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Single digital gateway

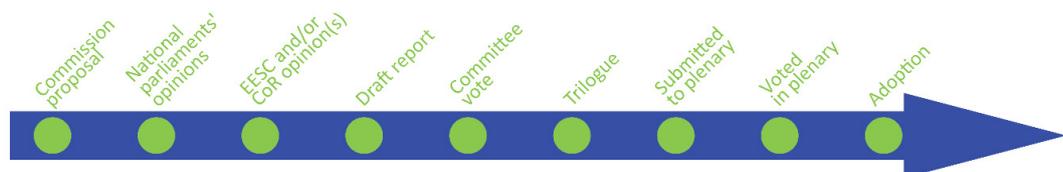
As part of the 'compliance package', the Commission intends to provide a single digital entrypoint to offer easy and efficient online access for businesses and citizens, comprising: (1) information about Union and national law and administrative requirements, (2) procedures, such as company registration, and (3) services providing assistance upon request. The portal would serve start-ups and growing companies, as well as helping companies conducting business in another country. Access to these services would be non-discriminatory, i.e. citizens and businesses from other Member States would have full access to the information and services, and this not only in the language used in the country in which they want to do business. The proposal builds on several existing schemes, such as single points of entry at national level; these cover only a few fields, are not always interconnected, suffer from being little known and are therefore under-utilised. In May 2018, trilogues concluded with a provisional agreement, which was then confirmed by both Parliament and Council. The final act was signed on 2 October 2018.

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

COM(2017) 256, 2.5.2017, 2017/0086(COD), Ordinary legislative procedure (COD) (Parliament and Council on equal footing – formerly 'co-decision')

Committee responsible:	Internal Market and Consumer Protection (IMCO)
Rapporteur:	Marlene Mizzi (S&D, Malta)
Shadow rapporteurs:	Othmar Karas (EPP, Austria) Nosheena Mobarik (ECR, UK) Kaja Kallas (ALDE, Estonia) Dennis De Jong (GUE/NGL, the Netherlands) Julia Reda (Greens/EFA, Germany) Marcus Pretzell (ENF, Germany)
<i>Procedure completed.</i>	Regulation (EU) 2018/1724 OJ L 295, 21.11.2018, pp. 1-38

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Introduction

This initiative is designed to increase the efficiency and effectiveness of the [single market](#). Citizens intending to travel, work or study in other Member States face significant obstacles, while businesses intending to expand or trade across borders face similar hurdles. It is difficult to find relevant, accurate and understandable information online for any of these issues. Similarly, it is difficult, and sometimes even impossible, to access and carry out administrative procedures, e.g. registering a company, online. In April 2014 the High Level Group on Business Services [identified](#) administrative burdens as hindrance for business growth and recommended that the Commission put forward legislation to create genuine universal business portals, building on the existing [points of single contact](#).

The European Parliament has [called](#) repeatedly for action, as did the Competitiveness Council in its conclusions of [March 2015](#) and [February 2016](#). The [REFIT platform](#), which brings together representatives of businesses, social partners, civil society and Member States, published an opinion in June 2016 [calling](#) for a single entry point, as did the [EU citizenship report](#) published in January 2017. The Commission announced measures in the [digital single market strategy](#), the [single market strategy of 2015](#), and the [eGovernment action plan 2016-2020](#). A consultation of stakeholders carried out by the Commission has indicated the need to act in this field by amending existing regulation.

The [proposal](#) for a single digital gateway (SDG) aims to provide centralised access for EU citizens and businesses to a host of information, and to allow total access to online procedures in a non-discriminatory way. Member States will be obliged to make sure that their most important and most commonly used procedures are fully accessible online, not only in the language(s) of the country, but in at least one additional language. To help achieve these aims the Commission also plans to amend the regulation on administrative cooperation through the [Internal Market Information System \(IMI\)](#).

The proposal is part of the [compliance package](#), which also comprises a Commission communication on an [action plan on the reinforcement of SOLVIT](#), and a proposal for a [regulation](#) setting out the conditions and procedures by which the Commission may request that undertakings and associations of undertakings provide information in relation to the internal market and related areas.

