Proposal for a European IT governance model and a legal-organisational framework
Introduction

e-ID, e-Signature, e-Delivery and e-Documents are examples of IT components - so called building blocks (BBs) - that make cross-border digital services work. Starting a business abroad, finding foreign speed offenders or applying for a university in another European Union (EU) Member State (MS) is made possible by BBs that are developed in EU projects like e-SENS (Electronic Simple European Networked Services).

The EU e-Government Action Plan 2016-2020 has already referred to the importance of the interoperability of BBs as enablers for electronic cross-border services. Furthermore, it is stated under Action 3: “The Commission will ensure the long-term sustainability of cross-border digital service infrastructures”. Based on this policy position, and feedback from European experts, it can be seen that there is a consensus on the need for a future European IT governance structure.

The ambition is that the European BBs that have been put forward by various programmes and initiatives should seamlessly fit together now and in the future. This fit among BBs will become a major opportunity to strengthen the European Digital Single Market. Therefore, strong coordination between interoperable IT components across the EU is a prerequisite. The BBs and e-Services will not be temporary outputs that need to be governed for the duration of a pilot project, an EU action plan or programme, or until an acceptable level of maturity has been reached where the BBs can be considered final and ready for use. Permanent governance will be required: technical solutions will need to be enhanced, maintained and expanded for an unlimited duration. This calls for a suitable European IT governance model and an EU-level legal policy instrument that has no inherent limitations on its duration. The model will guarantee the existence of the BBs for cross-border use and will be a strong catalyst for the realisation of the EU Digital Single Market.

e-SENS, the Large Scale Pilot project, has been tasked – amongst other things - to look beyond the term of the Connecting Europe Facility (2020) and propose a long-term governance model that enables the interoperability and delivery of cross-border public e-Services. This may contribute to giving input to Action 3 of the e-Government Action Plan 2016-2020.

This document presents a long-term European IT governance model, which aims at coordinating and ensuring coherence of the technical solutions used in the EU to facilitate the delivery of public electronic services. e-SENS proposes a governance model that supports technical communities and domain-specific communities in aligning their respective developments and creating new synergies. This needs to be embedded in a legal-organisational framework, which gives the communities and the coordination forum legal rights and also obligations. This framework is also presented in the document.

e-SENS proposes the organisation and design of a future European IT governance model. However, the first steps regarding its implementation need to be planned and decided in the mid-term, meaning in the course of the CEF, by the political decision makers.

The position paper does not assume to constitute an exhaustive, independent or impartial exposition on all possible models or legal-organisational frameworks for long-term governance and sustainability; the latter is the remit of full-fledged policy assessment studies. Rather, as the title implies, it presents and argues a position, or opinion, on requirements and priorities to be taken into account when designing a model, and proposes a model based on this.

The expertise and opinions of e-SENS national experts, the wider e-SENS community and the CEF Expert Group have shaped the position paper and the proposal to a large degree.

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The Proposal for a long-term European IT Governance Model

This chapter presents a proposal for a European IT governance model, after 2020, when the Connecting Europe Facility (CEF) financing programme has ended. The proposal was developed within the e-SENS ‘Sustainability and long-term governance’ work package.

Methodology

The methodology deployed to formulate a proposal for a long-term European IT governance model included following steps:

- Consolidation of the sustainability strategies developed by the five previous Large Scale Pilots (PEPPOL, SPOCS, STORK 1.0/2.0, epSOS, e-CODEX)
- Evaluation of preliminary ideas and intentions for a future governance structure and definitions of stakeholder roles, which have been suggested by e-SENS national experts
- Identification of principles which need to be considered regarding a future governance structure (stakeholder needs, openness and transparency, universality, legal criteria)
- Presentation of ideas and suggestions for the implementation of a future governance structure (required actions for short-, medium- and long-term to achieve the long-term vision)
- Analysis of national IT governance structures (best practices/lessons learnt)
- Elaboration of scenarios for the organisational forms of a future governance structure (DG Programme, Agency, Non-Profit Organisation (NPO))
- Evaluation of recommendations and suggestions for the organisation of a future European IT governance structure based on a survey addressed to the representatives of the CEF expert group
- Draft of a European long-term governance model and evaluation
- Feasibility check of, and feedback about, the proposed European long-term IT governance model through a questionnaire addressed to the e-SENS communities

1 These steps were carried out since the start of e-SENS (April 2013). Details about the different actions and efforts including detailed results can be found in the various deliverables of e-SENS Work Package 3 “Sustainability and long-term governance”, https://www.esens.eu/wp3
Goal and principles of the model

The governance model should enable synergies across communities on policy, organisational and technical levels in a resilient (i.e. flexible and self-adapting) and efficient way. It is expected to facilitate the delivery of integrated and interoperable public electronic services by the communities in the EU. Above all, it should support potential new technical and domain communities to become mature and fully developed so that they could join the shared governance structure.

