



2023/0315(COD)

11.12.2023

AMENDMENTS

75 - 209

Draft report
Sergey Lagodinsky
(PE756.270v01-00)

European cross-border associations

Proposal for a directive
(COM(2023)0516 – C9-0326/2023 – 2023/0315(COD))

Amendment 75
Daniel Buda

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The elimination of barriers to the development of activities of non-profit associations across Member States is essential in order to attain their freedom of establishment, as well as other fundamental freedoms such as the freedom to provide and receive capital and the freedom to provide and receive services within the internal market. By approximating the provisions of national law which affect the exercise of these freedoms, this Directive serves the objective of improving the functioning of the internal market. In so doing, this Directive will further serve the objectives of strengthening European integration, promoting social fairness and prosperity for EU citizens and facilitating the effective exercise of the freedom of assembly and of association throughout the Union.

Amendment

(2) The elimination of barriers to the development of activities of non-profit associations across Member States is essential in order to attain their freedom of establishment, as well as other fundamental freedoms such as the freedom to provide and receive capital and the freedom to provide and receive services within the internal market. By approximating the provisions of national law which affect the exercise of these freedoms, this Directive serves the objective of improving the functioning of the internal market. In so doing, this Directive will further serve the objectives of strengthening European integration, ***ensuring equal treatment***, promoting social fairness and prosperity for EU citizens and facilitating the effective exercise of the freedom of assembly and of association throughout the Union.

Or. ro

Amendment 76
Manon Aubry

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) Among the legal forms available in the non-profit sector and the social economy, the legal form of the non-profit association is the choice for the large majority. In addition to contributing to the Union's objectives and to achieving goals that are in the public interest, non-profit

Amendment

(6) Among the legal forms available in the non-profit sector and the social economy, the legal form of the non-profit association is the choice for the large majority. In addition to contributing to the Union's objectives and to achieving goals that are in the public interest, non-profit

associations make an important contribution to the internal market by engaging on a regular basis in a wide range of economic activities, for example by offering services in sectors such as social services and health, communication and information, advocacy, culture, the protection of the environment, education, recreation, sports, and in the promotion of scientific and technological advances. This is true when the pursuit of economic activities is the principal activity or objective of the non-profit association, and in other cases.

associations make an important contribution to the internal market by engaging on a regular basis in a wide range of **non-economic and** economic activities, for example by offering services in sectors such as social services and health, communication and information, advocacy, culture, the protection of the environment, education, recreation, sports, and in the promotion of scientific and technological advances. This is true when the pursuit of economic activities is the principal activity or objective of the non-profit association, and in other cases.

Or. en

Amendment 77 **Daniel Buda**

Proposal for a directive **Recital 7**

Text proposed by the Commission

(7) A fully functioning internal market for the activities of non-profit associations is essential in order to promote economic and social growth across Member States. At present, **barriers** within the internal market **prevent** non-profit associations from extending their operations beyond their national borders, thereby hindering the effective operation of the internal market. Working towards a fully **effective** internal market requires full freedom of establishment for all activities which contribute to the objectives of the Union.

Amendment

(7) A fully functioning internal market for the activities of non-profit associations is essential in order to promote economic and social growth across Member States. At present, **the lack of harmonisation of practices** within the internal market **prevents** non-profit associations from extending their operations beyond their national borders **as they often encounter unjustifiable restrictions, such as taxes, formalities and administrative or other obstacles**, thereby hindering the effective operation of the internal market. Working towards a fully **functional** internal market requires full freedom of establishment for all activities which contribute to the objectives of the **Union, thereby bolstering cohesion and cooperation throughout the European Union**.

Or. ro

Amendment 78
Nacho Sánchez Amor, René Repasi

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) In order to establish a genuine internal market for the economic activities of non-profit associations, it is necessary to abolish any unjustified restrictions on the freedom of establishment, the free movement of services, the free movement of goods and the free movement of capital that still apply in the laws of certain Member States. These restrictions hinder non-profit associations from operating cross-border, not least because they impose on them a specific need to allocate resources to unnecessary administrative or compliance activities, which has a particularly deterrent effect in view of their non-profit nature.