Context

The [Internal Market Information System \(IMI\)](#), which the Commission intends to amend, provides a software application developed by the Commission together with the Member States, accessible via the internet, and destined to assist Member States with the practical implementation of information exchange requirements. It provides a centralised communication mechanism aimed at the cross-border exchange of information and mutual assistance. In contrast to the points of single contact and other existing portals, the IMI cannot be accessed by the general public or businesses. It is used solely for administrative cooperation in connection with the implementation of several European Union acts in the field of the internal market. When IMI entered into force on 4 December 2012 these were: (1) Directive 2006/123/EC on [services in the internal market](#); (2) Directive 2005/36/EC on the [recognition of professional qualifications](#); (3) Directive 2011/24/EU on the [application of patients' rights in cross-border healthcare](#); (4) Regulation (EU) No 1214/2011 on the [professional cross-border transport of euro cash by road between euro-area](#)

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[Member States](#); and (5) the Commission recommendation on principles for using the internal market problem solving network ('[SOLVIT](#)').¹

Existing situation

A number of steps have already been taken by the EU to address these matters, although not in a very consistent or comprehensive way. Most of the initiatives are of a sectorial nature. These include the following: [points of single contact](#), which are one-stop shops in the services area; [product contact points](#) and [construction products contact points](#) in the goods area; [professional qualifications assistance centres](#); and [consumer centres](#). Other initiatives will also be covered, such as [Your Europe](#), the [e-Justice Portal](#), the [VAT information portal](#), and the [European network of employment services \(EURES\)](#). In addition to being fragmented, and not being inter-linked, these portals are little known, and users may often fail to find the contact points relevant to their needs.

Under the [Services Directive](#) the points of single contact (PSC) were supposed to be established by the Member States by 2009. They were meant to cut red tape and to modernise national administrations. However, the implementation levels were not convincing. To remediate this, a [charter for the electronic points of single contact](#) was endorsed by the Council in 2013, opening the way to a country-by-country in-depth analysis of the PSCs. The aim was not only to meet the obligations of the services directive, but to go a step further, both in scope and in functionality. Four standard criteria were defined both for the assessment and as benchmarks for improvement: (1) the quality and availability of up-to-date information; (2) the availability of online services; (3) cross-border accessibility; (4) and the ease of use of the PSCs.² The [final report](#), which detailed the problems, and outlined possible solutions, was published in 2015. From the results it was clear that many Member States were struggling to implement the PSCs. The general recommendations included better monitoring tools, a common governance platform, possible use of infringement procedures in cases of non-compliance ('zero tolerance for non-compliance'), and considering a new regulatory framework with an enlarged scope.

The [Professional Qualifications Directive](#) of 2005 requests Member States to designate a contact point providing information on national legislation governing a number of professions.

Parliament's starting position

In its resolution, [Towards a digital single market act](#), which was adopted on 19 January 2016, the European Parliament called for action on the single digital gateway. In particular, the SDG should be based on existing initiatives and networks, act as an end-to-end digital process for businesses, and cover the whole of the EU.

1 The IMI Regulation is also in the process of being [amended](#) through another dossier, which deals with the enforcement of the Services Directive.

2 Data was collected by trained 'mystery shoppers', who tested their own national PSCs as well as a PSC from another Member State. Three scenarios were tested: (1) establishing a new business in the home country; (2) establishing a business across a border; and (3) temporarily providing a service across a border. Four sectors were assessed; (1) construction; (2) business services; (3) personal care services; and (4) food, beverages and accommodation. Standardised compilation of data allowed for objective comparisons between countries.

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It should allow the online set up of businesses and domain names, facilitate the exchange of compliance information, and serve for the recognition of e-invoices. It could be used for filing tax returns and help implement a simplified online VAT scheme. It should provide online information on product compliance, be used for the hiring of resources and posting of workers, to disseminate information on consumer rights, to facilitate access to consumer and business networks, and to notify procedures and dispute settlement mechanisms. Parliament also called for full implementation of the points of single contact.

