this committee deals with topics such as the funding of fundamental research at universities, R&D in companies, and (new) technologies.[3]

Working method 2: information reports (Senate of the Federal Parliament)

The Senate of the Federal Parliament can draw up an information report on a matter that also affects the competences of the communities or regions (on the basis of Article 56, second paragraph, of the Constitution). When preparing the information report, the committee concerned may organise hearings. After the Senate has adopted an information report, it is communicated to the governments

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[2]   https://www.vlaamsparlement.be/commissies/406220
[3]   https://www.vlaamsparlement.be/dossiers/wetenschap-en-innovatie

and to the presidents of the other parliaments. It can also be consulted on the Senate website.[4]

In the field of digitisation, two information reports have recently been published:
- *Recht van antwoord op internet* (Right of reply on the internet) (29 maart 2019*)*.[5]

De impact, de kansen en mogelijkheden en de risico's van de digitale 'slimme samenleving' (The impact, opportunities and possibilities and risks of the digital 'smart society') (25 maart 2019).[6]

Working method 3: *Colloquia* and events (Senate of the Federal Parliament)

In the Senate, colloquia are organised on a variety of subjects. The findings contribute to the creation of new legislation. The colloquia contribute to a better understanding of what the Senate can do for those around it.[7]

The most recent colloquium on digitisation was in October 2016 and its theme was: '*De impact van de nieuwe technologieën op onze privacy en gegevensbescherming: wat staat er op het spel?'* (The impact of new technologies on our privacy and data protection: what's at stake?).[8]

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4   https://www.senate.be/www/?MIval=/index_senate&LANG=nl&MENUID=28000
5   https://www.senate.be/www/?MIval=/Dossiers/Informatieverslag&LEG=6&NR=465&LANG=nl
6   https://www.senate.be/www/?MIval=/index_senate&MENUID=28000&LANG=nl
7   https://www.senate.be/event/col_events_nl.html
8   https://www.senate.be/actueel/homepage/Persmededelingen/pdf/20161017_nl.pdf

2   Estonia

The Estonian Parliament (Riigikogu) is unicameral and consists of 101 members who are elected every four years. There are standing committees, select committees (temporary), committees of investigation, problem committees, and Associations that are similar to the American caucuses (temporary joint ventures on a voluntary basis). No committee is currently specifically concerned with digitisation, but there is an association within parliament for the subject: the E-Estonia Support Group which consists of sixteen members.

Parliamentary working methods

Working method 1: E-Estonia Support Group
There is little or no information about the E-Estonia Support Group.[9]

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9   https://www.riigikogu.ee/en/parliament-of-estonia/associations/association/5a41a63b-8c10-4b3b-a465-76d175f2bc1c/E-Estonia%20Support%20Group.

3 Finland

The Finnish Parliament (Eduskunta) is unicameral and has sixteen permanent special committees. There is also a Grand Commission which focuses mainly on EU affairs. The permanent committees do the preparatory work for the consideration of legislative proposals and other government documents in the plenary session. Committees also issue statements when requested by the plenary session. As a rule, each committee deals with cases that fall within the scope of the ministry to which it belongs. Committees are appointed for the entire four-year term of office

In the Parliament of Finland, the topic of digitisation is dealt with by different committees, depending on the issue. A committee of particular importance to our investigation is the Committee for the Future. This committee deals with future developments of interest to Finland and looks in particular at the effects of technological development on society. It is, like the Rathenau Instituut, part of the *European Parliamentary Technology Assessment*-network (EPTA).

Furthermore, the permanent Committee for Transport and Communications is of interest, as it deals with legislative and EU proposals on digitisation and society, cyber security, artificial intelligence, and big data.

Parliamentary working methods

Working method 1: Permanent Committee for the Future

The Finnish Parliament has had a standing Committee for the Future since 1993. The purpose of the committee is to engage proactively with the government on major issues that are important for Finland's future.

Positioning
The committee was initially a temporary committee. It arose from an initiative of parliamentarians who wanted to set up a national system foresight system that should be able to better predict recessions such as those of the early 1990s. In 2000, the Finnish parliament decided to give the committee the status of a permanent committee. The Committee for the Future is attached to the office of the Prime Minister, who also chairs the Finnish Research and Innovation Council.

