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PROPOSAL

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2017/0086 (COD)

Compliance Package

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on establishing a single digital gateway to provide information, procedures, assistance
and problem solving services and amending Regulation (EU) No 1024/2012**

(Text with EEA relevance)

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EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The Single Market is one of Europe's key achievements and it plays a central role for the economy of the European Union. The Single Market makes it possible for people, goods, services and capital to move more freely, thereby creating new opportunities for citizens, workers, consumers and businesses that in turn translate into new jobs and sustainable growth for Europe. The need to complete the Single Market has repeatedly been reaffirmed by the European Council¹.

Achieving a deeper and fairer internal market is one of the 10 key priorities of the Juncker Commission, together with the development of the Digital Single Market. The present initiative, which delivers a key action set out in the Single Market Strategy adopted by the Commission in November 2016, is at the crossroads of these priority areas. The objective is to take full advantage of the advantages offered by new digital tools to help businesses seize the opportunities of a market of 500 million citizens to travel, work and study in any EU country.

Significant obstacles exist for both citizens and businesses interested in moving to, selling products or providing services in another EU country. Finding relevant, accurate and understandable information online as well as being able to access and carry out administrative procedures online is crucial for those willing to use the advantages of the Single Market, but often remains complicated, time-consuming and expensive, if at all possible.

Citizens and businesses need to comply with national rules whenever they travel, work, live or do business across borders. It is therefore essential that they are informed about applicable rules, that they can find the appropriate assistance services and that they do not encounter any unnecessary obstacles when dealing with national administrations to ensure that they comply with the relevant rules.

Even if online procedures are available for citizens in their home country, it is very often the case that these procedures are not readily available to EU citizens from others Member States.

More generally, significant benefits to all Europeans can result from an open, efficient and inclusive public administration oriented towards ambitious e-government approaches, providing borderless, personalised, user-friendly, end-to-end digital public services. This has considerable impact for citizens' lives and businesses' activities both in their country and across borders. However, citizens and businesses are not yet getting the full benefit from digital services that should be available seamlessly across the EU. Digital technologies as an integrated part of the modernisation of the public administration can deliver significant economic and social benefits for European citizens and for society as a whole.

The digital transformation of government is a key element to the success of the Single Market.

The single digital gateway will address these needs. It ensures centralised access for EU citizens and businesses to all the information necessary when using their rights to mobility in the EU. It also ensures full access to online procedures in a non-discriminatory way (if a

¹ See for example Conclusions of 9 March 2017.

procedure is available for a national of a specific Member States, it should also be accessible to users from other Member States). It also imposes on Member States an obligation to create full online access to the most important and most often used procedures. It includes a strong incentive to Member States to adopt ambitious cross-border and national e-government strategies, so EU citizens and business can benefit fully from the available technological developments.

Digitisation has indeed radically increased the potential to shorten the time and lower the cost of obtaining information and carrying out administrative procedures. Today's citizens and businesses expect public administrations to offer as user-friendly and intuitive online solutions as those existing for transactions with the private sector.

Faster, cheaper, more user-oriented digital public services contribute to competitiveness and make the EU a more attractive place to live, work and invest in. Finding relevant, accurate and understandable information online as well as the possibility to access and carry out administrative procedures online is crucial, both for individual citizens and for businesses.

Firms commonly spend a sizable part of their human resources on familiarising themselves with applicable rules and procedures required to exercise their activity. Large firms may employ dedicated staff to gather information and fulfil the relevant procedures. For SMEs and start-ups this may constitute a significant barrier. A recent study has quantified that businesses would save EUR 170 million annually if eight key procedures were available fully online, also for cross-border users. A recent study² has quantified that, if high-quality and very accessible information was available online, businesses could save between EUR 11 and 55 billion annually when researching nine business topics before engaging in cross-border activities. In a Single Market of 28 Member States, the costs of gathering information rise rapidly and disproportionately affect smaller businesses, often discouraging them from exploring opportunities outside of their home market.

Likewise, for citizens the difficulty to obtain accurate and timely information increases in a cross-border context on basic practical issues, such as how to register as a resident, have qualifications recognised, enrol children at school, register a car, receive pensions, etc.

Furthermore, businesses and citizens expect and are entitled to obtain information which is accurate, complete and up-to-date. Responses have to be timely and operational to be really useful. In addition, accessibility of information in different languages is particularly important for cross border activities.

Finding clear and comprehensive information about the applicable requirements is only a first step. Administrative procedures have to be completed in order to comply with them. Digitising key procedures reduces compliance costs and increases the rate of compliance with the applicable regulations.

Specific practical obstacles reported by European citizens and businesses need to be addressed regarding access to online procedures and information from another Member State. Some notable examples are the unavailability of information and forms in more languages,

² Study on information and assistance needs of businesses operating cross-border within the EU, Final Report, April 2017.

use of form fields only accepting national data, acceptance of national means of identification only, and accepting payment of fees or reimbursements only by national payment systems.

Another significant and frequently reported stumbling block concerns the cross-border transmission of supporting evidence as part of a procedure. Member States often require certified (translated) and authenticated documents or data, notably from non-domestic applicants. Some Member States have already implemented their own national once-only solutions, whereby data is exchanged internally between national base registries but the digitisation process is not yet complete. Moreover these exchanges are not possible cross-border at present.

Lastly, 92% of consumers and businesses are unaware of any online services at European level that they could turn to in case of problems. The level of take-up of these services is low at present. Services are fragmented, of uneven quality and often lack user feedback mechanisms.

The EU has already taken a number of steps to address all these matters in the past, although mostly from a sectorial perspective, such as the establishment of one-stop shops in the services area (Points of Single Contact), in the goods area (Product Contact Points and Construction Products Contact Points), for professional qualifications (Professional Qualifications Assistance Centres), consumer concerns (Consumer Centres), etc. These services are usually not inter-linked and their narrow focus means that users are mostly not aware of them and may not find them in case of need. The current offer of online information, assistance services and online procedures for citizens and businesses lacks a clear focus on users' needs.

The need to address the above mentioned issues in a systematic and effective way has been frequently raised and has a strong support with citizens, businesses and Member States:

- The 2014 Report of the High Level Group on Business Services³, European Parliament resolutions and various Commission communications called for a more comprehensive, user friendly package of information and assistance to help businesses navigate the Single Market. They have suggested improved versions of existing platforms and contact points, or proposed more radical mergers of all of these into a single one-stop shop.
- The March 2015 Competitiveness Council conclusions on Single Market policy called for a political commitment 'to strengthen and streamline Single Market tools (...) in order to better meet the needs of businesses and citizens in their cross-border activities'. This call was reiterated by the Competitiveness Council of February 2016, which, in addition, welcomed 'the concept of a single digital gateway, which would in particular address the needs of start-ups'.
- The Commission's Digital Single Market Strategy and Single Market Strategy of 2015 announced the intention to address the above mentioned issues through a single

³ Final Report of the High Level Group on Business Services, April 2014

digital gateway, which features prominently also in the eGovernment Action Plan⁴, setting out actions to accelerate the digital transformation of public services.

- In January 2016, the European Parliament called for the development of a comprehensive single digital gateway as a single end-to-end digital process for businesses to set up and operate across the EU, from the online set up of the business, domain names, the exchange of compliance information, recognition of e-invoices, filing taxes, a simplified online VAT scheme, online information on product compliance, posting of workers, consumer rights, access to consumer and business networks, notification procedures and dispute settlement mechanisms.
- In June 2016, the REFIT Platform (consisting of representatives of businesses, social partners, civil society and Member States) issued an opinion recommending the establishment of a single entry point with clear information and coordinated services for businesses in each Member State to assist companies operating in the Single Market, and the definition of minimum common quality criteria for the content, functioning and level of integration of each portal with the single digital gateway.
- Finally, the EU Citizenship report 2017, published in January 2017, considers the single digital gateway as a priority for EU Citizenship.

This initiative responds to these calls for action with a high degree of ambition. It aims at significantly improving the online availability, quality and accessibility of information, assistance services and procedures which are relevant for citizens and businesses in the EU, all to more so when they want to operate and move within the Single Market. It is based on close cooperation between the Commission and Member States for an effective, step by step implementation of the various requirements of the project.

The Commission and the Member States will be in charge of providing information relating to the rules, rights and obligations in the key areas identified in this regulation.

In addition, Member States will be required to offer a number of key procedures fully on-line and to make them fully accessible for cross-border EU users according to an agreed timetable. This will significantly reduce administrative burden and eliminate the disproportionate hurdles faced by EU citizens and businesses from a different Member State to comply with the rules applicable in other Member States.

In turn, facilitating compliance will benefit public authorities by generating efficiencies. A comprehensive move to online procedures will contribute to the modernisation of the public administration and generate major cost savings, as reported by several Member States following their national digitalisation projects⁵. This requirement does not affect in any way existing substantive rules and requirements but increases their transparency and facilitates compliance with national and EU rules and procedures.

Information, assistance services and online procedures will be subject to clear and operational quality criteria. In particular, information in at least one official language of the Union in addition to the national language or where applicable, national languages, will be made

⁴ 'EU eGovernment Action Plan 2016-2020 Accelerating the digital transformation of government' Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2016)0179 final.

⁵ See Chapter 6.2.3 of the Impact Assessment.

available to citizens and businesses. Specific mechanisms will be put into place to ensure that the design of the single digital gateway is user centric, including the collection of the feedback from users.

The effective implementation of the single digital gateway will be ensured by the creation of a coordination group which will be a forum for cooperation between the Commission and the Member States. By significantly improving the user experience, the initiative will greatly improve citizens' and businesses confidence in the Single Market. Digitisation of procedures and provision of accurate and reliable information as well as easier access to assistance services will smoothen cross-border exchanges, generate efficiencies and reduce red tape, thereby contributing to the creation of new job opportunities and growth.

Consistency with existing policy provisions in the policy area

(a) Access to online information

The Services Directive⁶ already created a right to obtain information for both providers and recipients of services: information e.g. on the requirements applicable to service providers in every Member State has to be made accessible online through the points of single contact. The Charter for the electronic Points of Single Contacts under the Services Directive, endorsed by the Council in 2013, encouraged Member States to take a user centric approach to providing information through the PSCs, so that all areas of importance for businesses also regarding VAT, income taxes, social security or labour law requirements are covered.

Your Europe, the e-Justice Portal, the VAT Information Portal and the European network of employment services (EURES) already provide extensive information related to citizens', businesses', workers' and consumers' rights and obligations in the Single Market and in the area of justice.

This proposal builds on these existing services: Member States will have to provide reliable, clear and comprehensible online information on rules and requirements existing in their jurisdiction to citizens and businesses who want to make use of their Single Market rights. It does not affect in any way the substantive provisions of the policy areas for which information needs to be provided, but only requires Member States to create full transparency about applicable rules.

(a) Access to assistance and problem solving services

Different contact points and problem solving mechanisms have been established on the basis of EU acts to help citizens and businesses to exercise their rights in the Single Market. This initiative will address the current fragmentation and lack of awareness by making assistance and problem solving services more findable, accessible, and by ensuring that any services available through the gateway respect certain minimum quality standards.

(b) Access to online procedures

Under the Services Directive, Member States have to ensure that all procedures and formalities relating to access and the exercise of a service activity may be completed online through the relevant Points of Single Contact or with the relevant competent authorities

⁶ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

(Article 8). The Professional Qualifications Directive⁷ (Article 57a) lays down the same obligation in relation to the completion of requirements, procedures and formalities relating to matters covered by this Directive.

This proposal enhances the Single Market dimension of online procedures already established by Member States on the basis of these Directives or any other relevant national or EU law, by requiring Member States to make it possible to access such procedures fully also by citizens and businesses users from other Member States and by laying down the main conditions to ensure such cross border accessibility.

Furthermore, this initiative requires Member States to ensure that key procedures of general relevance for citizens and businesses identified by this regulation are accessible fully online, also by cross border users. It also ensures that on the request of users, evidence can be exchanged electronically between the concerned authorities in different Member States.

Among these procedures, the registration of business activity is one of particular relevance for businesses. It should not, however, cover the procedures leading to the constitution of companies or firms as legal entities. As announced in the Single Market Strategy⁸ and the eGovernment Action Plan, the Commission has included in its Work Programme for 2017⁹ an initiative to address in a comprehensive manner the facilitation of digital solutions throughout a company's lifecycle, including procedures for online registration of business activity. The Commission is currently undertaking its preparatory work on this company law initiative and it is envisaged that the relevant online procedures will be linked to the gateway upon being established on the basis of the company law initiative.

This Regulation will require, in relation to certain key procedures, full digitisation of the “front office” (the interface between citizens or businesses on the one hand and national administrations on the other, can be just an online form to fill in). It will not affect the functioning of the “back office” (the further steps of the relevant procedure within and between national administrations) nor the substance of any procedure established at national level, i.e. the different steps or the competences of relevant national or sub-national authorities. The necessary adjustments which will have to be made, as a result of this initiative, will only relate to the process of the digitisation of the procedures and to the elimination of the obstacles to their access by cross-border users.

The access to online procedures and the digitisation of procedures will be supported by the eIDAS Regulation¹⁰ which requires Member States to recognise, by September 2018, eIDs notified by other Member States. This will take away one of the current obstacles for users to access e-procedures in other Member States.

⁷ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22–142).

⁸ “Upgrading the Single Market: more opportunities for people and business” Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 28.10.2015, COM(2015) 550 final.

⁹ https://ec.europa.eu/commission/work-programme-2017_en

¹⁰ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73–114).

- **Consistency with other Union policies**

This initiative contributes to the Digital Single Market strategic objective of modernising the public administration, achieving cross-border interoperability and facilitating easy interaction with citizens, also reflected in the e-Government Action Plan. It is in line with the Commission's digital transformation objective of creating a streamlined web presence and avoiding further fragmentation caused by new portals and contact points. It is in line with the recommendations of the European Interoperability Framework.