Amendment

(8) In order to establish a genuine internal market for the economic activities of non-profit associations, it is necessary to abolish any unjustified restrictions **and barriers** on the freedom of establishment, the free movement of services, the free movement of goods and the free movement of capital that still apply in the laws of certain Member States. These restrictions hinder non-profit associations from operating cross-border, not least because they impose on them a specific need to allocate resources to unnecessary administrative or compliance activities, which has a particularly deterrent effect in view of their non-profit nature. **Therefore, Member States should not apply restrictive or disruptive measures which can amount to excessive or costly burden on non-profit organizations.**

Or. en

Amendment 79
Manon Aubry

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) In order to establish a genuine internal market for the economic activities of non-profit associations, it is necessary to abolish any unjustified restrictions on the freedom of establishment, the free movement of services, the free movement of goods and the free movement of capital that still apply in the laws of certain Member States. These restrictions hinder

Amendment

(8) In order to establish a genuine internal market for the economic activities of non-profit associations, it is necessary to abolish any unjustified restrictions on the freedom of establishment, the free movement of services, the free movement of goods and the free movement of capital **and where applicable their public funding**, that still apply in the laws of

non-profit associations from operating cross-border, not least because they impose on them a specific need to allocate resources to unnecessary administrative or compliance activities, which has a particularly deterrent effect in view of their non-profit nature.

certain Member States. These restrictions hinder non-profit associations from operating cross-border, not least because they impose on them a specific need to allocate resources to unnecessary administrative or compliance activities, which has a particularly deterrent effect in view of their non-profit nature.

Or. en

Amendment 80

Daniel Buda

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) These barriers arise due to inconsistencies in the national legal frameworks of Member States. The legal framework in which non-profit associations carry out their activities in the Union is based on national law, without harmonisation at Union level. Presently, non-profit associations do not receive uniform recognition of their legal personality and capacity throughout the Union and often need to register for a second time or even form a new legal entity in order to engage in activities in a Member State other than the one in which they are established. The fundamental elements concerning the mobility of non-profit associations within the Union remain inadequately **regulated**, resulting in legal ambiguity for all non-profit associations with cross-border activities. For instance, when non-profit associations intend to relocate their registered office to a new Member State, uncertainties persist regarding relocation. In particular, the lack of a possibility of transferring the registered office without going through a liquidation hinders non-profit associations from acting, moving, and restructuring across borders within the Union. National

Amendment

(9) These barriers arise due to inconsistencies in the national legal frameworks of Member States. The legal framework in which non-profit associations carry out their activities in the Union is based on national law, without harmonisation at Union level. Presently, non-profit associations do not receive uniform recognition of their legal personality and capacity throughout the Union and often need to **follow a host of different administrative procedures in multiple Member States, for example, to register for a second time in another Member State** or even **to** form a new legal entity in order to engage in activities in a Member State other than the one in which they are established. The fundamental elements concerning the mobility of non-profit associations within the Union remain inadequately **harmonised**, resulting in legal ambiguity for all non-profit associations with cross-border activities. For instance, when non-profit associations intend to relocate their registered office to a new Member State, uncertainties persist regarding relocation. In particular, the lack of a possibility of transferring the registered office without going through a

rules diverge and often fail to provide clear solutions and procedures for the exercise of cross-border mobility and economic activities of non-profit associations.

liquidation hinders non-profit associations from acting, moving, and restructuring across borders within the Union. National rules diverge and often fail to provide clear solutions and procedures for the exercise of cross-border mobility and economic activities of non-profit associations, ***which constitutes an obstacle to the proper functioning of the internal market.***

Or. ro

Amendment 81
Daniel Buda

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) The ability to access and channel funds and capital efficiently across borders is necessary in order to facilitate non-profit associations' activities in the internal market. This includes remuneration for economic activities, but also donations, inheritance, or other forms of funding. Different regulatory frameworks and existing restrictions in the Member States regarding receiving, soliciting donations, and similar contributions in whatever form result in fragmentation in the internal market and constitute a barrier to the functioning of the internal market.

Amendment

(10) The ability to access and channel funds and capital efficiently across borders is necessary in order to facilitate non-profit associations' activities in the internal market. ***Cooperation and the exchange of best practices between non-profit associations from different States can help to increase the efficiency and impact of their actions at European level. By promoting common standards and a cohesive approach, red tape can be reduced and cross-border financial support encouraged in a more fluid and efficient way.*** This includes remuneration for economic activities, but also donations, inheritance, or other forms of funding. Different regulatory frameworks and existing restrictions in the Member States regarding receiving, soliciting donations, and similar contributions in whatever form result in fragmentation in the internal market and constitute a barrier to the functioning of the internal market.

Or. ro

Amendment 82

Daniel Buda

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Moreover, laws of certain Member States impose requirements regarding nationality or legal residence on members of non-profit associations or on members of the executive body of such non-profit associations. Such requirements should be eliminated in order to protect the exercise of freedom of establishment and freedom of association of EU citizens.