A long-term IT governance model needs to:
- Provide central coordination that helps communities share information and solve problems in a coherent and efficient way.
- Be flexible and able to adapt to changes of technical and political nature yet unknown.
- Fit into a variety of legal and technical environments.
- Support and incorporate political intentions and purposes.
- Facilitate financial aspects and those of other resources.

The proposed governance model would be in charge of ensuring proper information and knowledge sharing in a pro-active manner amongst all interested communities, to assure good collaboration. It would ensure a strong alignment of communities’ decisions when they have a strong impact on cross-domain matters. Such decisions would be taken in the governance forum by representatives of the interested communities and governments. The communities remain autonomous and keep operating in their respective fields, with full responsibility for maintaining and developing the use of the common solutions that they deem useful. Consequently, the long-term governance model relies on the principle of subsidiarity, as a universal and omnipresent rule. Subsidiarity is a founding principle of the EU, whereby decisions are made at the immediate level that is consistent for their resolution. While the governance structure coordinates the key topics across communities, the communities themselves should take care of all main decisions, operating, implementing, delivering and further improving sphere of activity.

Communities

The term “community” encompasses BB communities (like e-ID, e-Signature, e-Delivery) as well as domain communities (like e-Health, e-Justice, e-Procurement). These are communities consisting of the EC, MS, private stakeholders, standardisation organisation etc., which are involved in the development, maintenance, implementation and operation of technical solutions necessary to fulfil public electronic services. Communities are independent entities, with their own way of working, funding etc. There might be overlaps between a BB community and a domain community (e.g. in the field of e-Delivery since most of the domains use e-Delivery4).

Roles of communities in the model

The governance model does not aim at dominating the communities. Each community shall have its own governance arrangement and should participate in the governance model to exchange best practices and define principles for cooperation in different matters related to building block and domain communities. However, joining the governance model requires the fulfilment of some expectations.

Regardless of the actual individual community legal, organisational or operational structure, it is expected that each technical and domain community is able to (and aims at) deliver public electronic services or cross-domain BBs, and cooperate with other communities in the joint governance model.

From experiences gathered in multiple Large Scale Pilots and in the course of e-SENS, it has been of major importance that each technical and domain community:
- is able to operate and deliver, meaning either handling the development and support for a BB, or providing public electronic services that rely on these BBs, usually via service providers and other industry players in the field.
- is able to influence the policy making in its field at MS and EU level, for instance via a strong commitment or ownership by one or more European Commission Directorate Generals (EC DGs) in the field.

Some communities are already mature enough to join the proposed governance model1; these are mainly domain communities, e.g. OpenPEPPOL, ENED Network. Other communities still need to improve their governance and maturity (mainly the BB communities).

This means that there is still room for improvement regarding the governance of the different domain and technical communities within e-SENS to ensure long-term sustainability of the solutions.

4 This entity acts as a Single Point of Contact within a community. This is a central contact point within a community to which several topics and issues shall be addressed.

5 More details can be found in the e-SENS deliverable D3.4v4. Joining the governance model requires the fulfilment of some expectations, e.g. communities shall already have some kind of governance structure in place. In order to find out if the BB and domain communities within e-SENS already meet the mentioned expectations and are mature enough to join the model a questionnaire was developed in WP3, which was evaluated in e-SENS deliverable D3.4v4. https://www.esens.eu/sites/default/files/e-sens_d3.4_part_4.pdf

2 When developing a governance model several principles need to be taken into account. As stated in D3.6v2 (p.16) the following principles were considered by developing the e-SENS proposal: meeting stakeholders’ needs, openness and transparency, universality and legal criteria.
Mission and organisational aspects of the model

From the e-SENS experience, the experience of other Large Scale Pilot projects before it, and the feedback of different national and European experts, a selection of key coordination topics has been made:

- Identifying and defining new technical or domain communities to be integrated, prioritising these integrations and helping to find funding for the needed integration and maturation efforts. In short: coordinating the efforts to expand the governance structure.
- Managing choices on architectural interoperability of BBs and their coherent evolution. In short: coordinating the architecture.
- Creating synergies in delivering the needed e-Services and support to (public) users. In short: governing the electronic services.
- Mutually supporting the marketing efforts of each community, creating synergies to share an existing user base and expand market and take up of available BBs. In short: coordinating the business development efforts.