The proposal contributes to the implementation of the start-up and scale-up initiative, which promotes the growth of firms by improving the business environment and cutting red tape. SMEs, in particular, those trading across borders will benefit from lower costs relating to information searches – relatively more so than large firms. They will also benefit from the more uniform quality of available online information, assistance and procedures. Those trading across borders will benefit from online access to procedures that are important for them. In addition, SMEs will find it easier to identify procedures about the Single Market and thus enter new EU markets. Thanks to easier access to assistance and problem solving services and a special user feedback tool they will be able to signal problems with rules and public authorities in an easy and intuitive way in all EU languages.

The following ongoing or planned initiatives at the EU level are of importance for the single digital gateway as they will help to achieve either the information coverage or the digitisation of procedures:

- European Interoperability Framework (EIF): by supporting enhanced interoperability between public administrations across Europe, it will increase the level of interconnection of public services.
- Core Public Services Vocabulary (CPSV), a common data model for describing key business events and public services. Its use by Member States when designing or updating their websites could facilitate translation of content as well as the development of the Single Digital Gateway search tool, thereby improving findability of information, procedures and assistance services.
- Business Registers Interconnection System (BRIS)¹¹ – will ensure access at EU level to information on companies registered in the Member States and the exchange of information between different registers (operational by June 2017);
- Electronic Interconnection of EU Insolvency Registers – will enhance (as of 2019) the effective administration of cross-border insolvency proceedings;
- European Services e-Card – Commission Proposal adopted in January 2017¹². It foresees a simplified electronic procedure for providers of certain business and construction services who intend to provide their services in another Member State; core elements of this procedure is the communication between home and host authorities;

¹¹ Directive 2012/17/EU of the European Parliament and of the Council of 13 June 2012 amending Council Directive 89/666/EEC and Directives 2005/56/EC and 2009/101/EC of the European Parliament and of the Council as regards the interconnection of central, commercial and companies registers (OJ L 156, 16.6.2012, p. 1–9).

¹² <http://ec.europa.eu/DocsRoom/documents/20813>

- European Single Procurement Document (ESPD)¹³ is a self-declaration of compliance with requirements related to public procurement procedures. Its electronic version has the potential to become a key building block of the implementation of the once-only-principle in public procurement;
- The planned company law initiative to facilitate digital solutions throughout a company's lifecycle as referred to in the 2017 Commission Work Programme;
- The planned extension of the Mini one-stop shop for VAT;
- Actions concerning the once-only principle as part of the e-Government Action Plan will facilitate the sharing of information and data between Member States' administrations. A first step in this direction will be a large-scale pilot project on business cases and an assessment of its feasibility for citizens.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

Articles 21(2), 48 and 114 (1) TFEU are relevant for this proposal on approximation of laws. Pursuant to Article 26(2), the internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaties. Article 21(2) TFEU introduces a legal basis for the adoption of rules to facilitate the exercise by citizens of the Union of the rights referred to in Article 21(1). Article 48 provides for a legal basis for the adoption of measures in the field of social security which are necessary to provide freedom of movement for workers. Article 114 provides for a legal basis, save where otherwise provided in the Treaties for the adoption of measures for the purpose of achieving the objectives set out in article 26 TFEU.

This proposal aims at enabling citizens and businesses easy access to the information, procedures and assistance and problem solving services they need for the exercise of their rights in the internal market. To that aim, this proposal establishes a single digital gateway in which the Commission and the competent authorities would play an important role in achieving the above objectives. The initiative only aims at eliminating discrimination and reducing additional administrative burden on citizens and businesses that operate or want to operate in other Member States in full compliance with national rules and procedures, as well as eliminating discrimination in full compliance with national rules and procedures. It does not affect the substance of or competence regarding any such rules or procedures.

Since the initiative pursues a threefold purpose and the components concerning free movement of citizens, social security and the aim of achieving the internal market and ensure its functioning in regard to provision of information, procedures and assistance and problem solving services cannot be considered merely incidental, the initiative should be based on Articles 21(2), 48 and 114 (1) TFEU.

• Subsidiarity

The main objective of this proposal is to improve the functioning of the Single Market for all EU citizens and businesses. The Single Market is not an area with fully harmonised rules. Beyond the basic principles and the areas in which fully harmonised rules were agreed, citizens and businesses will still need to comply with national rules whenever they travel,

¹³ Commission Implementing Regulation (EU) 2016/7 of 5 January 2016 establishing the standard form for the European Single Procurement Document (OJ L 3, 6.1.2016, p. 16–34).

work, live or do business across borders. Therefore it is essential for the functioning of the Single Market that citizens and businesses can easily find out what these rules are in any of the Member States other than their own. It is equally essential that the procedures for compliance with such rules should not entail a significant additional regulatory burden for foreign users as compared with domestic users.

These objectives cannot be achieved sufficiently without action at EU level. The current system of information and assistance services lacks coherence since the instruments, which were created by EU level action, are not sufficiently linked up nor sufficiently user-friendly. A common approach to ensuring quality through minimum quality standards is missing. Whilst the legal framework promotes synergies, these have not been sufficiently exploited by the Member States (in the absence of binding obligations).

Given the transnational nature of the Single Market and the necessity to address the current situation in a cross-border context, EU action will be most effective in reducing the costs that EU citizens and businesses need to incur when they engage in cross-border activities.

- **Proportionality**

This proposal strikes a careful balance between, on the one hand, the need to leave ownership and responsibility for supplying national information, national procedures and assistance and problem solving services with the Member States, and on the other hand the need to address the obstacles that have occurred over time for citizens and businesses trying to exercise their Single Market rights.

The measures foreseen in this Regulation do not extend beyond what is necessary to solve the identified problems and to achieve the identified objectives. The initial investment costs related to the extension of information coverage, translations or establishing online procedures can be mitigated through the use of EU funds. Furthermore, these initial costs will be compensated by savings incurred by business and the national administration alike, in the longer term.

This Regulation does not entail any additional obligations for citizens and businesses, as the use of the single digital gateway is entirely voluntary.

- **Choice of the instrument**

This Regulation is based on Articles 21(2) in view of the provisions relating to the free movement of citizens, Article 48 for the provisions on digitalising certain procedures relating to social security and 114 (1) TFEU for all other provisions aimed at improving the functioning of the Single Market by giving better, cross-border access to information, assistance, problem solving services and e-procedures. Building on these Treaty provisions, the Proposal also approximates legislation of Member States regarding the quality of these services offered to citizens and business operating cross-border.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

The ex-post evaluation of the existing (regulatory and non-regulatory) framework relevant to the single digital gateway has pointed to a number of problems that concern the individual

services, as well as their lack of effectiveness, efficiency and coherence as a package of Single Market services for citizens and businesses.

The effectiveness of existing services is undermined by their lack of visibility and findability online, a generalised lack of quality and their consequent under-use. A majority of consumers and businesses are unaware of the existence of any online assistance services at European level.

Cross-border accessibility remains limited, as national-level information is often patchy or only available in the national language and procedures that are online for national users, can often not be carried out online by foreign users. Moreover, the level of quality and user-centricity is quite divergent across services.

For services created through binding EU law, quality criteria have proven to be too general (Points of Single Contact) or hardly exist (Products Contact Points). Additional voluntary quality criteria (Charter for PSCs) have had limited success. For services created through non-binding EU law and managed by the Commission (SOLVIT, Your Europe) quality criteria have been agreed, but due to their voluntary nature some Member States are fully on board, others are not. As a consequence, access to these services for foreign users is still limited and patchy.

EU-level assistance services are considered cost efficient when taking into account the savings and other benefits these services provide to businesses and citizens as compared to much more costly private alternative services. However, national-level assistance services (PSCs, PCPs and PCPCs) are under-performing for businesses as far as their effectiveness is concerned. Moreover, the low quality of their websites represents a missed opportunity to reduce the number of requests through better online up-front information, and thus to be even more cost-efficient. There is scope for more efficiency and easier "findability" online if the individual services promoted their services under a common brand name. This can be better achieved at EU level.

All of the instruments that were evaluated in this context were created by EU level action, but do not operate as a whole. Whilst the legal framework promotes synergies, these have not been sufficiently exploited by the Member States, notably because of the absence of binding obligations and of an overall EU-Member States governance structure that would assess and ensure consistency of all the instruments.

The underlying reasons for the under-performance of the existing services are: silo based, administration-centred approaches leading to fragmentation; EU and national level administration have designed public services to suit their own needs more than those of their users; technical solutions designed many years ago no longer reflect technical progress and best practice of today and national administrations' neglect of the non-national user.

- **Stakeholder consultations**

The overall consultation process on the single digital gateway started in November 2015 and closed in December 2016. It included a dedicated stakeholders' workshop, an online public consultation as well as numerous bilateral discussions with stakeholders and Member States.

(a) **Workshop on the Single Digital Gateway, March 2016**

Participants included representatives of the PSCs, Chambers of Commerce and national authorities. In the participants' views, many problems exist in terms of access to information,

availability of e-procedures and access to assistance services. Such issues appear to be due to gaps in legislation, a lack of information or assistance as well as poor implementation by national and local authorities.

During the discussion on e-procedures participants pointed out that it is very difficult to use e-procedures across borders. Even if some Member States have made impressive progress in e-government for their own nationals, the recognition of foreign eSignature and eIDs is still very limited, making access to e-procedures for foreign users impossible.

(c) Online public consultation

In the online public consultation 367 replies were received of which 45% from businesses, 45% from citizens and 10% from public authorities.

It highlighted a strong consensus among business and citizens around the importance of the main pillars to be covered by this initiative, notably:

- the need for online information about rules and procedures in other EU countries: 93% of businesses and 92% of citizens consider it very important or important;
- access to e-procedures: 94% of businesses and 92 % of citizens consider it very important or important;
- access to services providing assistance upon request: 88% of businesses and 87% of citizens consider it very important or important.

(d) Exchanges with stakeholders and Member States

The views of stakeholders were collected during numerous meetings and events, including the hearing "EU Citizenship in practice" in March 2016, the Annual SME Assembly in Luxembourg in November 2015, discussion with the SME Envoys in June and October 2016 as well as discussions with several organisations representing businesses and consumers on a bilateral basis throughout 2016, such as Eurochambres, Eurocommerce, BusinessEurope, national chambers of commerce, CEA-PME, Startup City Alliance Europe, etc.

Various business organisations have confirmed that businesses would find it very useful if all online information tools were brought together under a single umbrella. Moreover, some encourage the development of a common architecture for information across Member States. Business stakeholders point out that the information provided needs to be sufficient to engage in cross-border activities legally, including not only detailed technical information, but also regulatory requirements applying to testing and reporting, among others. Concerning procedures, most business stakeholders argue that all procedures should be fully available online, avoiding a waste of resources in terms of time and money.

Member States have been consulted through the Expert Group on the Services Directive (including its sub-group EUGO Network), the Mutual Recognition Committee, as well as through bilateral meetings with national authorities.¹⁷ Member States have issued a position paper calling for a network of Digital Single Gateways (fully functioning e-government portals) to help businesses to start up, scale up and trade across borders by providing all the information needed to operate in a Member State. They also support the idea that businesses should only have to go through one digital process to set up and operate anywhere in the EU.

A majority of Member States stresses the importance of the quality and user-friendliness of the websites that will be part of the single digital gateway and support the proposal to use a quality label. They also support the idea that the information should be available for users in at least another commonly used EU language. Member States observed that putting procedures online requires substantial investments, which sometimes slows down their adoption. Most Member States would like to have a clear distribution of responsibilities between the national and the EU level and they would favour that content ownership and management should be a national responsibility. Most Member States would like the Commission to take a strong coordination role, aiming at the definition of objectives in terms of updates, content, usefulness, etc.

- **Collection and use of expertise**

A broad range of studies and surveys carried out by the EU institutions or stakeholders from 2008 to 2017, extensive consultations with experts, Member States and other stakeholders, including a dedicated workshop, offered a solid basis of expertise.

- **Impact assessment**

An impact assessment was carried out in preparation of this initiative. The resubmitted report takes into account the recommendations made by the Regulatory Scrutiny Board in its initial negative opinion of 20 January 2017, as well as the additional points raised by the Board in its final positive opinion of 7 March 2017.

Three policy options were considered in the impact assessment:

- Option 1: nationally centralised business and citizens' portals, prescribing a central information structure via single portals on national and EU level, but taking a soft law approach with regard to the rollout of online procedures. No EU solution is foreseen for accepting documents and data from other Member States. Each Member State should merge the three main business contact points (for services and goods).
- Option 2: EU-coordinated approach, leaving Member States free as to *where* they provide the required information online. They would only need to provide the links of the relevant websites to a central Commission repository, from which a common search facility would pick them up and present them to the user in reply to a search. As part of this, an "assistance service finder" would be developed to guide users to the right assistance service. The search facility would be limited to the gateway content, and could be integrated into EU and national information portals and webpages. This option would oblige Member States to make certain key procedures for businesses and citizens fully online, according to an agreed timetable.
- Option 3: EU-wide fully centralised approach: providing all EU and national-level information through a central database on the EU level. This option would prescribe putting online the same twenty core procedures as under option 2, but would foresee the establishment of a special IT tool to allow the back office cooperation of home and host country authorities to accommodate the needs (mainly in terms of submission of evidence) of the foreign user. "Findability" of information and procedures would be easy on the central database. A common assistance finder (same as option 2) would help find assistance services.

Option 1 was considered an efficient solution, but not very effective due to the significant drawback of leaving the roll-out of online procedures voluntary for the Member States, and of

the lack of a common solution for the problem of cross-border use of evidence for procedures. Furthermore, the lack of findability would not be addressed sufficiently since the search facilities on the national business portals would, in principle, not cater for searches in all EU languages. Finally, the lack of a common monitoring tool for quality would make enforcement of the quality criteria more cumbersome. For these reasons, it was concluded that this option would be unlikely to sufficiently address the needs of the users.