Working method
The tasks of the committee are different from those of other permanent committees. It is not concerned with legislation and supervision but with:
- Preparation of parliamentary documents. At least once during its term in office, the government issues a report on how it sees Finland's future prospects and what objectives it is setting for itself. This Government's Future Report is an attempt to identify important issues for Finnish politics at an early stage, when the various policy options are still open. The committee prepares a response to this report on behalf of the entire Parliament. Recently, the committee was appointed the task of preparing a response to the report on the implementation of the Agenda 2030 for Sustainable Development.
- Preparation of responses to government reports or budgets at the request of other committees.
- Mapping future (technological) trends and societal developments on the basis of its own research.
- Analysis of research methodology for future developments in relation to democratic decision-making.

Working methods used by the committee are public round tables, mutual discussion meetings, its own research (including interaction with stakeholders) and exchange via the European Parliamentary Technology Assessment Network (EPTA). The committee also uses new participatory techniques such as hearings with citizens and crowdsourcing as part of its exploration of the future.

The committee has 17 members and meets twice a week. All parties in parliament are represented in the committee.[10]

The committee has its own budget from which it can pay for research as well as the appointment of a permanent expert from the Finland Futures Research Centre (FFRC), a department of the Turku School of Economics at the University of Turku. Furthermore, the committee is supported by a registrar, a deputy registrar and a committee assistant.

Working method 2: Permanent Committee for Transport and Communication

In the Finnish Parliament there is a standing committee dealing specifically with legislation and regulations of the Finnish government and the European Commission in the field of transport and communication, including the digital society, cyber security, artificial intelligence, and big data.

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[10]   https://www.eduskunta.fi/SV/vaski/KokousSuunnitelma/Sidor/EDK-2019-AK-253433.aspx

Working method

The committee prepares all decisions to be taken by parliament in its domain. It has agenda-setting, legislative, and monitoring tasks. It basically controls the Ministry of Transport and Communications.

This committee also has 17 members from all political groups. The administrative staff assists the committee in preparing meetings and working visits and in writing statements and reports.

The committee's working methods include: hearings (with experts and stakeholders) and decision-making meetings (based on draft reports and statements written by the staff, are being discussed and then adopted and/or amended). The Committee's reports are sent to the plenary meeting to support decision-making on, for example, a particular act. Positions on EU affairs go to the permanent committee for European affairs.

Topics recently dealt with by the committee include:
- The internal digital market in Europe;
- Regulation of data portability;
- Copyright in the internal digital market;
- Protection of privacy and personal data in digital communications;
- Provision of audiovisual media services;
- Regulation of cyber security;
- Free flow of information;
- Regulation of digital communications in the EU;
- Regulation of online television and radio broadcasting;
- Transparency in the operation of online platforms;
- Legislation on civil intelligence gathering;
- Law on military intelligence activities.

4   France

The French Parliament consists of the National Assembly (577 members) and the Senate (348 members).

Under the French Constitution, the Senate almost has the same powers as the National Assembly. Legislative proposals can be made by the government (*projets de loi*) or by each of the houses of parliament (*propositions de loi*). Since both houses can amend a legislative proposal, it may take several readings to reach an agreement between the National Assembly and the Senate. The legislative powers of the Senate are limited; in the event of disagreement between the two houses, the National Assembly has the last word. In France, ministers cannot be members of parliament at the same time, as is the case in Germany and the United Kingdom.

The Senate
Within the Senate there are different kinds of committees. The seven standing committees are the most important bodies for legislative work. All bills submitted to (or by) the Senate are discussed by one of these seven committees (or by an ad hoc committee) before being dealt with in a plenary meeting. The Senate votes on all amendments to the Constitution, controls the government and represents local governments (such as provinces and districts). The standing committees can, under certain conditions, set up fact-finding missions: a delegation of the committee is then tasked with studying a problem and publishing a report.

The Senate also has commissions of inquiry. These have six months to gather information, either on specific facts or on the state of affairs of public services or national companies.

There are also study groups, which are open to all senators, to study and monitor specific questions. These structures, which have no formal position in the legislative procedure and remain under the control of the permanent committees, exist to ensure that parliamentarians have the legal and technical information they need for their decisions in specific areas.

Finally, there are so-called special committees whose task is limited to examining a specific (legislative) text.