In the proposed long-term governance model, these four topics are coordinated by four strategic boards: Expansion Board, Architecture Board, Solution Servicing Board and Business Development Board.

Furthermore, another strategic board, namely the Reciprocity Board, is proposed to coordinate efforts in the area of non-financial contributions, which will be explained in more detail in the section about “funding”.

Overall tasks of the different Strategic Boards

1. **Expansion Board:** The Expansion Board will coordinate efforts to select and integrate new communities in the governance model. This selection will include an assessment of the economic potential for and from new communities. The integration will involve the collection of funds needed for in-depth integration and meeting the community prerequisites.

2. **Architecture Board:** The Architecture Board will coordinate cross-community architectural and technical issues that have an impact on existing or new-community services, issues like technical sustainability and technical development for instance.

3. **Solution Servicing Board:** The Solution Servicing Board will be responsible for the coordination of activities that deliver services to public users (e.g. administrations, ministries etc.). It will aim at fostering synergies amongst Service Providers and sharing best practices in governing the communities’ more operational bodies.

4. **Business Development Board:** The Business Development Board will coordinate efforts for increasing the usage of existing cross-community services and BBs and will provide support to new users in the new field (e.g. new countries that will use the technical solutions and new domains). This coordination will reinforce and leverage the communities marketing and communication means.

5. **Reciprocity Board:** The Reciprocity Board will coordinate efforts to design, implement and improve reasonable balance mechanism to facilitate the creation of a natural balance between contributions and obtained value by MS and stakeholders involved. Instruments and regulations can be designed to encourage major contributors and help less active observers become active contributors across both BB and domain communities.

In the event of divergent views between the different Strategic Boards, a Political Coordination Board is expected to serve as conflict solving and escalation mechanism. The Political Coordination Board could also provide a link to the European Commission and to the formal representations of the Member States and Associated Countries. This is mainly relevant in relation to the flow of information between the strategic boards and e.g. political decision-makers. The Political Coordination Board should support the cooperation between the five boards.

Funding

e-SENS proposes a funding structure that evolves successively from the current projects-based settings, with funding provided by both the EU and partners, into a coordinated scheme that aggregates revenues of a different nature to finance its operations and development.

To put this more schematically, three sources of funding are possible:
- Countries (via their administrations) and enterprises can contribute through non-financial contributions: in expertise, BB components, training material and more.
- Public funds are used to support crucial efforts, such as the integration of new domains. The CEF programme for example is the primary source of such funds in the medium-term until 2020, and illustrates the working of such a type of source.
- Commercial revenues are generated from provided additional services (co-designed in medium-term (until 2020) and standardised in Service Level Agreements in the long-term (beyond 2020) and the licensing of assets.

*e-SENS D3.4v2: All assets are available for free to all members, under copy-left-non-commercial terms, in their “basic” form (usable, and with minimum documentation to be usable). In this way an organisation is willing to invest in using the components for inclusion in their services, because that organisation can have a business-model based on additional help (advanced documentation, training material, dedicated support, software customisation, basic/cloud infrastructure) that will be provided for a fee (in cash or nature), https://www.esens.eu/sites/default/files/e-sens_d3.4_part2.pdf*
In the long run, the proposed basis for the funding should mainly become non-monetary contributions from the different players within the ecosystem of the relevant communities of the BBs and domains, complemented by extra public funds applied to integration efforts.

To put this more schematically, three sources of funding are described and the development in a timeline in a figure below:

Since the governance model should require a limited amount of operational funds, it is proposed to rely mainly on the principle of reciprocity, which is a powerful and sustainable value creation mechanism to ensure a balance between contributions and obtained value. Instruments and regulations can be designed to foster a “reasonable balance” to motivate major contributors and help less active observers become active contributors. Finding acceptable terms for these “reasonable balance” mechanisms across communities and/or countries is thus identified as another key coordination topic in the long term governance model. This crucial aspect will be coordinated by the Reciprocity Board.