Council starting position

In its sitting of 2 and 3 March 2015, the Competitiveness Council [discussed](#) the role of the single digital market, including its role in improving competitiveness. In its [conclusions](#) it supported the digital single market, and mentioned the reduction of administrative burdens and costs for enterprises as a specific measure to sow the seeds for a fertile digital ecosystem for the industrial sector, companies and start-ups.

At the Competitiveness Council sitting of 29 February 2016 the Council [addressed](#) the single market for services and goods, and in its [conclusions](#) again welcomed the concept of the single digital gateway, which should be made comprehensive, accessible and user-friendly in order to address the needs of start-ups. It called for the improvement of the points of single contact in line with the [PSC charter](#), which defined key features of the second generation electronic points of contact.



Proposal

Preparation of the proposal

The Commission conducted comprehensive stakeholder consultations, mainly between November 2015 and December 2016, but it also took into account the collection of expertise reaching back as far as 2008. The consultations revealed a number of problems, both with individual services, and as a package of services. For the individual services, the lack of visibility and findability, the broad lack of quality, and widespread unawareness of the existence of these services results in the under-use of the available instruments. In addition, cross-border access is difficult, most information is available in only one language, and the quality levels as well as user-centricity are highly divergent. As a package for businesses and citizens, there is a lack of effectiveness, efficiency and coherence.

A [workshop](#) on the single digital gateway comprising users and national authorities was held in March 2016. According to the participants, the problems seem to arise from gaps in legislation, insufficient information and assistance, and poor implementation by national and local authorities. It was also confirmed that cross-border use was too complicated, something that is exacerbated by the almost inexistent recognition of [eSignature](#) and [electronic identification](#) (eID) across borders.

The online [public consultation](#) highlighted a strong consensus concerning the need for online information about rules and procedures in other EU countries, access to e-procedures, and access to services providing assistance upon request.

A series of exchanges with Member States and stakeholders took place, with a special emphasis on the needs and problems of small and medium-sized enterprises (SMEs). It was confirmed that businesses are highly interested in online information tools being brought together under a single umbrella, and that a common architecture for information across Member States would be useful. In addition to detailed technical information it would also be useful for businesses to be able to access information such as testing and reporting requirements. Online availability of relevant information would reduce the amount of time and money wasted. A number of Member States have called for a network of single digital networks, which would function as [e-government](#) portals, helping businesses to start up, grow, and trade across borders. Wherever a company would like to set up and operate in the EU, it should have the possibility to do it via a digital procedure. Member States have also underlined the importance of the quality and user-friendliness of the SDGs, and floated the idea of a quality label. It became clear that most Member States are in favour of a clear distribution of responsibilities between the national and EU levels, with the Commission playing a strong coordinating role, setting objectives and providing definitions, while contents ownership and management would stay at Member State level.

The Commission carried out an [impact assessment](#),³ which received an initial [negative opinion](#) from the [Regulatory Scrutiny Board](#) in January 2017.⁴ The impact assessment was amended, after which the board

3 For more than the summary of the impact assessment, consult the full document, which comes in three parts: [1](#), [2](#) and [3](#).

4 The opinion was negative because of serious shortcomings. These included the failure to explain why the initiative would succeed (in the light of previous initiative's failures), the fact that the options were not true alternatives, and the fact that the



Preparation of the proposal

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gave a [positive opinion](#) in March 2017. Three options were considered: first, national centralised business and citizens' portals, with no EU solution foreseen for accepting documents and data from other Member States; second, an EU-coordinated approach, which would leave Member States free as to where they provided information online,⁵ but with the obligation to provide links to a central repository operated by the Commission, to be made available to the users through a common search facility; and third, an EU-wide fully centralised approach, where all EU and national-level information would be provided by a central database located at EU level. Option 1 was rejected on account of an expected lack of effectiveness, the lack of a common solution to the problem of cross-border use of evidence for procedures, the expected language barrier, and the lack of a proper common monitoring tool for quality. Option 3 would probably have been optimal for the users, but was rejected on the grounds of a lack of support from the Member States for a centralised approach. Option 2 was retained, as it was thought to offer the highest probability of achieving the objectives in an efficient and proportionate way.

The budgetary implications for the Member States and the Commission are estimated by the Commission to amount to €109 million in initial investment, plus €8 million in yearly running costs. The savings for cross-border businesses, in the form of reduced translation and certification fees as well as consultancy costs, are estimated at €86 million in the first year alone.