Option 3 had by far the best scores for meeting the needs of the users. Its fully centralised approach would guarantee a harmonised way of presenting information ensuring that users can easily find the information they are looking for. Harmonised EU wide procedures would be fully accessible for cross-border users by design. However, serious drawbacks of this option are the lack of feasibility due to little support from the Member States for such a centralised approach. In addition, the overall efficiency of this option was considered not very high since it combines very high costs with significant duplication.

Option 2 was the chosen option because it provides sufficient guarantees for enforceability thanks to the use of a common user feedback tool for coverage and quality monitoring. The chosen option is considered to be most likely to achieve the objectives efficiently and in a proportionate way, while maximising the benefits for stakeholders. The Commission and Member States will need to work very closely together for an effective, step-by-step implementation of all the different requirements of this option.

- **Regulatory fitness and simplification**

The Regulation will facilitate the access of firms, including SMEs to the Single Market by significantly reducing the transaction costs for providing services or selling goods in other Member States. Better access to the Single Market will lead to greater economies of scale and scope and thus enhanced firm-level competitiveness and cost efficiencies. The proposal also responds to a recent request from the REFIT platform for the establishment of a single entry point with clear information and coordinated services for businesses in each Member State, and the definition of minimum common quality criteria for the content, functioning and level of integration of each portal with the single digital gateway.

- **Fundamental rights**

This proposal complies with and promotes the rights enshrined in the Charter of Fundamental Rights, in particular the right to move and reside freely within the territory of the Member States (Article 45); to study (Article 14), to seek employment, work, exercise the right of establishment and to provide services in any Member State (Article 15). The Regulation also addresses discrimination, even indirect, of nationals of other Member States in comparison with own nationals since it takes measures so that the information available through the gateway could be accessible in a language other than the national language and the online procedures should be made available for users from other Member States (Article 21(2) of the Charter and Article 18 TFEU).

4. BUDGETARY IMPLICATIONS

The costs of implementing this Regulation would be EUR 109 million of initial investment costs and around EUR 8 million of annual running costs for all Member States and the Commission together. The initial investment costs would be partially offset in one year by savings of cross-border businesses in additional translation and certification fees and consultancy costs of an estimated EUR 86 million. For the countries that have the fewest procedures online, digitalising the remaining procedures would cost EUR 6.6 million. To put

this expense in context, this is about 2 to 4% of the 2014-2020 ESIF funding they have allocated to e-government.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

An implementation plan will be proposed to Member States with the detailed indication of actions which need to be carried out to ensure the timely launch of the single digital gateway. The Regulation states that an assessment report on the functioning of the single digital gateway and of identified Single Market obstacles, will be submitted to the European Parliament and the Council two years after the adoption of the Regulation and every two years thereafter. An evaluation is also planned to take place five years after the entry into force of the Regulation. The single digital gateway coordination group, a central co-ordination body in the single digital gateway governance structure will assist the Commission in monitoring the performance of the gateway and the state of application of the Regulation.

- **Detailed explanation of the specific provisions of the proposal**

Article 1 specifies the subject matter of the proposed Regulation..

Article 2 establishes the single digital gateway and defines its scope. It clarifies that the gateway provides information on internal market related rights, obligations and rules which apply to users of the gateway in the areas listed in the Annex I of the Regulation, that it provides users with information and links to procedures established in areas listed in Annex I and finally, information and access to assistance and problem solving services which help users to understand the information or complete relevant procedures, as the ones listed in Annex III and referred to in Article 6 of this Regulation.

Article 3 contains the relevant definitions for the Regulation.

Article 4 establishes obligations on Member States and the Commission in relation to the provision of information.

Article 5 reaffirms the principle on non-discrimination in relation to online procedures by requiring Member States to make existing online procedures accessible to users from other Member States. It also requires Member States to ensure that 13 procedures listed in Annex II to the Regulation can be completed fully online and clarifies the meaning of “fully online procedure”.

Article 6 allows Member States to extend the offer of assistance and problem solving services by including in the gateway services offered by private or semi-private entities, although exclusively under certain conditions.

Articles 7 to 9 specify quality criteria related to the provision of information and explanations of procedures and assistance services to which the gateway will link.

Article 10 establishes general quality requirements related to online procedures.

Article 11 clarifies the conditions which the online procedures should meet in order to be accessible by non-national users, such as the availability of instructions in another language than the national language, the non-use of national data formats, recognition of e-ID, e-signatures and e-seals, as well as the availability of evidence in electronic format. This article

provides for the use of the Internal Market Information system (IMI) to verify the authenticity of evidence.

Article 12 provides for a mechanism for the electronic exchange of evidence upon explicit request by the user. It confers power on the Commission to specify technical functionalities of such mechanism.

Article 13 specifies quality criteria related to the assistance and problem solving services.

Article 14 establishes the mechanism for the monitoring of the quality of the information, procedures and assistance services to which the gateway links. It also specifies the measures the Commission may take in order to address the quality issues.

Articles 15 to 18 specify the technical solutions which enable the gateway to serve its purpose and explain the relevant Commission and Member States responsibilities.

Articles 19 and 20 deal with the name of the gateway and establish the framework for coordinated promotion.

Articles 21 to 23 regulate the collection of statistical data, user feedback and require the Commission to create a user-friendly tool allowing users of the gateway to signal obstacles to their internal market rights.

Article 24 requires Member States to appoint national coordinators and entrusts them with specific responsibilities related to the gateway.

Article 25 establishes the gateway coordination group.

Article 26 clarifies the tasks of the gateway coordination group.

Article 27 provides for an annual work programme as a supportive tool in the implementation of this Regulation.

Article 28 deals with the costs related to the development, maintenance, promotion of the gateway and the translation of information on national websites.

Article 29 specifies the requirements in relation to the processing of personal data within the framework of this Regulation.

Article 30 lays down modalities for the cooperation between the gateway and information and assistance networks established by Union law.

Article 31 explains the relationship between this Regulation and other Union acts.

Article 32 allows the use of IMI for the purpose of this Regulation.

Article 33 requests the Commission to periodically report to the European Parliament and the Council on the functioning of the gateway and the internal market.

Article 34 regulates the exercise of delegated powers granted to the Commission by Article 21.

Article 35 establishes the comitology committee and relates to the implementing powers this Regulation confers on the Commission.

Article 36 provides for the amendment to Regulation (EU) No 1024/2012 on IML.

Article 37 deals with the entry into force and application of this Regulation.

Annex I lists the areas of information which are relevant for citizens and businesses exercising their internal market rights referred to in Article 2(2)(a).

Annex II provides for a list of procedures which users should be able to complete fully online, as provided for in Article 5(2).

Annex III lists the assistance and problem solving services which should be accessible through the gateway as laid down in Article 2(2)(c).

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on establishing a single digital gateway to provide information, procedures, assistance and problem solving services and amending Regulation (EU) No 1024/2012

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 21(2), 48 and 114(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹⁴,

Having regard to the opinion of the Committee of Regions¹⁵

After consulting the European Data Protection Supervisor,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Single Market is one of Europe's most tangible achievements. By allowing people, goods, services and capital to move freely it offers new opportunities for citizens and businesses. This Regulation is a key action of the Single Market Strategy¹⁶ with the objective of unlocking the full potential of the Single Market by making it easier for citizens and businesses to move within the EU and to trade, establish themselves and expand their businesses across borders.
- (2) The Digital Single Market Communication¹⁷ recognises the role of the Internet and digital technologies in transforming the lives we lead and the way in which we work by facilitating immense opportunities for innovation, growth and jobs. The Communication acknowledges that the needs of citizens and businesses in their own country and across borders could be better met by extending and integrating existing European portals, networks, services and systems and by linking them to a "Single

¹⁴ OJ C , , p. .

¹⁵ OJ C , , p. .

¹⁶ 'Upgrading the Single Market: more opportunities for people and business' Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2015)550 final, 28.10.2015.

¹⁷ 'A Digital Single Market Strategy for Europe', Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2015) 192 final.6.5.2015

Digital Gateway”. The Union e-Government Action Plan 2016-2020¹⁸ lists the single digital gateway amongst one of its actions for 2017. The EU Citizenship report¹⁹ considers the single digital gateway as a priority for the Unions' citizenship rights.

- (3) The European Parliament and the Council have repeatedly called for a more comprehensive, more user friendly package of information and assistance to help businesses navigate the Single Market and to strengthen and streamline Single Market tools in order to better meet the needs of citizens and businesses in their cross-border activities.
- (4) This Regulation responds to these calls by offering citizens and businesses easy access to information, procedures and assistance and problem solving services they need for the exercise of their rights in the internal market. This Regulation establishes a single digital gateway in the context of which the Commission and competent authorities would play an important role in achieving those objectives.
- (5) This Regulation lists the information areas which are relevant for citizens and businesses exercising their rights within the internal market and should require Member States and the Commission to ensure that information within those areas is fully covered by national and Union level websites and portals. Furthermore, the information should not only explain the rules and obligations of citizens and businesses, but should also explain the procedures to be completed by citizens and businesses to comply with those rules and obligations. The information should also provide a description of the assistance and problem solving services which citizens and businesses can refer to where they have problems with understanding the information, with the application of that information to their particular situation or with the completion of a procedure.
- (6) Since the initiative pursues a threefold purpose aiming at reducing additional administrative burden on citizens and businesses that operate or want to operate in other Member States in full compliance with national rules and procedures, eliminating discrimination and ensuring the functioning of the internal market with regard to provision of information, procedures and assistance and problem solving services and since its components cover free movement of citizens and social security, which cannot be considered merely incidental, the initiative should be based on Articles 21(2), 48 and 114 (1) TFEU.
- (7) In order for Union citizens and businesses to enjoy their right to free movement within the internal market, the Union should adopt specific measures allowing citizens and businesses to have easy access to comprehensive and reliable information about their rights created by Union law and to information about the applicable national rules and procedures with which they will need to comply where they move to, live or study or where they establish or carry out a business in another Member State other than their own. The information to be provided at national level should not only concern national rules implementing Union law, but also any other national rules that are applicable to national citizens and businesses from other Member States alike.

¹⁸ ‘EU eGovernment Action Plan 2016-2020 Accelerating the digital transformation of government’ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2016)0179 final.

¹⁹ EU Citizenship Report: Strengthening citizens' rights in a Union of democratic change, 24 January 2017, COM(2017)30/2 final.

- (8) It is clear that citizens and businesses ('users') from other Member States can be at a disadvantage due to their lack of familiarity with the national rules and administrative systems, the differences in languages used and their lack of geographic proximity to the public authorities in those Member States. The most efficient way to reduce the ensuing obstacles to the internal market, is to enable cross-border users to get access to information online, in a language they can understand, to enable them to complete procedures for compliance with national rules fully online and to offer them assistance where rules and procedures are not clear enough or where they encounter obstacles in exercising their rights.
- (9) A number of Union acts have aimed to provide solutions by creating sectorial one-stop shops, including Points of Single Contact established by the Services Directive²⁰ in order to offer online information, assistance service and access to procedures relevant for the provision of services; Product Contact Points²¹ and Construction Product Contact Points²² established to provide access product-specific technical rules and Professional Qualifications Assistance Centres²³ to assist professionals moving cross-border. In addition, networks have been established, such as European Consumer Centres in order to promote the understanding of Union consumers' rights and to assist in resolving complaints about purchases made in other Member States within the network, when travelling or shopping online. Furthermore, SOLVIT²⁴ seeks to deliver fast, effective and informal solutions to individuals and businesses when their Union rights within the internal market are denied by public authorities. Finally, several information portals such as Your Europe, in respect of the internal market, and the e-Justice portal, in relation to the area of justice, were established to inform users about the Union and national rules.
- (10) As a result of the sectorial nature of these acts, the current provision of online information and assistance services together with online procedures for citizens and businesses remains very fragmented. There are discrepancies in the availability of online information and procedures, there is a lack of quality in relation to the services and a lack of awareness regarding that information and those assistance services. There are also problems with findability and accessibility of the services for non-national users which remains a major issue.
- (11) This Regulation should establish a single entry point through which citizens and business should be able to access information about the rules and requirements they have to comply with, by virtue of Union and/or national law. It should simplify citizens' and businesses' contact with the assistance and problem solving services, established at the Union or national level and make it more effective. The gateway

²⁰ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

²¹ Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC (OJ L 218, 13.8.2008, p. 21–29).

²² Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5–43).

²³ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22–142).

²⁴ Commission Recommendation of 17 September 2013 on the principles governing SOLVIT (OJ L 249, 19.9.2011, p. 10).

should also facilitate access to and completion of procedures. Therefore, this Regulation should require Member States to enable users to fully complete certain procedures online that are of key importance to the majority of citizens and businesses moving across borders, without affecting in any way the existing substantive requirements by virtue of Union and/or national law within those policy areas. In this context, the Regulation should support the use of the “once-only” principle for the purpose of the exchange of evidence between competent authorities in different Member States.