To sum up, the proposed governance model creates coordination between distinct and independent groups and actors. Despite possible challenges, it helps solving problems without creating undue administrative burden or bureaucratic processes for the communities themselves. It structures and enables the coordination on key technical, business and political topics, while keeping bureaucracy and overheads to a strict minimum. It is inherently flexible, and is able to include new common technical components that facilitate public e-Services in Europe and foster their use in new administrative domains.
The Proposal for a legal-organisational framework for the European IT Governance Model

The proposed governance model needs to be embedded in a legal-organisational framework, which creates binding legal rights and/or obligations for the communities. Furthermore, and according to previous e-SENS findings, it should be public-sector driven, with the support of stakeholders, public users and standardisation bodies. e-SENS formulated three possible legal-organisational scenarios (namely, a DG programme, a European Agency and a Non-Profit-Organisation) based on legal, organisational, financial, architectural and domain-related criteria in order to support decision-makers in their discussions and investigation of a future legal-organisational framework. The analysis undertaken by e-SENS has shown that each scenario has advantages and disadvantages. It became clear that:

- A DG Programme has the advantage of high EC involvement and relative ease of establishment, but lacks stakeholders’ involvement and is dependent on periodical political decisions to extend the programme for a new term, at least if permanent governance mechanisms are desired.
- An Agency is a good organisational form to include the EC, MS and stakeholders. Furthermore, funding from different resources is possible. Principal weaknesses are the larger effort and cost for establishing an Agency, and the need to organise coordination with specific policy DGs that have thus far held a policy-specific building block within its remit.
- A Non-Profit-Organisation (NPO) is an organisational structure that is well suited to the involvement of stakeholders, even though MSs will most likely be involved in a strategic manner rather than involved at the level of task execution. Furthermore, the set-up costs can be an advantage. However, EC and MS involvement might be more problematic.

Stakeholders’ preferences

Based on these findings the members of the CEF Expert group have been asked - via a questionnaire - about their preferences on a possible legal-organisational framework. The result is the following.

Legal criteria to be met

Although the answers provided by the experts do not completely reflect the official position of the Member States and Associated Countries, it can be observed that the scenarios “DG Programme” and “European Agency” are seen as the most suitable options.

The CEF experts were also asked if a new legal-organisational framework should be established or if an already existing governance solution should be responsible for the maintenance and governance of European IT solutions. The majority of the respondents prefer the reuse of an already existing governance solution. Their preference is either for the prolongation of a “DG Programme” or the enlargement of an “Agency”. The non-profit organisation scenario is not strongly supported by the stakeholders, which is likely based on the consideration that a pure non-profit option does not permit a strong driving role for the Member States. While this may acceptable for some BBs, most of the current regulatory and policy mechanisms do foresee strong public sector involvement – principally from the Member States and from the European Commission – which renders a full NPO scenario less attractive. This is the reason why the assessment below focuses mainly on the Programme and Agency options and further discards the option of an NPO.

Legal criteria to be met

It is important that a legal-organisational framework would meet certain legal criteria so that a reliable governance structure can be established. More specifically, the legal-organisational framework must be able to satisfy applicable institutional legal constraints (i.e. it must be viable under EU law), functional legal constraints (i.e. it must be capable of satisfying the legal challenges in relation to governance, e.g. trustworthiness, stability, and openness) and it should be aligned with existing prior legal inputs such as existing legislation at European and national levels.

Ensuring permanent governance requires an EU level legal policy instrument that has no inherent limitations to its duration.

A legal-organisational framework must be chosen that avoids the need for active political decisions about continuation. Technical solutions and e-Services require a permanent governance approach at EU level, rather than a series of provisional working schedules.

In order to be credible and effective, the creation of a legal-organisational framework for the governance model proposed by e-SENS must take into account existing legal frameworks (e.g. eIDAS Regulation, e-LISA Regulation, CEF) that have aimed at addressing aspects of the governance of BBs. The objective is not necessarily to replace these existing legal initiatives. Rather, it is to build a robust governance framework around them that can integrate the existing structures in accordance with their already existing rules - creating the possibility for gradual alignment of these rules where and when appropriate - and to address governance issues that have not been regulated yet.

A single body or programme is clearly preferable in order to ensure alignment and consistency between the governance of all the BBs and e-Services, as it would reduce the risk of misalignment in terms of continuity, organisation, resources, etc. Conceptually, it is of course viable to use multiple legal instruments to establish multiple agencies or programmes, e.g. linking one Agency to the BBs, and one programme to an e-Service. Reliance on a multitude of bodies or programmes might also facilitate the integration of on-going work in existing international forums, including specifically European and international standardisation bodies that provide some of the components of the BBs. Nonetheless, the risk of misalignment is greater with multiple organisations, agencies or programmes.