The changes the proposal would bring

The purpose of the [draft regulation](#) is to establish a one-stop-shop for access to high quality online information, assistance and problem solving services, and online procedures. It would offer help with setting up and expanding a business ([start-up and scale-up](#)), including in another Member State, as well as trading across borders, thus enhancing the single market. These online services would be accessible to all citizens and businesses in the EU, including for cross-border users, and the information would be available in at least one official language of the EU in addition to the national language(s). It would implement the 'once only' principle, according to which documents would not have to be re-submitted once they had been made available to authorities. It would also serve to report obstacles in the internal market. The proposal builds on existing services and pieces of legislation, such as the [Services Directive](#), the [Professional Qualifications Directive](#), the [eID Regulation](#), and the [IMI Regulation](#). It would streamline existing systems, broaden their scope, facilitate access, and increase their visibility. This system would be run and financed jointly by the Commission and the Member States.

The gateway would consist in a common user interface, integrated within a single portal under the management of the Commission, and linking to relevant national and EU websites. It would give access to: information on rights, obligations and rules laid down in EU and national law, information on and links

costs were underestimated.

5 This means that the Member States are free to choose the administration or body that will provide access to information and procedures.



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to assistance and problem solving services, and information on and links to procedures established under EU or national law.⁶ This common user interface would be accessible in all official languages of the Union.⁷

It would result, in relation to key procedures, in the full digitisation of the 'front office' (the interface between users and the administration), but not affect the 'back office' (the procedures within and between administrations), nor interfere with national procedures or the organisational side of national administrations. Thus adjustments would have to be made only in relation to digitisation and the elimination of obstacles to cross-border users. Also, this system would be available in addition to other services, such as the [e-Services card](#), but should not affect a series of other systems.⁸

Procedures would be accessible in a non-discriminatory way to users from another Member State, and by default offer the possibility to complete them in full online, i.e. providing for identification of the user, the provision of information, the provision of supporting evidence, signature, and final submission, all via a single electronic communication channel. The IMI system would be used to verify the authenticity of evidence submitted in electronic form. Users would be able to pay fees online by using cross-border payment systems. Where physical presence was necessary to complete a procedure, the user's presence would be limited to what is strictly necessary. The user would be given the choice between the language(s) of the Member State and at least one other official language of the Union.

The IMI Regulation must be amended to allow EU bodies, offices and agencies to become actors within IMI. Currently, at EU level, access to IMI is open only to the Commission. Once the regulation is amended, the IMI system could be put to task for several gateway functions.

To promote the gateway, a name and a logo will be created; these will serve as a quality label. The Member States will each appoint a national coordinator, who will act as a national contact point, and a coordination group ('the gateway coordination group') will be created, in which coordinators will participate. Implementing acts may be adopted by the Commission concerning fields like the collection of use statistics and user feedback. Anonymous feedback will be collected on the quality of the gateway, and will also be used to signal obstacles to the exercise of internal market rights.

The Commission's proposal is broadly in line with Parliament's demands, although not all expectations expressed in its resolution [Towards a digital single market act](#) would be fulfilled, e.g. the proposal does not envisage the filing of tax returns through the SDG.

A further company law initiative followed on 24 April 2018. That [proposal](#) concerns the use of digital tools and processes in company law, and addresses in a comprehensive manner the facilitation of digital

6 The Commission envisages at least [13 key administrative procedures](#) online: (1) requesting a birth certificate; (2) applying for a study grant from a public institution; (3) registering for social security benefits; (4) requesting recognition of a diploma; (5) registering a change of address; (6) requesting/renewing an ID card or passport; (7) registering a motor vehicle; (8) claiming pensions and pre-retirement benefits; (9) general registration of business activity; (10) registration of an employer; (11) registration of employees; (12) notification to social security of the end of contract with an employee; and (13) payment of social contributions for employees.

7 There is a difference in language regime between the interface, which is accessible in all EU languages, and the information (or procedure), which is available only in the language(s) of a Member State plus in at least one other language.