- (12) The gateway should be user-centric and user-friendly and it should allow citizens and businesses to interact with national and Union level administrations by providing them with the opportunity to give feedback in relation to both the services offered through the gateway and the functioning of the internal market as they experience it. The feedback tool should enable the user to point out perceived problems, deficiencies and needs in order to encourage continuous improvement of the quality of the services.
- (13) The success of the gateway will depend on the joint effort of the Commission and the Member States. The gateway should include a common user interface integrated into the existing Your Europe portal which will be managed by the Commission. The common user interface should provide links to information, procedures and to assistance or problem solving services available on portals managed by competent authorities in Member States and the Commission. In order to facilitate the use of the gateway, the user interface should be available in all official Union languages. The functioning of the gateway should be supported by technical tools developed by the Commission in cooperation with the Member States.
- (14) In the Charter for the electronic Points of Single Contact (PSCs) under the Services Directive²⁵, Member States made a voluntary commitment to take a user centric approach in the provision of information through the PSCs, in order to cover areas of particular importance for businesses including VAT, income taxes, social security or labour law requirements. Based on the Charter and on the experience with the Your Europe Portal, the information should also provide a description of the assistance and problem solving services to which citizens and businesses can refer to where they have problems with understanding the information, with the application of that information to their particular situation or with the completion of a procedure.
- (15) This Regulation should enhance the internal market dimension of online procedures by upholding the general principle of non-discrimination also in relation to the access by citizens or businesses to online procedures already established at the national level on the basis of national or Union law. It should be possible for users not residing in or established in a Member State to access and complete online procedures without obstacles such as form fields that require national phone numbers or national postal codes, payment of fees that can only be done through systems which do not provide for cross-border payments, lack of detailed explanations in another language other than the national language or languages, lack of possibilities to submit electronic evidence from authorities located in another Member State and lack of acceptance of electronic means of identification issued in other Member States.

²⁵

Charter was endorsed by the Council in 2013.

- (16) This Regulation should build on the eIDAS Regulation²⁶ which lays down conditions under which Member States recognise certain means of electronic identification for natural and legal persons falling under a notified electronic identification scheme of another Member State. From the date of application of that regulation it should be possible for users to use their electronic identification and authentication means in order to operate on a cross-border basis and interact electronically with competent authorities.
- (17) A number of sectorial Union acts such as the Services Directive²⁷, the Professional Qualifications Directive²⁸ and the Public Procurement Directives²⁹ require that procedures are made fully available online. This Regulation should add the requirements for a number of key procedures for both citizens and businesses to be fully made available online.
- (18) In order to allow citizens and business to directly enjoy the benefits of the internal market without unnecessary additional administrative burden, this Regulation should require full digitalisation of the user interface of certain key procedures for cross-border users, which are listed in Annex II to this Regulation and provide the criteria for defining how the procedure qualifies as fully online. The "registration of business activity" is one of such procedures of particular relevance for businesses. It should not, however, cover the procedures leading to the constitution of companies or firms as legal entities as such procedures necessitate a comprehensive approach aimed at facilitating digital solutions throughout a company's lifecycle. When businesses establish themselves in another Member State, they are required to register with a social security scheme and an insurance scheme in order to register their employees and pay contributions to both schemes. Those procedures are common for all businesses operating in any sector of the economy, and it is therefore appropriate to require that those two registration procedures are made available online.
- (19) In some instances, given the current state of technical development it may still be necessary for users of a procedure to appear in person before a competent authority as part of the online procedure, in particular in the case of requesting or renewing passports or identity cards containing biometric data. Any such exception should be limited to situations where no digital technology exists to achieve the purpose of the procedure.
- (20) This Regulation should not interfere with the competencies of national authorities in different steps of any procedure, including the procedural workflows within and between their competent authorities whether digitalised or not.

²⁶ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73–114).

²⁷ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

²⁸ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22–142).

²⁹ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65–242) and Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243–374).

- (21) This Regulation should not affect the social security coordination rules set out in Regulation (EC) No 883/2004 of the European Parliament and of the Council³⁰ and Regulation (EC) No 987/2009 of the European Parliament and of the Council³¹, which define the rights and obligations of insured persons and social security institutions, as well as the procedures applicable in the field of social security coordination.
- (22) Several networks and services have been established at the national and Union level to assist citizens and business in their cross-border activities. It is important that these services, including European Consumer Centres, Your Europe Advice, SOLVIT, Intellectual Property Rights helpdesk, Europe Direct and Enterprise Europe Network, form part of the single digital gateway to ensure that all potential users can find them. Those which are listed in Annex III to this Regulation were established by binding union acts, whilst others operate on a voluntary basis. The former services should be bound by the quality criteria laid down in this Regulation while the latter should opt-in to comply with the quality requirements if they want their services to be made accessible through the gateway.
- (23) Furthermore, the Member States and the Commission may decide to add other national assistance or problem solving services, provided by competent authorities or by private and semi-private entities, under the conditions set out in this Regulation. In principle, competent authorities should be responsible for assisting citizens and businesses with any queries they have in relation to applicable rules and procedures that cannot be fully addressed by online services. However, in very specialised areas and where the service provided by private or semi-private bodies meets the users' needs, Member States can propose to the Commission to include such services in the gateway, provided that they meet all conditions set out in the Regulation and do not duplicate the assistance or problem solving services already included.
- (24) In order to assist users to identify the appropriate service, this Regulation should provide a tool that automatically guides users to the right service.
- (25) Compliance with a minimum list of quality requirements is an essential element for the success of the single digital gateway in order to ensure that the provision of information or services is reliable as otherwise it would seriously undermine the credibility of the gateway as a whole. The accessibility of information for cross-border users can be substantially improved where the information is available not only in the national language of a Member State but also in, at least, one additional official EU language of the Union. The translation from the national language or languages into this other official language of the Union should accurately reflect the content of the information provided in the national language or languages.
- (26) This Regulation should also allow for the verification of the evidence provided in electronic format by the users, where this is submitted without electronic seal or certification from the issuing competent authority and where the technical tool enabling the direct exchange of evidence between competent authorities of different Member States is not yet available. For such cases this Regulation should foresee an effective mechanism for administrative cooperation among the competent authorities

³⁰ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1–123).

³¹ Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1–42).

of the Member States, based on the Internal Market Information System ('IMI'), established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council³². In order to allow Union bodies, offices or agencies to become actors within IMI, Regulation (EU) No 1024/2012 should be amended.

- (27) Online services provided by competent authorities are crucial for increasing the quality of the services provided to citizens and businesses. Where public administrations within Member States increasingly no longer require that citizens and businesses supply the same information several times but instead are working towards the re-use of data, the same should be facilitated for users faced with procedures in other Member States, to reduce additional burden.
- (28) In order to further facilitate the use of online procedures, this Regulation should, in line with the "once-only" principle, provide the basis for the exchange of evidence directly between the competent authorities concerned from different Member States, at the request of citizens and businesses. The "once-only principle means that citizens and businesses should not have to supply the same information to public authorities more than once for the cross-border exchange of evidence.
- (29) The secure technical system that should be set up to enable the exchange of evidence under this Regulation should also give requesting competent authorities certainty that the evidence has been provided by the right issuing authority.
- (30) Such a system should be available in addition to other systems providing mechanisms for cooperation between authorities, such as IMI or [e-Services Card] and should not affect other systems, including the system foreseen in Article 4 of Regulation (EC) No 987/2009, the European Single Procurement Document under Directive (EU) 2014/24 of the European Parliament and of the Council³³, the interconnection of national registers, the interconnection of central, commercial and company registers under Directive 2009/101/EC of the European Parliament and of the Council³⁴ and of insolvency registers under Regulation (EU) 2015/848 of the European Parliament and of the Council³⁵.
- (31) In order to ensure uniform conditions for the implementation of a technical system allowing for the exchange of evidence, implementing powers should be conferred on the Commission to detail, in particular technical specifications of a system for processing of the request from the user for evidence to be exchanged, transfer of such evidence, measures necessary to ensure integrity and confidentiality of the transfer.

³² Regulation (Union) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1).

³³ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65–242).

³⁴ Directive 2009/101/EC of the European Parliament and of the Council of 16 September 2009 on coordination of safeguards which, for the protection of the interests of members and third parties, are required by Member States of companies within the meaning of the second paragraph of Article 48 of the Treaty, with a view to making such safeguards equivalent (OJ L 258, 1.10.2009, p. 11–19).

³⁵ Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (OJ L 141, 5.6.2015, p. 19–72).

Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³⁶.

- (32) The compliance with the quality criteria should be the responsibility of the competent authorities and the Commission in relation to the information, procedures and services which they are responsible for. The national coordinators and the Commission should supervise compliance with the quality criteria at national and Union level respectively, and address any problems that arise. This Regulation should give the Commission a wide range of means to address any deterioration in the quality of services offered through the gateway, depending on the seriousness and persistence of such deterioration, which would include involving the gateway coordination group. This should not prejudice the overall responsibility of the Commission regarding the monitoring of the compliance with this Regulation.
- (33) This Regulation should specify the main functionalities of the technical tools supporting the functioning of the gateway, in particular the common user interface, the repository of links and the common assistance service finder. In order to ensure uniform conditions for implementation of the technical solutions supporting the gateway, implementing powers should be conferred on the Commission to specify the organisation, structure and marking of each of the information, procedures and assistance or problem solving services under the Member States and Commission responsibilities for the purpose of the user interface. Those powers should be exercised in accordance with Regulation (EU) No 182/2011. This Regulation should also clearly allocate the responsibility regarding the development, availability, maintenance and security of these tools between the Commission and Member States.
- (34) In order to develop the full potential of the different areas of information, the procedures and assistance and problem solving services that should be included in the gateway, the awareness of the target audiences about their existence and operation needs to be improved significantly. Their inclusion in the gateway should make it much easier for users to find the information, procedures and assistance and problem solving services they need, even where they are not familiar with any of them. In addition, a coordinated promotional effort will be needed to ensure that citizens and business across the Union will become aware of the existence of the gateway and of the advantages it offers. For maximum efficiency, promotional actions should be coordinated within the framework of the coordination group and Member States should adjust their promotional efforts so that there is a common brand reference in all relevant contexts, with a possibility of co-branding the single digital gateway with national initiatives.
- (35) In order to obtain adequate information for measuring the performance of the single digital gateway, this Regulation provides a framework for establishing common specifications for the collection and analysis of data related to the use of the different information areas, procedure and services offered through the gateway. In order to lay down the detailed categories of data to be recorded and the method of recording and exchange of data, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work,

³⁶ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13–18).

including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016³⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

- (36) In order to lay down uniform rules on the method of recording and exchange of statistics, the Commission should be empowered to adopt implementing acts. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.
- (37) The quality of the information, procedures, assistance and problem solving services available through the gateway should be monitored primarily through a user feedback tool that will ask users of to assess the coverage and quality of the information, procedure or assistance and problem solving service which they have used. This feedback will be collected in a common tool to which the Commission, the competent authorities and the national coordinators should have access. In order to ensure uniform conditions for implementation of this Regulation in relation to the functionalities of this user feedback tool and the modalities related to the collection and sharing of the user feedback, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.
- (38) This Regulation should also allow users to signal, voluntarily and anonymously, through an internal market feedback tool included in the gateway, any problems and difficulties encountered by them while exercising their internal market rights. This tool should be considered only as complementary to the complaint handling mechanisms since it cannot offer a personalised response to users. The received input should be combined with information from assistance and problem solving services about the cases they have handled, to produce an overview of the internal market as perceived by its users and to identify problem areas for possible future actions to improve the functioning of the internal market.
- (39) A coordination group composed of the national coordinators and chaired by the Commission should be set up with a view to facilitate the application of this Regulation, in particular by exchanging best practices and working together to improve the consistency of the presentation of information as required by this Regulation. The work of the group should follow the objectives set out in the annual work programme.
- (40) Where the measures provided for in this Regulation entail the processing of personal data, they should be carried out in accordance with Union law on the protection of personal data, in particular [Directive 95/46/EC³⁸] [Regulation (EU) 2016/679 of the

³⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making, (OJ L 123, 12.5.2016, p. 1–14).

³⁸ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31–50).

European Parliament and of the Council³⁹] and [new Regulation replacing (EC) No 45/2001] of the European Parliament and of the Council.

- (41) The objective of this Regulation is to ensure that users who operate in other Member States have online access to comprehensive, reliable and understandable Union and national information on rights, rules and obligations, to online procedures that are fully transactional cross-border and to assistance and problem solving services. As this cannot be sufficiently achieved by the Member States the Union may adopt measures, in accordance with principle of subsidiarity as set out in Article 5 of the Treaty of the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (42) In order for the Member States and the Commission to develop and implement the necessary tools to give effect to this Regulation, certain of its provisions should apply from two years after the date of entry into force.
- (43) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, and should be implemented in accordance with those rights and principles.
- (44) The European Data Protection Supervisor was consulted in accordance with Article [28(2)] of Regulation [(EC) N° 45/2001] [new EDPS Regulation] and delivered an opinion on [date to be inserted].

HAVE ADOPTED THIS REGULATION:

Chapter I

General provisions

Article 1

Subject matter

- 1. This Regulation:
 - (a) lays down rules for the establishment and operation of a single digital gateway to provide citizens and businesses with easy access to high quality, comprehensive information, effective assistance and problem solving services and efficient procedures regarding Union and national rules applicable to citizens and businesses exercising or intending to exercise their rights derived from Union law in the field of the internal market, within the meaning of Article 26(2) TFEU;
 - (a) facilitates the use of procedures by users from other Member States and supports the implementation of the "once only" principle;
 - (a) lays down rules for reporting on obstacles in the internal market based on the collection of user feedback and statistics from the services covered by the gateway.

³⁹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Article 2
Establishment of the single digital gateway

1. A single digital gateway ("the gateway") shall be established by the Commission and the competent authorities in accordance with this Regulation. The gateway shall consist of a common user interface integrated in a single portal managed by the Commission and shall link to relevant national and Union websites.
2. The gateway shall give access to:
 - (a) information on rights, obligations and rules laid down in Union and national law, which are applicable to users exercising or intending to exercise their rights derived from Union law in the field of the internal market in areas listed in Annex I;
 - (b) information on and links to procedures established at Union or national level in order to exercise those rights and comply with those obligations and rules;
 - (c) information on and links to assistance and problem solving services which citizens and businesses can refer to with questions or problems related to their rights, obligations or procedures referred to in points (a) and (b), listed in Annex III and referred to in Article 6.
3. The common user interface referred to in paragraph 1 ("the common user interface") shall be accessible in all official languages of the Union.