Amendment

(11) Moreover, laws of certain Member States impose requirements regarding nationality or legal residence on members of non-profit associations or on members of the executive body of such non-profit associations. Such requirements should be eliminated in order to protect the exercise of freedom of establishment and freedom of association of EU citizens, ***which would encourage the active participation of EU citizens in various non-profit organisations, irrespective of their country of nationality or residence.***

Or. ro

Amendment 83

Sergey Lagodinsky

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11 a) Taking into account their particular nature and their non-profit purpose, large part of the activities of non-profit associations may be organized in a non-commercial way and thus be non-economic in nature. Public funding thereof should therefore not be considered by default as State aid.

Or. en

Amendment 84

Manon Aubry

Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11 a) Taking into account their particular nature and their non-profit purpose, large part of the activities of non-profit associations may be organized in a non-commercial way and thus be non-economic in nature. Public funding thereof should therefore not be considered by default as State aid

Or. en

Amendment 85
Manon Aubry

Proposal for a directive
Recital 11 b (new)

Text proposed by the Commission

Amendment

(11 b) Taking into account their particular nature and their non-profit purpose, associations managing services of general economic interest or social services must benefit from the provisions laid down in article 106 of the TFEU. Their public funding should therefore not be considered as State aid

Or. en

Amendment 86
Nacho Sánchez Amor, René Repasi

Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14 a) It should be noted that the nature of cross-border activities within the EU has a wider scope that goes beyond those

of associations. These activities can be understood in the sense of proximity cross-border interaction between neighbouring subnational authorities across national boundaries, as it is the case of cross-border cooperation, a successful modality of territorial cooperation (Interreg) with decades of contributions to European integration. For the purpose of this Directive, cross-border activities are circumscribed to the scope of the present legal act, notwithstanding the respective and other possible necessary regulations related to the abovementioned modality of territorial cooperation.

Or. en

Amendment 87
Marion Walsmann

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Churches and other religious organisations and philosophical or non-confessional organisations, within the meaning of Article 17 TFEU, as well as associations of these entities, should also **not** be allowed to establish an ECBA, **due to the lack of Union competence to regulate their status, and due to them having a particular status in national law.**

Amendment

(17) Churches and other religious organisations and philosophical or non-confessional organisations **have a particular status in national law**, within the meaning of Article 17 TFEU, as well as associations of these entities. **This status should not be affected by this Directive. In addition, these entities** should also be allowed to establish **or become a member of** an ECBA.

Or. en

Amendment 88
Raffaele Stancanelli

Proposal for a directive
Recital 18

(18) The establishment of an ECBA should be the result of an agreement between natural persons that are Union citizens or legally resident third-country nationals, or legal entities established in the Union, except persons that have been convicted of offences concerning money laundering, associated predicate offences⁴⁰, or terrorist financing or are subject to measures that prohibit their operations in a Member State on the same grounds. In view of the non-profit purpose of the ECBA, where an ECBA is constituted by legal entities, they should also have a non-profit purpose.

(18) The establishment of an ECBA should be the result of an agreement between natural persons that are Union citizens or legally resident third-country nationals, or legal entities established in the Union, except persons that have been convicted of offences concerning money laundering, associated predicate offences⁴⁰, or terrorist financing or are subject to measures that prohibit their operations in a Member State on the same grounds. In ***this regards the proportionate level of accountability, public reporting and the transparency of financing and governance structure should be ensured.*** In view of the non-profit purpose of the ECBA, where an ECBA is constituted by legal entities, they should also have a non-profit purpose.

⁴⁰ Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (OJ L 284, 12.11.2018, p. 22–30).

⁴⁰ Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (OJ L 284, 12.11.2018, p. 22–30).

Or. en

Amendment 89

Manon Aubry

Proposal for a directive **Recital 19 – paragraph 1**

Text proposed by the Commission

The non-profit purpose of an ECBA should mean that, when a profit is generated by means of economic activities, it should be used only in pursuit of the objectives of the ECBA, as defined in its statutes, and may not be redistributed. Therefore, there should be an asset lock requiring that no distribution of assets to members is to take place, even in the event of dissolution. In

Amendment

The non-profit purpose of an ECBA should mean that, when a profit is generated by means of economic activities, it should be used only in pursuit of the objectives of the ECBA, as defined in its statutes, and may not be redistributed ***among members, founders or any other private parties. The direct beneficiaries of organisations aimed at providing care services for***

the latter case, residual assets should be transferred in a disinterested manner, such as to other non-profit associations having the same purpose.

individuals with specific social needs or health conditions, should not be considered to be private parties. In addition, its governing body must not have any direct or indirect financial interests with the ECBA activities . Therefore, there should be an asset lock requiring that no distribution of assets to members is to take place, even in the event of dissolution. In the latter case, residual assets should be transferred in a disinterested manner, such as to other non-profit associations having the same purpose.