8 The services not affected would include the [European Single Procurement Document](#), the [interconnection of national registers](#), the [interconnection of central, commercial and company registers](#), and the [insolvency registers](#).



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solutions, such as the online registration of business activity, and which cover the entire life-cycle of an enterprise. The Commission intends to link all relevant online procedures to the gateway.

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Views

Advisory committees

This proposal is based on Article 114 TFEU, which requires mandatory consultation of the [European Economic and Social Committee \(EESC\)](#), but not of the [Committee of the Regions \(CoR\)](#). The EESC appointed [Bernardo Hernández Bataller](#) (Various interests – Group III / Spain) rapporteur for the opinion on the compliance package, which covers the proposal for the SDG. A first [study group meeting](#) took place in July 2017.

The EESC adopted its [opinion](#) on 18 October 2017. While the Committee broadly supports the Commission proposal, including the 'only once' principle, it also mentions that there are divergent opinions amongst various civil society organisations, especially concerning aspects of requesting information, where some representatives' bodies, namely those representing business, have voiced concerns. The Commission should exercise proportionality to the fullest, concentrating on cross-border cases, and keep high standards for the protection of confidential information. The Committee recalls that a large number of information channels already exist, which could be used to identify obstacles in the Single Market as well as cases of non-compliance with EU legislation. The Committee would like to see the regulation assessed after a maximum of five years. The EESC urges more to be done in the field of e-governance, e.g. for the recognition of eID and foreign identity documents. The Committee appeals for greater involvement of civil society in setting up this framework. The single digital gateway should contribute to the single market becoming more transparent, secure and reliable.

National parliaments

National parliaments can raise objections to legislative proposals. The deadline for the submission of [reasoned opinions](#) on the grounds of subsidiarity was 27 July 2017. No reasoned opinions were submitted.⁹

Stakeholders' views¹⁰

As outlined above, the online consultation, the workshop on the single digital gateway, various exchanges with the stakeholders, and other actors such as the [REFIT platform](#), have demonstrated there is a very large consensus on the need to vastly improve the current situation, especially through the creation of a single point of entry that can easily be used across borders. The [synopsis report](#) on the stakeholder consultation states that most Member States are in favour of offering basic information and services through such interlinked schemes, and are in favour of a clear distribution of responsibilities between the national and the EU levels, while all Member States are in favour of keeping control of content ownership and management. The consultation also showed that more than 90 % of businesses and citizens consider

⁹ A reasoned opinion is issued by a national parliament or chamber when a legislative proposal is deemed not to comply with the principle of subsidiarity. If a certain number of reasoned opinions were issued, then the Commission would be forced to reconsider its proposal.

¹⁰ This section aims to provide a flavour of the debate and is not intended to be an exhaustive account of all different views on the proposal. Additional information can be found in related publications listed under 'EP supporting analysis'.



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it to be very important or important to obtain online information about rules and procedures or to access to e-procedures through a system like the single digital gateway. Access to services providing assistance upon request scored slightly lower.



Legislative process

The legal basis for this legislative proposal is Article 114 TFEU, which concerns approximation of law with the objective of the establishment and the functioning of the internal market. The ordinary legislative procedure (co-decision) is used. On 13 September 2017, the letter of intent accompanying European Commission President Juncker's 2017 State of the Union speech was published, in which, among other things swift adoption by the co-legislators of the enforcement (compliance) package was requested.

In the European Parliament, the dossier is being dealt with by the Internal Market and Consumer Protection Committee (IMCO), where Marlene Mizzi (S&D, Malta) was appointed rapporteur on 30 May 2017. No other committee prepared an opinion.

On 22 February 2018, the IMCO committee adopted its [report](#) and decided to open interinstitutional negotiations (trilogues) with Council and Commission, in view of reaching a first-reading agreement. The committee report, which outlines the negotiation position of Parliament in the trilogues, broadly supports the Commission proposal, and further concentrates on issues such as clarity and simplicity, data protection, improved access for the disabled, the creation of a logo, quality requirements, and additional information obligations towards the European Parliament and the European Economic and Social Committee. The single point of entry would be integrated in the portal 'Your Europe', which is provided by the European Commission. The digital portal would not be the sole means of communication with authorities, and traditional methods, such as face-to-face contacts may still be requested by authorities. The use of technical systems for communicating with authorities should not be mandatory. Services would be offered free of charge to a wide range of SMEs as well as non-profit organisations. The choice of languages that are to be used, in addition of those of the Member State, should be limited to those that are broadly understood by the largest possible number of users. Non-nationals should not get more rights than nationals when using the single digital gateway. More precision is given on where delegated and implementing acts can be used to fine-tune this legislative framework. The European Parliament should receive a seat in the gateway coordination group.