Article 3
Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) 'user' means anyone who is a citizen of the Union, a natural person residing in a Member State or a legal person having its registered office in a Member State, and who accesses the information, the procedures, or the assistance or problem solving services, referred to in Article 2(2), through the gateway;
- (2) 'procedure' means a sequence of actions that must be taken by users to satisfy the requirements or obtain from a competent authority a decision in order to be able to exercise their rights as referred to in Article 2(2)(a);
- (3) 'competent authority' means any Member State body or authority established at either national, regional or local level with specific responsibilities relating to the information, procedures, assistance and problem solving services covered by this Regulation;
- (4) 'evidence' means any document or data, including text or sound, visual or audiovisual recording, irrespective of the medium used, issued by a competent authority to prove facts or compliance with requirements for procedures referred to in Article 2(2)(b).

Chapter II

Gateway services

Article 4

Access to information

1. Member States shall ensure that users have easy, online access to the following on their national webpages:
 - (a) information about the rights, obligations and rules referred to in Article 2(2)(a), which are derived from national law;
 - (b) information about the procedures referred to in Article 2(2)(b), which are established at national level;
 - (c) information about the assistance and problem solving services, referred to in Article 2(2)(c), which are provided at national level.
2. The Commission shall ensure that users have easy, online access to the following in the single portal referred to in Article 2(1):
 - (a) information about rights, obligations and rules referred to in Article 2(2)(a), which are derived from Union law;
 - (a) information about the procedures referred to in Article 2(2)(b), which are established at Union level;
 - (b) information about the assistance and problem solving services referred to in Article 2(2)(c), which are provided at Union level.

Article 5

Access to procedures

1. Member States shall ensure that where a procedure, referred to in Article 2(2)(b), established at national level, can be accessed and completed online by users of that Member State, it can be also accessed and completed by users of other Member States in a non-discriminatory way.
2. Member States shall ensure that users can complete the procedures listed in Annex II fully online.
3. The procedures, referred to in paragraph 2, shall be considered as fully online where identification, provision of information, supporting evidence, signature and final submission can be done electronically at a distance and via a single communication channel and if the output of the procedure is also delivered electronically.
4. Where the objective pursued by a given procedure, referred to in paragraph 2, cannot be achieved without requiring the user to appear in person before the competent authority at some stage of the procedure, Member States shall limit such physical presence to what is strictly necessary and objectively justified and shall ensure that other steps of the procedure can be completed fully online. They shall notify such exceptions to the Commission.
5. This Regulation shall not affect the substance of nor the rights granted through any procedure laid down at the Union or national level in any of the areas governed by this Regulation.

6. Nothing in this Article shall prevent Member States from offering users the additional possibility of accessing and completing procedures as referred to in Article 2(2)(b) by other means than an online channel.

Article 6

Access to assistance and problem solving services

1. Member States and the Commission shall ensure that users have easy, online access to assistance or problem solving services referred to in Article 2(2)(c).
2. The national coordinators and the Commission may provide links to assistance and problem solving services offered by competent authorities, the Commission or bodies, offices and agencies of the Union, other than those listed in Annex III, in accordance with Article 16(2) and (3) if such services comply with the quality requirements laid down in Articles 9 and 13.
3. Where necessary to meet the needs of the users, the national coordinator may propose to the Commission, that links to assistance or problem solving services provided by private or semi-private entities are included in the gateway where the services those entities provide meet the following conditions:
 - (a) the service offers information or assistance within the areas and for the purposes covered by this regulation and is complementary to services already included in the gateway;
 - (b) the service is offered free of charge or at a price which is affordable for micro-enterprises or citizens;
 - (c) the service complies with the requirements laid down in Articles 9 and 13.
4. Where the national coordinator has proposed the inclusion of a link in accordance with paragraph 3, and provides such link in accordance with Article 16(3), the Commission shall assess whether the conditions in that paragraph are met, and if so, it shall activate the link.

Chapter III

Quality requirements

SECTION 1

QUALITY REQUIREMENTS RELATED TO INFORMATION ON RIGHTS, OBLIGATIONS AND RULES, ON PROCEDURES AND ON ASSISTANCE AND PROBLEM SOLVING SERVICES

Article 7

Quality of information on rights, obligations and rules

1. The competent authorities and the Commission shall ensure that where, in accordance with Article 4 they are responsible for ensuring access to information as referred to in Article 2(2)(a) that information complies with the following requirements:
 - (a) it is comprehensive, accurate and covers information that users need to know in order to exercise their rights in full compliance with applicable rules and obligations;

- (b) it includes references, links to legal acts, technical specifications and guidelines, where relevant;
 - (c) it includes the name of the entity responsible for the content of the information;
 - (d) it includes contact details and links to any relevant assistance and problem solving services;
 - (e) it includes the date of publication and the last update of the information;
 - (f) it is well-structured and presented so that users can quickly find the information they need;
 - (g) it is kept up-to-date;
 - (h) it is written in clear and plain language adapted to the needs of the target users.
2. The competent authorities shall provide the information in at least one official language of the Union in addition to the national language or, where applicable, the national languages.

Article 8 *Quality of information on procedures*

1. The competent authorities and the Commission shall, for the purposes of complying with Article 4, ensure that users have access to a clear and user-friendly explanation of the following elements of the procedures referred to in Article 2(2)(b) before having to identify themselves prior to launching the procedure:
- (a) the different steps of the procedure;
 - (b) the accepted means of authentication, identification and signature for this procedure;
 - (c) the type and format of evidence required to be submitted;
 - (d) the means of redress or appeal which are available in the event of disputes with the competent authorities in relation to the outcome of a procedure;
 - (e) where relevant, the applicable fees and the online method of payment;
 - (f) the estimated time required to complete the procedure and any applicable deadlines;
 - (g) the language or, where applicable, the languages in which the procedure can be carried out.
2. Where the explanation referred to in paragraph 1 is already made available for national users, it may be reused for the purposes of this Regulation, provided that it contains information in relation to the situation of non-national users, where applicable.
3. The competent authorities shall provide the explanation referred to in paragraph 1 in at least one official language of the Union in addition to the national language or, where applicable, the national languages.

Article 9

Quality of information on assistance and problem solving services

1. The competent authorities and the Commission shall, for the purposes of complying with Article 4, ensure that users have access to a clear and user-friendly explanation of the following before submitting a request for a service as referred to in Article 2(2)(c):
 - (a) the type, purpose and expected results of the service offered;
 - (b) the name and contact details of entities responsible for the service;
 - (c) where relevant, the applicable fees and the online method of payment;
 - (d) the estimated time required to deliver the service or an average response time;
 - (e) the language or, where applicable, the languages in which the request can be submitted and which can be used in subsequent contacts.
2. The competent authorities shall provide the explanation referred to in paragraph 1 in at least one official language of the Union in addition to the national language or, where applicable, the national languages.

SECTION 2

REQUIREMENTS RELATED TO ONLINE PROCEDURES

Article 10

Quality requirements related to online procedures

The competent authorities shall ensure that the following requirements are fulfilled in relation to the procedures referred to in Article 5(1) for which they are responsible:

- (a) any deadlines applying to competent authorities in the course of the procedure are respected;
- (b) in case of non-compliance with applicable deadlines, users are informed in advance of the reasons thereof and a new deadline is given.

Article 11

Cross-border access to online procedures

1. The competent authorities shall ensure that where the procedures referred to in Article 5(1) are offered online, at least the following requirements are met:
 - (a) users are able to access and receive instructions for completing the procedure in at least one official language of the Union other than the national language or, where applicable, the national languages;
 - (b) users are not restricted by form fields that only accept data in particular national formats;
 - (c) users are able to identify themselves, sign and authenticate documents using electronic identification and authentication means, as provided for under Regulation (EU) 910/2014 of the European Parliament and of the Council, where identification and signature are required;
 - (c) users are able to provide evidence of compliance with applicable requirements in electronic format;

- (d) where the completion of a procedure requires a payment, users are able to pay any fees online through cross-border payment services, including, at a minimum, credit transfers or direct debits as specified in Regulation (EU) No 260/2012 of the European Parliament and of the Council⁴⁰.
- 2. Where competent authorities accept digitalised copies of non-electronic evidence of identity such as identity cards or passports for national users, they shall accept such digitalised copies for users from other Member States.
- 3. Competent authorities shall cooperate through the Internal Market Information system (IMI), established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council, where necessary to verify the authenticity of evidence submitted to them in electronic format by the user for the purpose of an online procedure.

Article 12

Cross-border exchange of evidence between competent authorities

- 1. For the purpose of the exchange of evidence for online procedures listed in Annex II and procedures provided for in Directives 2005/36/EC, 2006/123/EC, 2014/24/EU and 2014/25/EU, a technical system for the electronic exchange of evidence between competent authorities in different Member States ("the technical system") shall be established by the Commission in cooperation with the Member States.
- 2. The technical system shall fulfil the following requirements:
 - (a) it shall enable the processing of requests for evidence to be exchanged;
 - (b) it shall allow the transmission of evidence between competent authorities;
 - (c) it shall allow the processing of the evidence by the receiving competent authority;
 - (d) it shall ensure the confidentiality and integrity of the evidence;
 - (e) it shall ensure that the user has the possibility to preview the evidence to be exchanged.
- 3. Member States shall integrate the technical system as part of the procedures referred to in paragraph 1.
- 4. The competent authorities responsible for online procedures referred to in paragraph 1 shall, upon an explicit request of the user, request evidence directly from competent authorities issuing evidence in other Member States through the technical system. The issuing authorities shall, subject to paragraph 2(d), make such evidence available through the same system.
- 5. Where competent authorities issue evidence in electronic format for the purpose of procedures referred to in paragraph 1 within their own Member State, they shall also make such evidence available to the requesting competent authorities from other Member States, through the technical system.

⁴⁰ Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22–37).

6. The evidence made available by a competent authority shall be strictly limited to what has been requested and shall only be used by the receiving authority for the purpose of the procedure for which the evidence was exchanged.
7. The Commission shall adopt implementing acts to set out the specifications of the technical system necessary for the implementation of this Article. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 34(2).
8. Paragraphs 3 to 6 shall not apply to procedures established at Union level which provide for different mechanisms for the exchange of evidence, unless the technical system referred to in paragraph 1 is integrated into those procedures in accordance with the rules of the Union acts that establish them.

SECTION 3

QUALITY REQUIREMENTS RELATED TO ASSISTANCE AND PROBLEM SOLVING SERVICES

Article 13

Quality requirements related to assistance and problem solving services

The competent authorities and the Commission shall ensure that the services listed in Annex III and the services that have been included in the gateway in accordance with Article 6(2), (3) and (4) comply with the following quality requirements:

- (a) any deadlines applying to competent authorities in the course of the service are respected;
- (b) in case of non-compliance with applicable deadlines, users are informed in advance of the reasons thereof and a new deadline is given;
- (c) where the provision of a service requires a payment, users are able to pay any fees online through a cross-border payment services including, at a minimum, credit transfers or direct debits as specified in Regulation (EU) No 260/2012.

SECTION 4

QUALITY MONITORING

Article 14

Quality monitoring

1. The national coordinators and the Commission shall monitor the compliance of the information, procedures and assistance and problem solving services available through the gateway for which they are responsible, with the quality requirements laid down in Articles 7 to 11 and 13. The monitoring shall be carried out on the basis of the data gathered in accordance with Article 22.
2. In case of the deterioration in the quality of the services referred to in paragraph 1, provided by the competent authorities, the Commission may take any of the following measures having regard to the seriousness and persistence of the deterioration:
 - (a) inform the relevant national coordinator and require remedial action;
 - (b) submit the quality deterioration for discussion at the coordination group;

- (c) send a letter with recommendations to the Member State;
 - (d) temporarily disconnect the information, procedure, assistance or problem solving service from the gateway.
3. Where an assistance or problem solving service to which links are provided in accordance with Article 6(2) consistently does not comply with requirements laid down in Article 13, or no longer meets the needs of the users as indicated by the data gathered in accordance with Article 22, the Commission may disconnect it from the gateway.

Chapter IV

Technical solutions

Article 15

Common user interface

1. The Commission shall provide a common user interface to ensure the proper functioning of the gateway.
2. The common user interface shall give access to the information, procedures and assistance or problem solving services by means of links to the relevant national and Union level websites, provided in the repository referred to in Article 16.
3. Member States and the Commission, acting in accordance with their respective roles and responsibilities, as provided for under Article 4, shall ensure that the information, procedures and assistance and problem solving services are organised, structured and marked in a way that improves findability through the user interface.
4. The Commission may adopt implementing acts laying down the detailed organisation, structure and marking of each of the information, procedures and assistance or problem solving services to enable proper functioning of the common user interface. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).

Article 16

Repository of links

1. The Commission shall establish and maintain an electronic repository for links to the information, procedures and assistance and problem solving services referred to in Article 2(2) allowing the connection between such services and the common user interface of the gateway.
2. The Commission shall provide the links to the information, procedures and assistance and problem solving services accessible on the webpages managed at Union level, and all their subsequent updates, to the repository of links.
3. The national coordinators shall provide the links to the information, procedures and assistance and problem solving services accessible on the webpages managed by competent authorities or private or semi-private entities as referred to in Article 6(3), and all their subsequent updates, to the repository of links.

The national coordinators when providing the links to assistance and problem solving services, shall indicate which services are provided by those private or semi-private entities as referred to in Article 6(3).

4. The Commission shall make the links included in the repository publicly available.
5. The Commission and the national coordinators shall ensure that the information, procedures and assistance or problem solving services offered through the gateway do not contain any unnecessary full or partial duplication that is likely to confuse users.
6. Where the making available of information referred to in Article 4 is provided for in other acts of Union legislation, the national coordinators and the Commission may provide links to that information to comply with the requirements of that Article.