The National Assembly
The National Assembly has eight standing committees. These committees organise hearings (with ministers, experts, representatives of civil society) and set up so-

called 'information missions' so that members are well informed about matters that fall within their competence. These missions are used to study a subject, to prepare a policy or legal text or to monitor the implementation of an adopted law. They are entrusted to one or more delegates who, following their investigative activities, including hearings, present a final report with concrete proposals. The Government responds to the findings in a debate.

The National Assembly also has the possibility of setting up so-called 'joint information missions'. Here, the delegates from various standing committees work together on a theme that is relevant to all. For example, there has been a joint information mission on the use of blockchains and other certification technologies.

The National Digital Council
Since April 2019, a State Secretary has been responsible for digitisation.[11] France also has the National Digital Council (Conseil National du Numérique - CNNum). This advisory body, created by the French President in 2011, is made up of eighteen experts who advise the government on digital technology issues. The CNNum is consulted for advice on 'any proposed law or regulation that may have an impact on the digital economy, so the government can have insight from the industry'. In addition, the CNNum can also give recommendations on issues it considers important without a request from the government.[12]

Parliamentary working methods

Parliamentary working method 1: Commission of Inquiry into digital sovereignty (Senate)

On the subject of digitisation, the *Commission d'enquête sur la souveraineté numérique* (Commission of Inquiry into Digital Sovereignty)[13] is interesting. This temporary Senate Commission with 21 members was set up by means of a motion to answer the question of how France can preserve its economic, legal, fiscal, and military sovereignty as much as possible in the digital world. The committee took six months to gather information in 2019. In more than 70 hours of hearings, 63 people were heard: members of the government, entrepreneurs, scientists, lawyers, senior officials, independent regulators.

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11   https://www.gouvernement.fr/le-secretariat-d-etat-charge-du-numerique en
     https://www.economie.gouv.fr/ministres/cedric-o
12   https://joinup.ec.europa.eu/sites/default/files/inline-files/Digital_Government_Factsheets_France_2019.pdf
13   http://www.senat.fr/commission/enquete/souverainete_numerique.html

To compensate for the government's lack of an overarching strategy, the commission proposed the creation of an institute (a digital forum), a law on the supervision of digital sovereignty and a series of complementary measures, particularly in the areas of personal data protection and strategic economic data, competition, innovation and multilateralism.

Parliamentary working method 2: Special committees (Senate and joint)

These committees are either joint committees or Senate committees limited to examining a specific text. The Joint committees are composed of 7 delegates and 7 senators and are set up on the government's initiative to reconcile conflicting positions of the National Assembly and the Senate on legislation. This type of commission was involved in the bill to introduce a French tax on digital services.[14]

The Minister of Finance wanted such a tax in order to ensure more international 'fiscal justice'. After the EU Member States failed to reach agreement on a new draft EU directive on digital advertising tax (DAT) at the beginning of March 2019, the National Assembly decided in April to largely adopt the minister's bill for a French tax on digital services. A month later, the Senate decided to amend the bill on a number of important elements, including a sunset clause. The special committee then discussed the differences between the two versions of the law and reached a consensus.

Parliamentary working method 3: Study groups (Senate)

There are study groups which are open to all senators, where they study specific questions. These structures, which do not play a direct role in the legislative process and are under the control of the permanent committees, are an important source of information for parliamentarians. There is also a study group Digital.[15] There is little information about this online.

Parliamentary working method 4: Joint information missions (joint)

This working method also offers members of parliament the opportunity to acquire knowledge. The missions fall under the standing parliamentary committees and have no role of their own in the parliamentary process. Interestingly, a committee often has an agenda-setting function. A joint information mission is based on the need of various committees to find out something (so the initiative lies with existing committees). For example, a joint information mission has been set up with two

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14   http://www.senat.fr/cmp/index.html#c647804 en http://www.senat.fr/dossier-legislatif/pjl18-452.html
15   https://www.senat.fr/groupe-etude/etulst.html en https://www.senat.fr/groupe-etude/etu_1008.html

rapporteurs to study the potential of blockchain.[16] The central questions were: What is the scope of the revolution of blockchain technologies, which some experts believe is equivalent to the advent of the Internet? Will the expansion of these technologies in our daily lives widen the already existing digital divide? Or should we consider blockchain as an opportunity for the knowledge economy?