Or. en

Amendment 90
Daniel Buda

Proposal for a directive
Recital 19 – paragraph 1

Text proposed by the Commission

The non-profit purpose of an ECBA should mean that, when a profit is generated by means of economic activities, it should be used only in pursuit of the objectives of the ECBA, as defined in its statutes, and may not be redistributed. Therefore, there should be an asset lock requiring that no distribution of assets to members is to take place, even in the event of dissolution. In the latter case, residual assets should be transferred in a disinterested manner, such as to other non-profit associations having the same purpose.

Amendment

The non-profit purpose of an ECBA should mean that, when a profit is generated by means of economic activities, it should be used only in pursuit of the objectives of the ECBA, as defined in its statutes, and may not be redistributed ***among members, founders or any other private parties***. Therefore, there should be an asset lock requiring that no distribution of assets to members is to take place, even in the event of dissolution. In the latter case, residual assets should be transferred in a disinterested manner, such as to other non-profit associations having the same purpose.

Or. ro

Amendment 91
Daniel Buda

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) In a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail, ECBAAs should pursue objectives that are compatible with the values enshrined in Article 2 of the Treaty on European Union ('TEU') such as the respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. In addition, ***it should not be possible to use*** ECBAAs for terrorist financing, tax evasion, tax avoidance, money laundering or any criminal offences or illegal purposes.

Amendment

(20) In a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail, ECBAAs should pursue objectives that are compatible with the values enshrined in Article 2 of the Treaty on European Union ('TEU') such as the respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. In addition, ***the use of*** ECBAAs for terrorist financing, tax evasion, tax avoidance, money laundering or any criminal offences or illegal purposes ***should be prohibited***.

Or. ro

Amendment 92

Pierre Karleskind, Ilana Cicurel

Proposal for a directive

Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) The values of the European Union enshrined in Article 2 of the Treaty on European Union should be respected both in the subject matter and in the exercise of the activity of an ECBA, everywhere and at all times. To that end, Member States should require a declaration of respect for the fundamental values of the European Union when registering the ECBA.

Or. fr

Amendment 93

Jiří Pospíšil

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) The cross-border element of an ECBA is central. Therefore, an ECBA should carry out or have in its statutes the objective to carry out at least part of its activities across borders in the Union, in at least two Member States, and have founding members with links to at least two Member States, either based on citizenship or residence in the case of natural persons, or based on the location of their registered office in the case of legal entities.

Amendment

(21) The cross-border element of an ECBA is central. Therefore, an ECBA should carry out or have in its statutes the objective to carry out ***or have in its statutes the objective to carry out at least part of its activities across borders*** at least part of its activities across borders in the Union, in at least two Member States, and have founding members with links to at least two Member States, either based on citizenship or residence in the case of natural persons, or based on the location of their registered office in the case of legal entities.

Or. en

Amendment 94
Nacho Sánchez Amor, René Repasi

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) The cross-border element of an ECBA is central. Therefore, an ECBA should carry out or have in its statutes the objective to carry out at least part of its activities across borders in the Union, in at least two Member States, and have founding members with links to at least two Member States, either based on citizenship or residence in the case of natural persons, or based on the location of their registered office in the case of legal entities.

Amendment

(21) The cross-border ***and/or transnational*** element of an ECBA is central. Therefore, an ECBA should carry out or have in its statutes the objective to carry out at least part of its activities across borders in the Union, in at least two Member States, and have founding members with links to at least two Member States, either based on citizenship or residence in the case of natural persons, or based on the location of their registered office in the case of legal entities.

Or. en

Amendment 95

Manon Aubry

Proposal for a directive

Recital 24

Text proposed by the Commission

(24) ***To ensure that Member States have the appropriate tools to combat terrorism financing and ensure transparency of certain capital movements***, the rules applicable to ECBAs under this Directive should be without prejudice to measures adopted by Member States to prevent the misuse of non-profit associations for public policy and public security reasons and to ensure transparency of certain capital movements when required by Union law, or national law in compliance with Union law.

Amendment

(24) The rules applicable to ECBAs under this Directive should be without prejudice to measures adopted by Member States to prevent the misuse of non-profit associations for public policy and public security reasons and to ensure transparency of certain capital movements ***in the context of the fight against terrorism*** when required by Union law, or national law in compliance with Union law ***provided that these measures comply with the Charter of Fundamental Rights and international standards on freedom of association and the EU Free Movement of Capital*** .