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1. e-SENS D3.5v2, https://www.esens.eu/sites/default/files/e-SENS_D3.5_0.pdf
3. See Appendix of this position paper

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Figure 4: Preferred legal-organisational framework

Figure 5: New vs. existing legal-organisational framework
Operational Set-Up

The e-SENS IT governance model could be implemented either via an Agency or via a DG programme\(^1\), provided that certain requirements can be satisfied and that stability can be ensured. The following subsection explains the reasoning behind the final proposal between these two options.

There are arguments that cause e-SENS to elaborate on the option of an Agency:

- A significant concern is that programmes are in principle linked to a specific DG. This implies that, if governance is entrusted to a single programme, this would be led by one DG only. This seems to be a suboptimal choice, since various BBs and e-Services touch on the competences of multiple DGs. Therefore, opting for a programme rather than for an Agency to implement the e-SENS governance proposal would require that multiple programmes would be needed (rather than a single programme), simply to avoid a single DG encroaching on the legal competences of other DGs. While agencies can also have a greater policy affinity with a single DG than others, simply on the basis of their field of activity, this is not always or necessarily true.
- Perhaps more importantly, a future European IT Agency would be politically independent from any single DG, which might be expected to facilitate cooperation or interaction across multiple DGs. In simple terms, the coordination between DGs (as well as Member States and other stakeholder communities) can be structurally built into an Agency without any bias. While agencies can also have a greater policy affinity with a single DG than others on the basis of their field of activity, this is not always or necessarily true, and indeed the fact that a single Agency would be competent for both generic BBs and for multiple policy specific BBs would counteract this risk, since no single DG would dominate.

Other reasons that favour an Agency over a DG programme are expanded on in the e-SENS deliverable D3.5v2 “Preliminary Proposal for long-term sustainability within the CEF”. They include notably:

- the greater flexibility of an Agency in obtaining funding from third parties (which may partially offset the disadvantages of an agency’s higher cost)
- the greater importance that could be given to non-governmental stakeholders, like NGOs, research centers, end users (i.e. citizens), including by participating in the governance mechanism
- the greater potential for durability favours an Agency: agencies can and commonly are created for unlimited durations, while both programmes and agencies can be created for only a limited duration
- the greater possibility for involving Member States and private sector stakeholders
- the greater possibility for stable and transparent funding: an Agency would be established through a specific regulation that provides stable funding for its specific tasks, and organises the participation of various stakeholder entities as envisaged in the proposal
- the relevant structures (such as the boards nominated in the IT governance proposal) can also be established through a Regulation (in the same way as has been done i.e., for the eu-LISA Regulation), which would similarly task the Agency with permanent operational responsibilities.

Decision Making

Decision making competences would not be allocated to the proposed Agency since this would likely contradict the Treaties or at least require substantial modifications to existing law. Rather, the Agency would be tasked with establishing permanent cooperation mechanisms between existing communities including Expert Groups (such as those established by the eIDAS Regulation or those provisionally existing within the CEF, but also those which are not yet adequately covered, such as those within DG MARE). These cooperation mechanisms would have preparatory, advisory and coordination roles, assisting in the preparation of regulatory activity wherever required and permitted under EU law.

Where necessary, the Agency would also be tasked with setting up new cooperation mechanisms in relation to BBs or e-Services that lack such BBs, e.g. via specific executive boards that interact with the Agency’s Political Coordination Board (as described in the e-SENS governance proposal). The most appropriate participants to be appointed to the Political Coordination Board are representatives of Member States and other relevant stakeholders\(^2\). Depending on the underlying legislative framework it needs to be codified which parties have voting rights and which parties have more an advisory role.

In this way, the Agency would be vested with the required powers to support the currently existing legal decision making process, integrating all prior existing components and initiatives, and filling the gaps as required while remaining within the boundaries set out by existing legislation.

Final Recommendations

Considering all the findings mentioned above - and notwithstanding the need for a formal and more exhaustive policy assessment study on this issue - the e-SENS consortium (composed of 22 countries, together with ETSI and OpenPEPPOL, in total more than 100 organisations) proposes to entrust an already existing decentralised regulatory Agency with the task of encapsulating and integrating existing governance and decision making processes into a single and coherent structure. To reach such a situation, no ‘big-bang’ approach is foreseen in which a single body would suddenly and immediately take over the governance and regulatory powers with respect to all building blocks and e-Services, since such a solution would likely be to create significant legal challenges and policy tensions. Rather, a gradual and stepwise evolution is envisaged, in which the tasks of the Agency would initially focus on coordination as a transitory phase, by incorporating existing structures and decision making processes that have already been established through prior policies and legislative intervention. Gradually, the Agency would receive additional governance tasks and responsibilities. It could also support legal decision making in the framework of existing legislation and the European Institutional Framework (EIF). This would allow the e-SENS governance model to be put into practice, while avoiding a potentially disruptive break in prior policy initiatives.