Parliamentary working method 5: Study groups (National Assembly)
There are also study groups for members of the National Assembly. They are working groups for the exchange of knowledge between members of parliament. They provide legal support on issues that are too specialised for assessment by the permanent committees. There are four groups within the theme of digitisation:
- Cyber security and digital sovereignty;
- Digital economy of data, knowledge and artificial intelligence;
- Internet and digital society;
- Health and digital.

Little information about these study groups can be found online.

Parliamentary working method 6: Parliamentary Office for the Evaluation of Scientific and Technical Choices (OPECST)

The French Parliament has the Parliamentary Office for Evaluation of Scientific and Technological Options (*Office parlementaire d'évaluation des choix scientifiques et technologiques*, OPECST), which since 1983 has been gathering information, launching study programmes and carrying out studies to inform parliament about the social consequences of choices in the field of science and technology.[17] OPECST is a sister organisation of the Rathenau Instituut and its right to exist is laid down by law. Just like the British POST, OPECST is an independent organisation that has a seat in parliament itself. OPECST consists of 36 members of parliament from all political groups in both houses. Support is provided by a scientific council with 24 leading scientists from different disciplines. Topics are put on the agenda of OPECST through both houses, at the initiative of a group chairperson, at the initiative of 60 MPs or 40 senators, or through a permanent committee.

Each study starts with the appointment of one or more rapporteurs who first carry out a feasibility study with a brief overview of the knowledge already available on the subject. On the basis of this study, a decision is made on a follow-up (research programme, methodology, possible adjustments to the research question).

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16   http://www2.assemblee-nationale.fr/15/missions-d-information/missions-d-information-communes/chaines-de-blocs
17   http://www2.assemblee-nationale.fr/15/les-delegations-comite-et-office-parlementaire/office-parlementaire-d-evaluation-des-choix-scientifiques-et-technologiques

Subsequently, the rapporteur - supported by an official of parliament and sometimes a working group of experts from outside parliament - starts hearings in which the organisations and persons involved are heard. A rapporteur has the right to examine any public organisation and has access to all documents (except for military matters or state security).

When the investigation is completed, the rapporteur offers the report to all members of OPECST. They decide on the basis of consensus whether the report will be published. The OPECST reports do not only reflect the opinions of experts. The conclusions are written by parliamentarians who often also make recommendations.

5   Switzerland

Switzerland has a fairly unique political system characterised by far-reaching federalism, strong direct democracy (referendums), a search for consensus and highly developed elements of horizontal and vertical power-sharing.

The *Nationalrat* (National Council, similar to the House of Representatives) has 200 seats and is assembled on the basis of proportional representation. Swiss citizens aged 18 and over also elect the *Ständerat* (Cantonal Council, similar to the Senate), which has 46 seats and represents the 26 (semi) cantons. Together they form the parliament or the *Bundesversammlung*. The National Council and the Cantonal Council are each other's equal. The National Council and the Cantonal Council have the same powers. Legislative proposals are fully dealt with by both houses and must also be approved by both houses. Incidentally, the work of an elected representative is carried out in Switzerland as a sideline job.

The National Council has 12 permanent committees with an average of 25 members. The committees are not mirrored to the ministries. There are 9 permanent specialised committees: Foreign Affairs; Science, Education and Culture; Social Security and Care; Environment, Spatial Planning and Energy; Defence; Transport and Communications; Economic Affairs and Taxation; Justice; Political Institutions.

Digitisation issues are discussed in all committees. The Council also has the possibility to set up special committees for a specific theme. At the moment, there are no special committees, not even in the field of digitisation.

Parliamentary working methods

Parliamentary working method 1: Parliamentary Working Group on Digital Sustainability

The Swiss Parliament has one working method specifically aimed at digitisation: *Parlamentarische Gruppe Digitale Nachhaltigkeit* (*Parldigi)*. The working group focuses in particular on a sustainable digital transition.[18]

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[18] https://www.parldigi.ch/de/

Positioning

This working group is a temporary voluntary partnership with a specific lobby on digital sustainability. It is not officially affiliated with parliament and is not mentioned on the website. Switzerland has about 156 different informal working groups such as *Parldigi*. They are comparable to the American caucuses or the British all-party parliamentary groups.