The Council discussed the proposal in 14 meetings of the [Working Party on Competitiveness and Growth \(Internal Market\)](#). The main points discussed were on gateway services, requirements related to online procedures, including the once-only principle, the collection of user feedback and statistics, the technical solutions and the annexes laying out the areas for which information would be provided and the number of procedures offered online, both of which would be enlarged. The Competitiveness Council agreed on a [general approach](#) on 30 November 2017.

Trilogues concluded with an agreement on 24 May 2018. Overall the aims and means of the Commission's proposal are largely maintained, yet quite a number of points are modified. It was agreed that the common user interface would be integrated in the [Your Europe](#) portal, which is managed by the Commission, and which would give access to relevant national and Union webpages.

The number of areas for which information would be provided was extended. For example, information would now also be available in relation to the purchasing and selling of property, including any conditions and obligations related to taxation, ownership, or use of property. Additional links with information may be provided by the Commission or the Member States, provided they comply with the same quality requirements as laid down in this regulation.



The number of procedures to be offered fully online was extended from 13 to 21. For example, it will now be possible to submit an income tax declaration via the single digital gateway. All procedures would be done electronically at a distance, in a user-friendly way, and with an automatic acknowledgement of receipt. The output of the procedure would also be delivered electronically (except if national law requires physical delivery), and the user would get electronic notification of completion of the procedure. There are exceptional cases, however, where the Member States may require the user to appear in person before the competent authority, while the other steps of the procedure are completed fully online. These exceptional cases must be linked to public security, public health or the fight against fraud, but in no case may result in discrimination against cross-border users. Member States are not prevented from contacting users directly.

The trilogue result further devotes much attention to the quality requirements, so as to make the websites operable, understandable and robust. Many requirements are added, such as the obligation in relation to procedures for disclosing the name of the competent authority and its contact details, and to inform on rules and legal consequences, all of this before users have to identify themselves. Much attention is devoted to the language regime of the gateway. The language other than that of a Member State is defined as the one broadly understood by the largest number of cross-border users. The EU budget would be used, if necessary, to finance the translation of the basic information provided by the Member States into that additional language, provided this is the language most widely studied as a foreign language by users across the Union, although exceptions are possible. Special attention is also devoted to avoiding discrimination between non-cross-border users and cross-border users, especially when it comes to users identifying and authenticating themselves, and signing or sealing documents electronically. This lack of discrimination extends to fields such as the electronic means of payment of fees.

In order to allow for the 'once only' principle, by which evidence has only to be submitted once to authorities, Member States which exchange electronic evidence between their own administrations would also have to exchange this evidence with requesting competent authorities in other Member States in an electronic format. To this end a technical system would be established by the Commission in cooperation with the Member States. A number of safeguards were built into that system, such as to allow the user to choose to not proceed with the exchange of information, to restrict the exchange to relevant data, and ensuring a high level of security for the transmission and processing of the evidence. The Commission would adopt implementing acts to set the technical and operational specifications of this technical system. Where this system cannot be used for the exchange of verification of evidence, the competent authorities would cooperate through the Internal Market Information System (IMI), whose legislative basis is to adapted accordingly.

The statistics on visits to the gateway will be collected in a way that guarantees the anonymity of the users.

On 20 June 2018, the Member States' Permanent Representatives (Coreper) in the Council endorsed the trilogue [outcome](#).

The European Parliament's IMCO committee voted on the provisional agreement on 12 July 2018. The plenary confirmed the agreement on 13 September 2018, and Council at its session of 27-28 September. The final act was signed on 2 October 2018, and the regulation was published in the [Official Journal](#) on 21 November.



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