Article 17

Common assistance service finder

1. In order to facilitate access to assistance and problem solving services listed in Annex III and referred to in Article 6(2) and (3), the competent authorities and the Commission shall ensure that users can access them through the common assistance and problem solving service finder (“the common assistance service finder”) available through the gateway.
2. The Commission shall develop and manage the common assistance service finder, and decide on the structure and format in which the descriptions and contact details of the assistance and problem solving services need to be provided, to enable the proper functioning of the common assistance service finder.
3. The national coordinators shall provide the descriptions and contact details as referred to in paragraph 2 to the Commission.

Article 18

Responsibilities for IT applications supporting the gateway

1. The Commission shall be responsible for the development, availability, maintenance, security and hosting of the following IT applications and webpages:
 - (a) the single portal referred to in Article 2(1);
 - (b) the common user interface referred to in Article 15(1);
 - (c) the repository of links referred to in Article 16(1);
 - (d) the common assistance service finder referred to in Article 17;
 - (e) the user feedback tools referred to in Articles 22(1) and 23(1)(a).
2. Competent authorities shall be responsible for the development, availability, maintenance and security of IT applications related to webpages they are managing and which are linked to the common user interface.

Chapter V

Promotion

Article 19

Name and quality label

1. The name and the logo by which the gateway shall be known and promoted to the general public, will be decided by the Commission in close cooperation with the gateway coordination group, at the latest by the date of application of this regulation.
2. The name of the gateway also serves as a quality label which may only be used in that sense by information websites and assistance and problem solving services included in the repository referred to in Article 16 as proof of adherence to the quality requirements referred to in Chapter III.

Article 20

Promotion

1. The competent authorities and the Commission shall promote the awareness and the use of the gateway amongst citizens and businesses and shall ensure the accessibility and visibility of the gateway and its services through search engines accessible to the public.
2. The competent authorities and the Commission shall coordinate their promotion activities referred to in paragraph 1 and shall refer to the gateway using its logo and reference in such activities together with any other brand names as appropriate.
3. The competent authorities and the Commission shall ensure that the gateway is easily findable through the related portals for which they are responsible and that clear links to the gateway are included in all relevant websites.
4. The national coordinators shall promote the gateway within national authorities.

Chapter VI

Collection of user feedback and statistics

Article 21

User statistics

1. The competent authorities and the Commission shall ensure that statistics are collected in relation to users' visits on the gateway and the webpages to which the gateway links in order to improve the functionality of the gateway.
2. The competent authorities and the Commission shall record and exchange, in an aggregated way, the numbers, the origin and the subject matter of requests for assistance and problem solving services and their response times.
3. The Commission is empowered to adopt delegated acts in accordance with Article 34 concerning the detailed categories of data to be recorded in accordance with paragraph 2, in relation to the information, procedures and assistance and problem solving services to which the gateway links.

4. The Commission shall adopt implementing acts laying down the method of recording and exchange of such statistics. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).

Article 22

User feedback on the services of the gateway

1. In order to gather direct information from users about their satisfaction with the services provided within the gateway, the Commission shall provide users through the gateway with a user-friendly tool allowing them to comment anonymously, immediately after using any of the services referred to in Article 2(2), on quality and availability of the services provided through the gateway and of the common user interface.
2. The competent authorities and the Commission shall include an appropriate link to this tool on all webpages that are part of the gateway. The competent authorities shall cooperate with the Commission and shall integrate such a tool into the webpages for which they are responsible.
3. The Commission and the national coordinators shall have direct access to the user feedback collected through this tool in order to address any problems raised.
4. By derogation from paragraph 2, the competent authorities are not required to integrate the user feedback tool referred to in paragraph 1 in their webpages that are linked to the gateway where a user feedback mechanism of similar functionalities as the tool referred to in paragraph 1 is available on those webpages to monitor service quality. The competent authorities shall collect the user feedback received through the user feedback tool and shall share it with the Commission and the national coordinators of the other Member States.
5. The Commission shall adopt implementing acts laying down rules for the collection and sharing of the user feedback. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).

Article 23

Reporting on the functioning of the internal market

1. The Commission shall:
 - (a) provide users of the gateway with a user-friendly tool to signal anonymously obstacles encountered by them in exercising their internal market rights;
 - (b) collect information from the assistance and problem solving services about the subject matter of requests and responses.
2. The Commission shall publish in an anonymised form an online overview of the problems as emerging from the information collected in accordance with paragraph 1.
3. Member States and the Commission shall analyse and investigate the problems raised and address them wherever possible, by appropriate means.

Chapter VII

Governance of the gateway

Article 24 *National coordinators*

1. Each Member State shall appoint a national coordinator. In addition to fulfilling their obligations in accordance with Articles 6, 14, 16, 17, 20 and 22, the national coordinators shall:
 - (a) act as national contact point for all matters relating to the gateway;
 - (b) be responsible for contacts with the Commission for all matters relating to the gateway;
 - (c) promote the uniform application of Articles 7 to 13 within national authorities;
 - (d) ensure that recommendations referred to in Article 14(2)(c) are properly implemented.
2. Each Member State shall inform the other Member States and the Commission of the name and contact details of its national coordinator.

Article 25 *Coordination group*

A coordination group (“the gateway coordination group”) shall be established. It shall be composed of the national coordinators and shall be chaired by a representative of the Commission. It shall adopt its rules of procedure. The Commission shall provide the secretariat.

Article 26 *Tasks of the gateway coordination group*

1. The gateway coordination group shall support the implementation of the gateway. In particular it shall:
 - (a) facilitate the exchange and regular updating of best practice;
 - (b) discuss improvements to the presentation of information within the areas listed in Annex I;
 - (c) discuss the draft annual work programme;
 - (d) assist the Commission in monitoring the execution of the annual work programme;
 - (e) assist the Commission in monitoring the compliance with the requirements set out in Articles 7 to 11 and 13;
 - (f) inform about the implementation of Article 5(2);
 - (g) provide opinions and recommend actions to the competent authorities and the Commission with a view to avoiding or eliminating unnecessary duplication of the services available through the gateway;

- (h) provide opinions on procedures or organisational measures to address efficiently any problems with the quality of the services raised by users or suggestions for its improvement;
 - (i) discuss issues related to quality requirements of the services offered through the gateway;
 - (j) assist the Commission for the organisation, structure and presentation of services referred to in Article 2(2), on the common user interface;
 - (k) facilitate the development and implementation of the coordinated promotion;
 - (l) cooperate with the governance bodies of information, assistance or problem solving services or networks.
2. The Commission may consult the coordination group on any matter relating to the application of this Regulation.

Article 27

Annual work programme

1. The Commission shall adopt the annual work programme which shall specify, in particular:
- (a) actions to implement the specific presentation of information within the areas listed in Annex I;
 - (b) actions required to ensure compliance with Articles 5 and 11;
 - (c) actions required to ensure the consistent compliance with the requirements set out in Articles 7 to 10;
 - (d) activities related to the promotion of the gateway in line with Article 20.
2. When preparing the draft annual work programme the Commission shall take account of user feedback collected in accordance with Article 22. Prior to adoption, the Commission shall submit the draft annual work programme to the coordination group for discussion.

Chapter VIII

Final provisions

Article 28

Costs

1. The general budget of the European Union shall cover the costs of:
- (a) development and maintenance of the IT tools supporting the implementation of this Regulation at Union level;
 - (b) promotion of the gateway at Union level;
 - (c) translation of a maximum volume per Member State of information referred to in Article 2(2)(a) and instructions for completing procedures referred to in Article 11(1)(a), into an official language of the Union, other than the national language.

2. The costs related to national webportals, information platforms, assistance services and procedures established at Member State level shall be borne from the respective budgets of the Member States, unless otherwise provided for in Union legislation.

Article 29

Protection of personal data

Processing of personal data within the framework of this Regulation by competent authorities must be in compliance with [Directive 95/46/EC] [Regulation (EU) 2016/679 of the European Parliament and of the Council]. Processing of personal data by the Commission within the framework of this Regulation, shall comply with the provisions of Regulation 00/0000 [new Regulation replacing Regulation 45/2001].

Article 30

Cooperation with other information and assistance networks

1. The Commission shall decide which existing informal governance arrangements for any of the assistance or problem solving services listed in Annex III or for any of the areas of information covered by Annex I shall be integrated in the gateway coordination group.
2. Where the information and assistance services or networks have been created by a binding Union act for any of the areas of information covered by Annex I, the Commission shall coordinate the work of the gateway coordination group and the governance bodies of such services or networks with a view to achieve synergies and to avoid duplication.

Article 31

Relationship with other provisions of Union law

Where the provisions of this Regulation conflict with a provision of another Union act governing specific aspects of the subject matter covered by this Regulation, the provision of the other Union act shall prevail.

Article 32

Internal Market Information System

1. The Internal Market Information System established by Regulation (EU) No 1024/2012 shall be used for the purposes of Article 11(4).
2. The Commission may decide to use IMI as an electronic repository of links as provided for in Article 16(1).

Article 33

Reporting and review

By four years after the entry into force of this Regulation and once every two years thereafter, the Commission shall review the application of this Regulation and submit to the European Parliament and the Council an assessment report on the functioning of the gateway and on the functioning of the internal market on the basis of the statistics and feedback collected in accordance with Articles 21, 22 and 23. The review will, in particular, evaluate the scope of Article 12 of this Regulation taking into account technological, market and legal developments concerning the exchange of evidence between competent authorities.

Article 34
Exercise of the delegation

1. The power to adopt delegated act is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 21(3) shall be conferred on the Commission for a period of five years from [...]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 21(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 21(3) shall enter into force only if no objection has been raised either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 35
Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 36
Amendment to Regulation (EU) No 1024/2012

Regulation (EU) No 1024/2012 is amended as follows:

- (1) Article 1 is replaced by the following:

Article 1
Subject matter

‘This Regulation lays down rules for the use of an Internal Market Information System (‘IMI’) for administrative cooperation, including processing of personal data, among the following actors (‘the IMI actors’):

- (a) the competent authorities of the Member States;

- (b) the competent authorities of the Member States and the Commission;
 - (c) the competent authorities of the Member States, the Commission and Union bodies, offices and agencies.
- (2) Article 3(1) is replaced by the following:
- ‘1. IMI shall be used for exchanges of information, including of personal data, among the IMI actors and the processing of that information for the purposes of either of the following:
- (a) administrative cooperation required in accordance with the acts listed in the Annex;
 - (b) administrative cooperation subject to a pilot project carried out in accordance with Article 4.’
- (3) the second paragraph of Article 5 is amended as follows:
- (a) point (a) is replaced by the following:

‘(a) ‘IMI’ means the electronic tool provided by the Commission to facilitate administrative cooperation between competent authorities of the Member States and among competent authorities of the Member States, the Commission and Union bodies, offices and agencies’;
 - (b) point (b) is replaced by the following:

‘(b) ‘administrative cooperation’ means the collaboration between IMI actors by exchanging and processing information for the purpose of better application of Union law.’;
 - (c) point (g) is deleted.
- (4) In Article 8(1) the following point is added:
- ‘(f) ‘ensuring coordination with Union bodies, offices and agencies and granting them access to IMI’;
- (5) Article 9(4) is replaced by the following:
- ‘4. Appropriate means shall be put in place by the Member States, the Commission and other Union bodies, offices and agencies to ensure that IMI users are allowed to access personal data processed in IMI only on a need-to-know basis and within the internal market area or areas for which they were granted access rights in accordance with paragraph 3.’
- (6) Article 21 is amended as follows:
- (a) paragraph 2 is replaced by the following:

‘2. The European Data Protection Supervisor shall be responsible for monitoring and ensuring the application of the provisions of this Regulation when the Commission or other Union bodies, offices and agencies, in their role as IMI actors, process personal data. The duties and powers referred to in Articles 58 and 59 of [Regulation (EU) No XX/201Y] shall apply accordingly’.
 - (b) paragraph 3 is replaced by the following:

‘3. The National Supervisory Authorities and the European Data Protection Supervisor, each acting within the scope of their respective competences, shall

cooperate with each other to ensure coordinated supervision of IMI and its use by IMI actors in accordance with Article 62 of [Regulation (EU) No XX/201Y]’.

- (c) paragraph 4 is deleted.
- (7) Article 29(1) is deleted.
- (8) In the Annex, the following point 12 is added:
 - ‘12. [Regulation (EU) XX/201Y] of the European Parliament and of the Council on establishing a single digital gateway to information, procedures, assistance and problem-solving services and amending Regulation (EU) No 1024/2012: Article [11(4)].’

Article 37
Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 2, Articles 4 to 11, Article 12(1) to (6) and (8), Article 13, Article 14, Article 15(1) to (3), Article 16, Article 17, Article 21(1) and (2), Article 22(1) to (4) and Article 23 shall apply from [two years after entry into force of this Regulation].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

- 1.1. Title of the proposal/initiative
- 1.2. Policy area(s) concerned in the ABM/ABB structure
- 1.3. Nature of the proposal/initiative
- 1.4. Objective(s)
- 1.5. Grounds for the proposal/initiative
- 1.6. Duration and financial impact
- 1.7. Management mode(s) planned

2. MANAGEMENT MEASURES

- 2.1. Monitoring and reporting rules
- 2.2. Management and control system
- 2.3. Measures to prevent fraud and irregularities

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

- 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected
- 3.2. Estimated impact on expenditure
 - 3.2.1. *Summary of estimated impact on expenditure*
 - 3.2.2. *Estimated impact on operational appropriations*
 - 3.2.3. *Estimated impact on appropriations of an administrative nature*
 - 3.2.4. *Compatibility with the current multiannual financial framework*
 - 3.2.5. *Third-party contributions*
- 3.3. Estimated impact on revenue

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Proposal for a Regulation of the European Parliament and of the Council on facilitating free movement of citizens and businesses in the Internal Market by providing them with a single digital gateway to information, procedures, assistance and problem solving services and amending Regulation (EU) No 1024/2012

1.2. Policy area(s) concerned in the ABM/ABB structure⁴¹

Title 02: Internal market, industry, entrepreneurship and SMEs

Activity 02 02: Competitiveness of enterprises and small and medium-sized enterprises

Activity 02 03: Internal market for goods and services

1.3. Nature of the proposal/initiative

- ☒ The proposal/initiative relates to **a new action**
- ☐ The proposal/initiative relates to **a new action following a pilot project/preparatory action⁴²**
- ☐ The proposal/initiative relates to **the extension of an existing action**
- ☐ The proposal/initiative relates to **an action redirected towards a new action**

1.4. Objective(s)

1.4.1. The Commission's multiannual strategic objective(s) targeted by the proposal/initiative

The Commission communication 'A Digital Single Market Strategy for Europe' of May 2015 proposed the creation of a single digital gateway in order to expand, improve and streamline all information, assistance and problem solving services needed to operate efficiently across borders and to enable users to complete the most frequently used national procedures online.