The working group was started in 2009 by Matthias Stürmer, head of the Digital Sustainability research centre at the University of Bern. The working group is meant to support the spokespersons for digitisation and contribute to the exchange of different views.

Working method

The working group consists of more than fifty members of parliament from all political groups from both the National Council and the Cantonal Council.[19] Most of them are also spokespersons for digitisation. There are also experts from science and industry. So there is broad political support for the working group. Parldigi chairperson Edith Graf-Litscher says about this: "*Politically, we are a very broad-based group in which all parties are represented. It's just that digital themes cannot be classified in a classic right-left scheme. We work theme-focused.*"[20] Any Swiss member of parliament - including regional parliaments - is allowed to become a member.

Companies and individuals can register as a 'guest' of *Parldigi*. They can then attend all meetings for a thousand Swiss francs. Companies do have to commit themselves to the principles of *Parldigi*, for example when it comes to open source software and open data.[21]

The secretariat is headed by founder Matthias Stürmer. He is supported by Francesca Giardina of Operation Libero, a civil society organisation that contributes to a *'weltoffene und zukunftsgewandte Schweiz'*.[22] The third member of the management team is François Marthaler, founder of a company that sells socially responsible hardware such as the Fairphone.

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[19] De SP, FDP, SVP, CVP, Greens, GLP, BDP and EPP.
[20] https://www.computerworld.ch/business/politik/bringen-digitale-politbuehne-1719659.html
[21] Bijvoorbeeld bedrijven als Adinis Sy group, Mimacom, Camptocamp, Cubetech, etc. (9 in totaal). En organsiaties die samenwerken (*Trägerschaft*) met Parldigi zijn CH Open, Opendata.ch, the Schweizer Informatikgesellschaft SI (vergelijkbaar met NL_Digital) en de Swiss Informatics Research Association SIRA waar alle Zwitserse hoogleraren in het digitaliseringsdomein lid van zijn.
[22] https://www.operation-libero.ch/de.

Parldigi's working methods consist of parliamentary activities such as setting up draft legislative proposals and organising public hearings, as well as dinner meetings, media appearances, and blogs.

The working group also supports the participating parliamentarians to be re-elected. This is done via a digital platform on which candidates from all political parties are named who profile themselves on the subject of digital sustainability, plus the initiatives they have taken, for example on open source and open government data.

Results

The topics *Parldigi* focus on are:

- Open source software (reducing dependence on IT companies, and improve long-term financial efficiency, transparency and cyber security).
- Open standards (improving interoperability and interchangeability in information and communication technologies).
- Open government data (all data from public institutions financed with taxpayers' money that is not relevant for data protection or security should be published free of charge in a way that is readable by machines).
- Open access (company-funded research and education results should be freely available as public goods and accessible under open licences).
- Open content (open, participatory models of cultural production such as Wikipedia and Creative Commons create added value for society and should be promoted by making publicly funded content freely accessible).
- Open Internet (Internet access is an important foundation of today's democracy and a source of economic innovation. Therefore net neutrality should be guaranteed and no network blocking should be used).

Recent topics added to the agenda of *Parldigi* are: IT procurement, 5G, digital voting, and blockchain.

Impact

When it comes to Parldigi's impact on the democratic process in Switzerland, we have to rely on what both the chairperson and the director mention in an interview.[23] For example on the field of open data: "*We put Open Data on our agenda eight years ago and pushed it forward with a lot of energy. As a result, we were able to celebrate the first political successes by accepting some of our initiatives. Due to a proposition of MP Christian Wasserfallen, member of Parldigi, there was a report and a master plan for Open Government Data. Later, the Federal Council took up the issue and developed a strategy that was renewed last year. The data is offered online, where it can be downloaded by users and used commercially as well as*

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[23]   https://www.computerworld.ch/business/politik/bringen-digitale-politbuehne-1719659.html

non-commercially. And now we want a legal basis for the widespread introduction of Open Data."

Another important political issue is e-ID. Vice President Frans Grüter - also vice president of the IT industry organisation in Switzerland - says about this in the same interview: "*Parldigi has played a crucial role in devising a solution that will receive as much support as possible. They were people of ours who acted as mediators and suggested solutions, such as the now planned supervisory body. They have quietly and discretely discussed behind the scenes with the different stakeholders and explored what it takes for them to agree. The result is now a broad consensus.*"

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