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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) No 1024/2012 and (EU) 2018/1724 as regards the use of the Internal Market Information System and the Single Digital Gateway for the purposes of certain requirements laid down by Directive (EU) .../... of the European Parliament and of the Council on European cross-border associations - Outcome of the European Parliament's first reading (Strasbourg, 11 to 14 March 2024)

I. INTRODUCTION

The rapporteur, Anne-Sophie PELLETIER (The Left, FR), presented a report on the above proposal for a Regulation on behalf of the Committee on the Internal Market and Consumer Protection (IMCO) which contained five amendments (amendments 1 to 5) to the proposal. No other amendment was tabled.

II. VOTE

When it voted on 13 March 2024, the plenary of the European Parliament adopted amendments 1 to 5 to the proposal for a Regulation.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto.

ANNEX

(13.3.2024)

P9_TA(2024)0142

Use of the Internal Market Information System and the Single Digital Gateway for the purposes of certain requirements laid down by the Directive on European cross-border associations

European Parliament legislative resolution of 13 March 2024 on the proposal for a regulation of the European Parliament and of the Council amending Regulations (EU) No 1024/2012 and (EU) 2018/1724 as regards the use of the Internal Market Information System and the Single Digital Gateway for the purposes of certain requirements laid down by Directive (EU) .../... of the European Parliament and of the Council on European cross-border associations (COM(2023)516)) (COM(2023)0515 – C9-0327/2023 – 2023/0314(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2023)0515),

– having regard to Article 294(2) and Articles 21(2) and 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0327/2023),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the European Economic and Social Committee of 17 January 2024[1],

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the opinion of the Committee on Legal Affairs,

– having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0006/2024),

[1] Not yet published in the Official Journal.

1. Adopts its position at first reading hereinafter set out;

2 Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1
Proposal for a regulation
Recital 2

Text proposed by the Commission	*Amendment*
(2) Pursuant to Article ***30(2)*** of Directive COM(2023)516, the administrative cooperation and the exchange of information between the competent authorities of the Member States is to be implemented through the Internal Market Information System (**'**IMI system**'**) established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council[5]. For that reason, the necessary administrative cooperation procedures should be established in the IMI system.	(2) Pursuant to Article ***28(2)*** of Directive COM(2023)516, the administrative cooperation and the exchange of information between the competent authorities of the Member States is to be implemented through the Internal Market Information System (**'**IMI system**'**) established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council[5]. For that reason, the necessary administrative cooperation procedures ***and the procedures for the exchange of information between the competent authorities*** should be established in the IMI system.
[5] Regulation (EU) 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).	[5] Regulation (EU) 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).

Amendment 2
Proposal for a regulation
Recital 3

Text proposed by the Commission	*Amendment*
(3) In accordance with Articles 2 and 3 of Regulation (EU) 2018/1724 of the European Parliament and of the Council[6], the single digital gateway ***shall give*** access to information, procedures as well as assistance and problem-solving services to citizens of the Union, natural persons residing in a Member State and legal persons having their registered office in a Member State. The operative part and Annex I of Regulation (EU) 2018/1724 should be amended to ensure that the scope is not understood as limited to citizens and businesses and concerns legal persons other than businesses, such as ECBAs.	(3) In accordance with Articles 2 and 3 of Regulation (EU) 2018/1724 of the European Parliament and of the Council[6], the single digital gateway ***provides*** access to information, procedures as well as assistance and problem-solving services to citizens of the Union, natural persons residing in a Member State and legal persons having their registered office in a Member State. The operative part and Annex I of Regulation (EU) 2018/1724 should be amended ***by this Regulation*** to ensure that the scope is not understood as limited to citizens and businesses and concerns legal persons other than businesses, such as ECBAs.
[6] Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).	[6] Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).