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\(^1\) Since, the preference of experts were predominantly about an extension of an Agency or a DG programme, the analysis here does not take into account the option of an NPO that was preferred by a minority.

\(^2\) A similar function is attributed to the Management Board of e.g. the eu-LISA Agency, so there is some precedent for this set-up. See notably Article 12 and 13 of the eu-LISA Decision, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011X1077
### Appendix

e-SENS carried out a preliminary comparison of the three mentioned organisational forms, which can be found in the table below. It was analysed in which way the different organisational forms meet the different criteria, which shall be taken into account when establishing a future IT governance structure. The direction of the scale was kept constant for different criteria, e.g. very low costs received the most positive „very high” evaluation.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>DG Programme</th>
<th>Agency</th>
<th>Non-Profit Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member State involvement</td>
<td>MS included in decision-making on the Work programme via the comitology during creation; later MS may only have an cooperating role, where EC decides &amp; approves work programme;</td>
<td>MS are decision-makers in coordination board; via ‘alert-warnings system’ the EC can warn the EP and Council in case of serious reasons for concern (e.g. regarding mandate or EU law r.t. upcoming decisions the by Agency);</td>
<td>MS involved on political and strategic level, MS could be in strategic and coordination board depending on setup;</td>
</tr>
<tr>
<td>EC involvement</td>
<td>EC primary decision-maker; EC &amp; a possibly EP-designated member in coordination board next to the 28 Member States, executive boards set up with participation of EC representatives;</td>
<td>EC is allowed in NPO structure;</td>
<td></td>
</tr>
<tr>
<td>Stakeholder involvement</td>
<td>Only indirectly though MS representatives and though interaction via conferences, workshops and meetings;</td>
<td>Offers the possibility to co-decide with EC and MS in strategic boards, also option of consulting non-deciding stakeholders;</td>
<td>Cross-cutting representation of different stakeholders is a defining feature of the NPO;</td>
</tr>
<tr>
<td>Set-up costs</td>
<td>Development activities are covered internally by EC, possibly low initial and average transfer set-up costs, but depend e.g. on mission and scope, costs related to changing the legal environment should be taken into account.</td>
<td>Setting up expected to be more expensive: o.a. lengthy legal process associated with the establishment and considerable recruitment costs; these costs will be less if an existing Agency can be used.</td>
<td>Based on high level estimations, will depend - besides others - on mission and scope;</td>
</tr>
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</table>

### Criteria

- **Maintenance costs**
  - Annual maintenance costs for overall set of IT components can be very high, not expected to vary significantly between the organisational forms;

- **Ability to avoid market fragmentation**
  - Well positioned to ensure freedom of a Single Market and avoiding market fragmentation;
  - Driver avoiding fragmentation is cooperation between MS, EC & Stakeholders. These are typically involved in decision making. Also Agency benefits from legal expertise of MS and EC and on EC budget ensuring requirements are open and IPR is on a royalty free basis;

- **Ability to enhance architecture coherency**
  - Well positioned politically to implement the EU interoperability framework, also adopted jointly usually by EP and Council, so well positioned to enhance architecture coherence from legal point of view;
  - Provided through the actors EC, MS and EP & Council when needed, the Agency could cope with ‘designers’ of EU interoperability framework and the MS to implement solutions, MS can decide on using the EIF;

- **Funding from different sources**
  - Different funding schemes, like co-funding, procurement, bonds are possible for a DG programme, but it always involves partial EU funding. During its lifetime changes in funding may be complicated, a condition for receiving funding can be the use of the EIF;
  - It is up to the decision-makers to decide how to attract funding. If wanted next to the allocated budget, funding from revenue obtained by changing the transactions using developed solutions may be a source of revenue. An Agency will allow funding from different sources;
  - NPO allows any kind of funding, but mutual agreements with all stakeholders providing funds needed to ensure legal, operational, economic and organisational clarity. Funding from the EU is possible, but you need a special framework (e.g. DG programme) for this.
e-SENS is an EU co-founded project under the ICT PSP