The Single Market Strategy of October 2015 also announced the single digital gateway as a means of addressing the specific requirements of start-ups.

Both the Competitiveness Council, in its conclusions of March 2015 and February 2016, and the European Parliament, in January 2016, welcomed the concept.

The overall policy objective is to facilitate the efficient functioning of the Single Market by reducing or removing existing barriers to cross-border business activity and mobility of citizens. Helping citizens, SMEs and start-ups to benefit from the Single Market will boost competition, jobs and growth.

The proposal addresses the removal of obstacles in terms of information offer, access to e-procedures and use of assistance services cross-border and online. By reducing

⁴¹ ABM: activity-based management; ABB: activity-based budgeting.

⁴² As referred to in Article 54(2)(a) or (b) of the Financial Regulation.

transaction costs for information gathering and administrative procedures, it will encourage citizens and businesses to exercise their Single Market rights.

1.4.2. Specific objective(s) and ABM/ABB activity(ies) concerned

Specific objective No

More specifically the single digital gateway aims to ensure that:

- Information about EU rights and national rules and procedures that citizens and businesses need to exercise their Single Market rights is available online;
- Information, assistance services and procedures meet minimum quality standards;
- Core national procedures are available online;
- Information and procedures are fully accessible for cross-border users;
- Awareness about the services on offer is increased and information and assistance services are easy to find and well-coordinated;
- Feedback from citizens and businesses is systematically gathered and analysed to improve service quality and to detect Single Market obstacles.

ABM/ABB activity(ies) concerned

Chapter 02 02: Competitiveness of enterprises and small and medium-sized enterprises

Chapter 02 03: Internal market for goods and services

1.4.3. Expected result(s) and impact

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

The single digital gateway is expected to:

- Reduce administrative burden on citizens and businesses who would like to enjoy their Single Market rights in the frame of a cross-border activity or of the mobility of citizens. By facilitating access to information, procedures and assistance services, the initiative will save citizens and businesses time and costs.
- Improve service quality for citizens and businesses.
- Reduce administrative costs for Member States when handling procedures and improve compliance with national rules.

1.4.4. Indicators of results and impact

Specify the indicators for monitoring implementation of the proposal/initiative.

The following set of indicators is envisaged:

- Percentage of businesses and citizens who indicate they have found the information they were looking for.
- Trends in average number of monthly users.
- Percentage of businesses and citizens who indicate they have easily found the information they were looking for.
- Percentage of business and citizens who indicate satisfaction with quality (based on criteria).

- Percentage of businesses and citizens who indicate that they have been able to complete the available procedures fully online.
- Percentage of cross-border businesses and citizens who indicate that they have been able to complete the available procedures fully online.
- Usability of data from user feedback tool and from assistance services regarding obstacles in the Single Market and quality of resulting report.

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term

The proposal foresees to reduce administrative burden for citizens and businesses by:

- facilitating their access to information on rights, obligations and rules derived from Union acts in the field of the internal market,
- facilitating their access to assistance services complementing the information provided online,
- facilitating access to and use of procedures through their digitalisation and their usability by cross-border users,
- setting minimal quality requirements as regards information, assistance and problem solving services, and procedures, and ensuring their implementation through the collection of user feedback and statistics.

1.5.2. Added value of EU involvement

The main objective of the single digital gateway is to improve the functioning of the Single Market for both citizens and enterprises, and consequently to increase the competitiveness of SMEs.

This objective cannot be achieved sufficiently without action at EU level. The current system of information and assistance services lacks coherence since existing instruments, which were created by EU level action, are not sufficiently linked up and not sufficiently user-friendly. A common approach to ensuring quality through minimum quality standards is missing. Whilst the legal framework promotes synergies, these have not been sufficiently exploited by the Member States (in the absence of binding obligations).

Moreover, so far individual actions by Member States have led to considerable differences in approach, and such differences impose additional costs on firms, in particular SMEs, in cross-border situation and discourage many from scaling up internationally.

The EU added value of the single digital gateway is that it will reduce fragmentation by expanding the good practices already established in many areas to the overall service package to be provided to EU citizens and businesses.

1.5.3. Lessons learned from similar experiences in the past

Various portals and contact points both at European and national level have been created over the past decades with the aim to address these needs. Several EU initiatives have been adopted or are in the pipeline to facilitate foreign users' access to e-procedures in specific sectors. These include: Points of Single Contact set up on the basis of the Services Directive to offer online information, assistance service and

access to procedures relevant for the service activity; Product Contact Points and Construction Product Contact Points established to provide access, upon request, to product-specific technical rules; Professional Qualifications Assistance Centres aim at helping professionals moving cross-border. Networks, such as European Consumer Centres promote the understanding of EU consumers' rights and assist in resolving complaints about purchases made in another country of the network, when travelling or shopping online and SOLVIT is to deliver fast, effective and informal solutions to individuals and businesses when their EU rights in the internal market are being denied by public authorities. Several information portals were established at the EU level, such as Your Europe or e-Justice, to inform about the EU and national rules.

However, despite the efforts, the current offer for citizens and businesses remains very fragmented. There are gaps in availability of online information and procedures, lack of quality of the services, low awareness of the online offer, problems with findability and lack of accessibility of the services for non-national users remain a major issue.

1.5.4. Compatibility and possible synergy with other appropriate instruments

The single digital gateway is part of the E-government Action Plan, which also includes other actions that will contribute to the success of the single digital gateway, such as the once-only principle.

The proposal follows the logic of the Commission's digital transformation objective, creating a streamlined web presence and avoiding further fragmentation caused by new portals and contact points.

The Public Document Regulation is also relevant in this context, as it will require Member States to accept a series of documents from citizens without further verification and translation by the end of 2018.

Other actions of the plan that are complementary and directly relevant for the single digital gateway are the take-up of eID and e-signature through the eIDAS Regulation; the E-justice Portal (including the Business Registry Interconnection System BRIS), the VAT information portal, the interconnection of insolvency registers, and a planned company law initiative to facilitate digital solutions throughout a company lifecycle. Furthermore, the gateway is consistent with the revision of the European Interoperability Framework.

The single digital gateway is fully compatible with these initiatives that seek to improve the provision of information online or digitalise procedures at EU and national level.

1.6. Duration and financial impact

☐ Proposal/initiative of **limited duration**

- ☐ Proposal/initiative in effect from [DD/MM]YYYY to [DD/MM]YYYY
- ☐ Financial impact from YYYY to YYYY

☒ Proposal/initiative of **unlimited duration**

- Implementation with a start-up period from 2018 to 2020,
- followed by full-scale operation.

1.7. Management mode(s) planned⁴³

☒ **Direct management** by the Commission

- ☒ by its departments, including by its staff in the Union delegations;
- ☐ by the executive agencies

☐ **Shared management** with the Member States

☐ **Indirect management** by entrusting budget implementation tasks to:

- ☐ third countries or the bodies they have designated;
- ☐ international organisations and their agencies (to be specified);
- ☐ the EIB and the European Investment Fund;
- ☐ bodies referred to in Articles 208 and 209 of the Financial Regulation;
- ☐ public law bodies;
- ☐ bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;
- ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;
- ☐ persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the 'Comments' section.*

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

At the latest two years after the entry into application of the Regulation and every two years thereafter, the Commission will submit to the European Parliament and the Council an assessment report on the functioning of the gateway on the basis of the statistics and feedback collected.

⁴³

Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html

2.2. Management and control system

2.2.1. Risk(s) identified

The main risk for the successful implementation of the single digital gateway is that the Member States lagging behind today (in the availability of information and procedures online, especially concerning the access of foreign citizens) will not be able to catch up quickly enough. However, the planned governance structure based on very close cooperation of the Member States and the Commission, and the possibility to use ESIF funding should help in bringing all Member States up to speed.

Another aspect is that the single digital gateway tool for exchange of evidence will be based on IMI functionalities and other technical means. The general risk framework of IMI, including operational risks, have been identified in the context of the Regulation (EU) No 1024/2012 ("IMI Regulation"). The Commission is the 'system owner' of IMI, and is responsible for its daily operation, maintenance and development. The system is developed and hosted by an internal supplier which ensures a high level of business continuity. As regards risks linked with other technical means, these remain limited thanks to the possibility to use IMI functionalities until the appropriate technical means are in place.

There are also risks related to data protection issues, but these are covered by article 29 on the protection of personal data.

2.2.2. Information concerning the internal control system set up

Addressing the general risks as identified under section 2.2.1 above, the Commission will provide assistance (e.g., meetings of the coordination group, workshops, etc.) to all stakeholders (e.g., Member States authorities, professional bodies etc.) and actively promote the introduction and use of the new system. Member States will also be required to promote the benefits of the proposed tool.

Regarding the operational aspects of the single digital gateway, these will be handled by the Commission, which will ensure high-level monitoring and control. Regular meetings and reporting instruments will facilitate close monitoring of the development and maintenance work.

In addition, the European Data Protection Supervisor ensures that personal data processing by the Commission is carried out in accordance with the applicable rules. The national data protection authorities will monitor the processing of personal data by the competent authorities at Member State level.

2.2.3. Estimate of the costs and benefits of the controls and assessment of the expected level of risk of error

The general risks will be addressed by the relevant measures, including providing assistance and information to the stakeholders concerned.

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures.

For the purposes of combating fraud, corruption and any other illegal activity, the provisions normally applicable to the activities of the Commission, including Regulation (EU, EURATOM) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European

Anti-Fraud Office (OLAF), will apply in the context of the single digital gateway without any restriction.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number and Heading	Diff./Non-diff. ⁴⁴	from EFTA countries ⁴⁵	from candidate countries ⁴⁶	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
1A	02 02 01 Promoting entrepreneurship and improving the competitiveness and access to markets of Union enterprises	Diff	YES	YES	YES	NO
1A	02 03 01 Operation and development of the internal market of goods and services	Diff	YES	NO	NO	NO
1A	02 03 04 Internal market governance tools	Diff.	YES	NO	NO	NO

⁴⁴ Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

⁴⁵ EFTA: European Free Trade Association.

⁴⁶ Candidate countries and, where applicable, potential candidates from the Western Balkans.

3.2. Estimated impact on expenditure

3.2.1. Summary of estimated impact on expenditure

EUR million (to three decimal places)

Heading of multiannual financial framework	1A	Competitiveness for growth and jobs
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DG: GROW			2018	2019	2020	2021	2022 and onwards	TOTAL
• Operational appropriations								
02 02 01	Commitments	(1)	615 000	150 000	710 000			1 475 000
	Payments	(2)	615 000	150 000	710 000			1 475 000
02 03 01	Commitments	(1)			710 000			710 000
	Payments	(2)			710 000			710 000
02 03 04	Commitments	(1)				3 920 000	1 420 000	5 340 000
	Payments	(2)				3 920 000	1 420 000	5 340 000
Appropriations of an administrative nature financed from the envelope of specific programmes ⁴⁷			0	0	0	0	0	0
TOTAL appropriations for DG GROW	Commitments	=1+1a +3	615 000	150 000	1 420 000	3 920 000	1 420 000	7 525 000
	Payments	=2+2a +3	615 000	150 000	1 420 000	3 920 000	1 420 000	7 525 000
• TOTAL operational appropriations	Commitments	(4)	615 000	150 000	1 420 000	3 920 000	1 420 000	7 525 000
	Payments	(5)	615 000	150 000	1 420 000	3 920 000	1 420 000	7 525 000

⁴⁷ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)	0	0	0	0	0	0
TOTAL appropriations under HEADING 1A of the multiannual financial framework	Commitments	=4+ 6	615 000	150 000	1 420 000	3 920 000	1 420 000	7 525 000
	Payments	=5+ 6	615 000	150 000	1 420 000	3 920 000	1 420 000	7 525 000

Heading of multiannual financial framework	5	‘Administrative expenditure’
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EUR million (to three decimal places)

		2018	2019	2020	2021	2022 and onwards	TOTAL
DG: GROW							
• Human resources		69 000	690 000	828 000	690 000	759 000	3 036 000
• Other administrative expenditure		16 300	91 600	240 600	90 600	30 600	469 700
TOTAL DG GROW	Appropriations	85 300	781 600	1 068 600	780 600	789 600	3 505 700

TOTAL appropriations under HEADING 5 of the multiannual financial framework	(Total commitments = Total payments)	85 300	781 600	1 068 600	780 600	789 600	3 505 700
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EUR million (to three decimal places)

		2018	2019	2020	2021	2022 and onwards	TOTAL
TOTAL appropriations	Commitments	700 300	931 600	2 488 600	4 700 600	2 209 600	11 030 700

under HEADINGS 1 to 5 of the multiannual financial framework	Payments	700 300	931 600	2 488 600	4 700 600	2 209 600	11 030 700
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3.2.2. Estimated impact on operational appropriations

- ☐ The proposal/initiative does not require the use of operational appropriations
- ☒ The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs ↓			2018		2019		2020		2021		2022 and onwards		TOTAL	
	OUTPUTS													
	Type ⁴⁸	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No	Total cost
SPECIFIC OBJECTIVE No 1 ⁴⁹ Information is available online														
Subtotal for specific objective No 1														0
SPECIFIC OBJECTIVE No 2 Information, assistance services and procedures meet minimum quality standards														
Subtotal for specific objective No 2														0
SPECIFIC OBJECTIVE No 3 Core national procedures are available online														
Subtotal for specific objective No 3														0
SPECIFIC OBJECTIVE No 4 Information and procedures are fully accessible for cross-border users														

⁴⁸ Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

⁴⁹ As described in point 1.4.2. 'Specific objective(s)...'