Amendment 3
Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(5a) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 31 October 2023,

Amendment 4
Proposal for a regulation
Article 2 – paragraph 1 – point 5 – point a a (new)
Regulation (EU) 2018/1724
Annex I

Present text

'Areas of information related to businesses:	
Area	INFORMATION REGARDING RIGHTS, OBLIGATIONS AND RULES
J. Starting, running and closing a business	1. registering, changing the legal form of or closing a business (registration procedures and legal forms for carrying out business) 2. ***moving*** a business to another Member State 3. intellectual property rights (applying for a patent, registering a trademark, a drawing or a design, getting a licence for reproduction) 4. fairness and transparency in commercial practices, including consumer rights and guarantees related to selling goods and services 5. offering online facilities for cross-border payments when selling goods and services online 6. rights and obligations arising under contract law, including late payment interests 7. insolvency proceedings and liquidation of companies 8. credit insurance 9. mergers of companies or selling a business 10. civil liability of directors of a company 11. rules and obligations regarding the processing of personal data'

Amendment	
(aa) the following areas of information are replaced:	
‘Areas of information related to businesses:	
Area	INFORMATION REGARDING RIGHTS, OBLIGATIONS AND RULES
J. Starting, running and closing a business	1. registering, changing the legal form of or closing a business (registration procedures and legal forms for carrying out business) 2. ***transferring of the registered office of*** a business to another Member State ***2a. obligations to creditors and workers' rights in connection with the transfer of the registered office of a business to another Member State*** 3. intellectual property rights (applying for a patent, registering a trademark, a drawing or a design, getting a licence for reproduction) . fairness and transparency in commercial practices, including consumer rights and guarantees related to selling goods and services 5. offering online facilities for cross-border payments when selling goods and services online 6. rights and obligations arising under contract law, including late payment interests 7. insolvency proceedings and liquidation of companies 8. credit insurance 9. mergers of companies or selling a business 10. civil liability ***of board members or*** directors of a company 11. rules and obligations regarding the processing of personal data’

Amendment 5
Proposal for a regulation
Article 2 – paragraph 1 – point 5 – point b
Regulation (EU) 2018/1724
Annex I

Text proposed by the Commission

(b) the following areas of information are added:	
'Areas of information related to legal persons other than businesses having their registered office in a Member State:	
AA. Starting, running and closing a legal person other than a business	1. registering, changing the legal form of or closing a legal person other than a business (registration procedures and legal forms) 2. ***moving*** a legal person other than a business to another Member State 3. intellectual property rights (applying for a patent, registering a trademark, a drawing or a design, getting a licence for reproduction) 4. fairness and transparency in commercial practices, including consumer rights and guarantees related to selling goods and services 5. offering online facilities for cross-border payments when selling goods and services online 6. rights and obligations arising under contract law, including late payment interests 7. insolvency proceedings and liquidation of legal persons other than businesses 8. credit insurance 9. mergers of, or selling of a legal person other than a business 10. civil liability of directors of a legal person other than a business 11. rules and obligations regarding the processing of personal data

Amendment	
(b) the following areas of information are added:	
'Areas of information related to legal persons other than businesses having their registered office in a Member State:	
AA. Starting, running and closing a legal person other than a business	1. registering, changing the legal form of or closing a legal person other than a business (registration procedures and legal forms) 2. ***transferring the registered office of*** a legal person other than a business to another Member State ***2a. obligations to creditors and workers' rights in connection with the transfer of the registered office of a legal person other than a business to another Member State*** 3. intellectual property rights (applying for a patent, registering a trademark, a drawing or a design, getting a licence for reproduction) 4. fairness and transparency in commercial practices, including consumer rights and guarantees related to selling goods and services 5. offering online facilities for cross-border payments when selling goods and services online 6. rights and obligations arising under contract law, including late payment interests 7. insolvency proceedings and liquidation of legal persons other than businesses 8. credit insurance 9. mergers of, or selling of a legal person other than a business 10. civil liability of ***board members or*** directors of a legal person other than a business 11. rules and obligations regarding the processing of personal data