- Output	Information and procedures made available in EN							1 000 000		500 000		500 000		2 000 000
- Output	Common interface for cross-border use of documents and data									1 000 000				1 000 000
Subtotal for specific objective No 4														3 000 000
SPECIFIC OBJECTIVE No 5 Awareness about the services on offer is increased and information and assistance services are easy to find and well-coordinated														
- Output	Common search facility and common assistance finder			500 000				420 000		420 000		420 000		1 760 000
- Output	Common repository of links			75 000										75 000
- Output	Coordinated promotion									2 000 000		500 000		2 500 000
Subtotal for specific objective No 5														4 335 000
SPECIFIC OBJECTIVE No 6 Feedback from citizens and businesses is systematically gathered and analysed to improve service quality and to detect Single Market obstacles														
- Output	Quality criteria and common user feedback tool used for linked portals			40 000										40 000
- Output	Development of user feedback tool on single market obstacles					150 000								150 000
Subtotal for specific objective No 6														190 000

TOTAL COST		615 000		150 000		1 420 000		3 920 000		1 420 000		7 525 000
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3.2.3. Estimated impact on appropriations of an administrative nature

3.2.3.1. Summary

- ☐ The proposal/initiative does not require the use of appropriations of an administrative nature
- ☒ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	2018	2019	2020	2021	2022 and onwards	TOTAL
--	------	------	------	------	------------------	-------

HEADING 5 of the multiannual financial framework								
Human resources	69 000	690 000	828 000	690 000	759 000			3 036 000
Other administrative expenditure	16 300	91 600	240 600	90 600	30 600			469 700
Subtotal HEADING 5 of the multiannual financial framework								

Outside HEADING 5⁵⁰ of the multiannual financial framework								
Human resources								
Other expenditure of an administrative nature								
Subtotal outside HEADING 5 of the multiannual financial framework								0

TOTAL	85 300	781 600	1 068 600	780 600	789 600			3 505 700
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The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

⁵⁰ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

3.2.3.2. Estimated requirements of human resources

- ☐ The proposal/initiative does not require the use of human resources.
- ☒ The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full time equivalent units

	2018	2019	2020	2021	2022 and onwards		
• Establishment plan posts (officials and temporary staff)							
XX 01 01 01 (Headquarters and Commission's Representation Offices)	0.5	5	6	5	5.5		
XX 01 01 02 (Delegations)							
XX 01 05 01 (Indirect research)							
10 01 05 01 (Direct research)							
• External staff (in Full Time Equivalent unit: FTE)⁵¹							
XX 01 02 01 (AC, END, INT from the 'global envelope')							
XX 01 02 02 (AC, AL, END, INT and JED in the delegations)							
XX 01 04 yy ⁵²	- at Headquarters						
	- in Delegations						
XX 01 05 02 (AC, END, INT - Indirect research)							
10 01 05 02 (AC, END, INT - Direct research)							
Other budget lines (specify)							
TOTAL	0.5	5	6	5	5.5		

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	- 2018 – 2nd half: 1 FTE – preparatory work for the use of the IMI system <u>(for developing the repository of links and for the use of the IMI system for the cooperation between Member States authorities to verify authenticity and validity of evidence)</u> - 2019: 1 FTE – use of the IMI system for the cooperation between Member States authorities to verify authenticity and validity of evidence 2 FTEs – monitoring quality 2 FTEs – management of the single digital gateway - 2020: 1 FTE – use of the IMI system for the cooperation between Member States authorities to verify authenticity and validity of evidence
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⁵¹ AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JED= Junior Experts in Delegations.

⁵² Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

	2 FTEs – monitoring quality 1 FTE – analysis and publication of feedback results 2 FTEs – management of the single digital gateway - 2021: 1 FTE – use of the IMI system for the cooperation between Member States authorities to verify authenticity and validity of evidence 1 FTE – monitoring quality 1 FTE – analysis and publication of feedback results 2 FTEs – management of the single digital gateway - 2022 and onwards: 1 FTE – use of the IMI system for the cooperation between Member States authorities to verify authenticity and validity of evidence 0.5 FTE – use of other technical means for the exchange of evidence between Member States authorities 1 FTE – monitoring quality 1 FTE – analysis and publication of feedback results 2 FTEs – management of the single digital gateway
External staff	

3.2.4. *Compatibility with the current multiannual financial framework*

☒ The proposal/initiative is compatible the current multiannual financial framework. For the period following 31 December 2020, the amount shall be deemed to be confirmed if it is consistent with the multiannual financial framework in force for that period.

☐ The proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

☐ The proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework.

3.2.5. *Third-party contributions*

☒ The proposal/initiative does not provide for co-financing by third parties.

☐ The proposal/initiative provides for the co-financing estimated below:

3.3. **Estimated impact on revenue**

☒ The proposal/initiative has no financial impact on revenue.

☐ The proposal/initiative has the following financial impact:

☐ on own resources

☐ on miscellaneous revenue

ANNEX
to the LEGISLATIVE FINANCIAL STATEMENT

Name of the proposal/initiative:

Proposal for a Regulation of the European Parliament and of the Council on establishing a single digital gateway to provide information, procedures, assistance and problem solving services and amending Regulation (EU) No 1024/2012

1. NUMBER and COST of HUMAN RESOURCES CONSIDERED NECESSARY
2. COST of OTHER ADMINISTRATIVE EXPENDITURE
3. METHODS of CALCULATION USED for ESTIMATING COSTS
 - 3.1. Human resources
 - 3.2. Other administrative expenditure

This annex must accompany the legislative financial statement when the inter-services consultation is launched.

The data tables are used as a source for the tables contained in the legislative financial statement. They are strictly for internal use within the Commission.

1. Cost of human resources considered necessary
 - ☐ The proposal/initiative does not require the use of human resources
 - ☒ The proposal/initiative requires the use of human resources, as explained below:

EUR million (to three decimal places)													
HEADING 5 of the multiannual financial framework		2018		2019		2020		2021		2022 and onwards		TOTAL	
		FTE	Appropriations	FTE	Appropriations	FTE	Appropriations	FTE	Appropriations	FTE	Appropriations	FTE	Appropriations
• Establishment plan posts (officials and temporary staff)													
• XX 01 01 01 (Headquarters and Commission's Representation Offices)	AD	0.5	69 000	5	690 000	6	828 000	5	690 000	5.5	759 000	22	3 036 000
	AST												
• XX 01 01 02 (in Union Delegations)	AD												
	AST												
• External staff ⁵³													
• XX 01 02 01 ('global envelope')	AC												
	END												
	INT												
• XX 01 02 02 (in Union Delegations)	AC												
	AL												
	END												
	INT												
	JED												
• Other budget lines (<i>specify</i>)													
• Subtotal – HEADING 5 of the multiannual financial framework		0.5	69 000	5	690 000	6	828 000	5	690 000	5.5	759 000	22	3 036 000

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

⁵³ AC = Contract Staff; AL = Local Staff; END = Seconded National Expert; INT= agency staff; JED = junior experts in delegations.

Outside HEADING 5 of the multiannual financial framework		2018		2019		2020		2021		2022 and onwards		TOTAL	
		FTE	Appropriations	FTE	Appropriations	FTE	Appropriations	FTE	Appropriations	FTE	Appropriations	FTE	Appropriations
• Establishment plan posts (officials and temporary staff)													
• 10 01 05 02 (Direct research)	AD												
	AST												
• XX 01 05 01 (Indirect research)	AD												
	AST												
• External staff ⁵⁴													
• XX 01 04 yy Sub-ceiling for external staff from operational appropriations (former 'BA' lines).	• - at Headquarters	AC											
		END											
		INT											
	• - in Union delegations	AC											
		AL											
		END											
		INT											
		JED											
• XX 01 05 02 (Indirect research)	AC												
	END												
	INT												
• 10 01 05 02 (Direct research)	AC												
	END												
	INT												
• Other budget lines (<i>specify</i>)													
• Subtotal – Outside HEADING 5		0	0	0	0	0	0	0	0	0	0	0	0

⁵⁴

AC = Contract Staff; AL = Local Staff; END = Seconded National Expert; INT= agency staff; JED = junior experts in delegations.

of the multiannual financial framework													
• XX is the policy area or budget title concerned. TOTAL		0.5	69 000	5	690 000	6	828 000	5	690 000	5.5	759 000	22	3 036 000

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

2. Cost of other administrative expenditure

- ☐ The proposal/initiative does not require the use of administrative appropriations
- ☐ The proposal/initiative requires the use of administrative appropriations, as explained below:

EUR million (to three decimal places)

•	2018	2019	2020	2021	2022 and onwards	TOTAL
• HEADING 5 of the multiannual financial framework						
• At headquarters:						
• XX 01 02 11 01 - Mission and representation expenses						
• XX 01 02 11 02 - Conference and meeting costs	16 300	31 600	180 600	30 600	30 600	289 700
• XX 01 02 11 03 - Committees ⁵⁵		60 000	60 000	60 000		180 000
• XX 01 02 11 04 - Studies and consultations						
• XX 01 02 11 05 – Information and management systems						
• XX 01 03 01 – ICT equipment and services ⁵⁶						
• Other budget lines (<i>specify where necessary</i>)						
• In Union delegations						
• XX 01 02 12 01 - Missions, conferences and representation expenses						

⁵⁵ Specify the type of committee and the group to which it belongs.

⁵⁶ ICT: Information and Communication Technologies: DIGIT must be consulted.

• XX 01 02 12 02 - Further training of staff						
• XX 01 03 02 01 - Acquisition, renting and related expenditure						
• XX 01 03 02 02 Equipment, furniture, supplies and services						
• Subtotal HEADING 5 of the multiannual financial framework	16 300	91 600	240 600	90 600	30 600	469 700

XX is the policy area or budget title concerned.

EUR million (to three decimal places)

	2018	2019	2020	2021	2022 and onwards			TOTAL
Outside HEADING 5 of the multiannual financial framework								
XX 01 04 yy - Expenditure on technical and administrative assistance (not including external staff) from operational appropriations (former 'BA' lines)								
- at Headquarters								
- in Union delegations								
XX 01 05 03 - Other management expenditure for indirect research								
10 01 05 03 - Other management expenditure for direct research								
Other budget lines (specify where necessary)								
Sub-total – Outside HEADING 5 of the multiannual financial framework								0

XX is the policy area or budget title concerned.

TOTAL HEADING 5 and Outside HEADING 5 of the multiannual financial framework	16 300	91 600	240 600	90 600	30 600			469 700
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The administrative appropriations required will be met by the appropriations which are already assigned to management of the action and/or which have been redeployed, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of existing budgetary constraints.

3. Methods of calculation used to estimate costs

3.1. Human resources

This part sets out the method of calculation used to estimate the human resources considered necessary (workload assumptions, including specific jobs (Sysper 2 work profiles), staff categories and the corresponding average costs)

• HEADING 5 of the multiannual financial framework
• <u>NB:</u> The average costs for each category of staff at Headquarters are available on BudgWeb: • https://myintracomm.ec.europa.eu/budgweb/EN/pre/legalbasis/Pages/pre-040-020_preparation.aspx
• Officials and temporary staff • <u>- 2nd half of 2018:</u> • <u>1 FTE – preparatory work for the use of the IMI system (for developing the repository of links and for the use of the IMI system for the cooperation between Member States authorities to verify authenticity and validity of evidence)</u> • <u>- 2019:</u> • 1 FTE – use of the IMI system for the cooperation between Member States authorities to verify authenticity and validity of evidence • 2 FTEs – monitoring quality • 2 FTEs – management of the single digital gateway • <u>- 2020:</u> • 1 FTE – use of the IMI system for the cooperation between Member States authorities to verify authenticity and validity of evidence • 2 FTEs – monitoring quality • 1 FTE – analysis and publication of feedback results • 2 FTEs – management of the single digital gateway • <u>- 2021:</u> • 1 FTE – use of the IMI system for the cooperation between Member States authorities to verify authenticity and validity of evidence • 1 FTE – monitoring quality • 1 FTE – analysis and publication of feedback results • 2 FTEs – management of the single digital gateway • <u>- 2022 and onwards:</u> • 1 FTE – use of the IMI system for the cooperation between Member States authorities to verify authenticity and validity of evidence • 0.5 FTE – use of other technical means for the exchange of evidence between Member States authorities • 1 FTE – monitoring quality • 1 FTE – analysis and publication of feedback results • 2 FTEs – management of the single digital gateway
• External staff
• Outside HEADING 5 of the multiannual financial framework
• Only posts financed from the research budget

•	
•	
•	• External staff
•	
•	

3.2. Other administrative expenditure

*Give details of the method of calculation used for each budget line
and in particular the underlying assumptions (e.g. number of meetings per year, average costs, etc.)*

HEADING 5 of the multiannual financial framework

- Stakeholder workshops to prepare development of the single digital gateway: 2 000 € (2 workshops in 2018, 2 workshops in 2019)
- Conference for the launch of the single digital gateway: 150 000 € (2020)
- Committees (30 000 € for each meeting): 2 per year from 2019 until 2021
- Annual meeting of the single gateway coordination group (15 300 € for each meeting): 2 per year, as of mid-2018

Outside HEADING 5 of the multiannual financial framework