Or. en

Amendment 96

Daniel Buda

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) In order to remove legal and administrative barriers for non-profit associations operating in more than one Member State and ensure the functioning of the internal market, all Member States should automatically recognise an ECBA's legal personality and legal capacity. This legal personality and the legal capacity should be granted upon the ECBA's registration in a Member State.

Amendment

(25) In order to remove legal and administrative barriers for non-profit associations operating in more than one Member State and ensure the ***proper*** functioning of the internal market, all Member States should automatically recognise an ECBA's legal personality and legal capacity. This legal personality and the legal capacity should be granted upon the ECBA's registration in a Member State. ***This approach should considerably reduce the administrative burden and time required for the ECBA to start carrying out cross-border activities, thus facilitating an environment conducive to the efficient functioning of non-profit***

associations at EU level and to their fruitful collaboration.

Or. ro

Amendment 97

Daniel Buda

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) ECBAAs should be able to decide freely on their rules of operation. Any limitation on this freedom imposed by a Member State should be applied in a general and non-discriminatory way, prescribed by law, justified by an overriding reason in the public interest, and be appropriate for ensuring the attainment of the objective pursued and not going beyond what is necessary for it to be attained.

Amendment

(26) ECBAAs should be able to decide freely on their rules of operation. Any limitation on this freedom imposed by a Member State should be applied in a general and non-discriminatory way, prescribed by law, justified by an overriding reason in the public interest, and be appropriate for ensuring the attainment of the objective pursued and not going beyond what is necessary for it to be attained, *based on the interpretation of the Member State concerned.*

Or. ro

Amendment 98

Manon Aubry

Proposal for a directive

Recital 27

Text proposed by the Commission

(27) Articles 52, 62 and 65 TFEU and relevant case law also apply to ECBAAs. These TFEU Articles provide for the justification of measures restricting the freedom of establishment, freedom to provide services and free movement of capital on grounds including public policy, public security and public health. Furthermore, the concept of ‘overriding reasons in the public interest’ to which

Amendment

(27) Articles 52, 62 and 65 TFEU and relevant case law also apply to ECBAAs. These TFEU Articles provide for the justification of measures restricting the freedom of establishment, freedom to provide services and free movement of capital on grounds including public policy, public security and public health. Furthermore, the concept of ‘overriding reasons in the public interest’ to which

reference is made in certain provisions of this Directive has been developed by the Court of Justice in its case law. Measures by Member States that are liable to hinder or make less attractive the exercise of those Treaty freedoms should be permitted only where they can be justified by objectives listed in the Treaty or by overriding reasons in the public interest recognised by Union law. While no exhaustive definition exists, the Court of Justice has recognised that justifications are possible on various grounds such as public policy, public security and public health, the maintenance of order in society, social policy objectives, the protection of the recipients of services, consumer protection, the protection of workers, provided that the other conditions are met. Such measures need, in any event, to be *appropriate* for ensuring the attainment of the objective in question and not go beyond what is necessary to attain *that* objective.

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Or. en

Amendment 99 **Daniel Buda**

Proposal for a directive **Recital 27**

Text proposed by the Commission

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Or. ro

Amendment 100

Nacho Sánchez Amor, René Repasi

Proposal for a directive

Recital 27

Text proposed by the Commission

(27) Articles 52, 62 and 65 TFEU and relevant case law also apply to ECBAAs. These TFEU Articles provide for the justification of measures restricting the freedom of establishment, freedom to provide services and free movement of capital on grounds including public policy, public security and public health. Furthermore, the concept of ‘overriding reasons in the public interest’ to which reference is made in certain provisions of this Directive has been developed by the

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Or. en

Amendment 101
Jiří Pospíšil

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) Articles 52, 62 and 65 TFEU and relevant case law also apply to ECBAAs. These TFEU Articles provide for the justification of measures restricting the freedom of establishment, freedom to provide services and free movement of capital on grounds including public policy, public security and public health. Furthermore, the concept of ‘overriding reasons in the public interest’ to which reference is made in certain provisions of this Directive has been developed by the Court of Justice in its case law. Measures by Member States that are liable to hinder or make less attractive the exercise of those

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(27) Articles 52, 62 and 65 TFEU and relevant case law also apply to ECBAAs. These TFEU Articles provide for the justification of measures restricting the freedom of establishment, freedom to provide services and free movement of capital on grounds including public policy, public security and public health. Furthermore, the concept of ‘overriding reasons in the public interest’ to which reference is made in certain provisions of this Directive has been developed by the Court of Justice in its case law. Measures by Member States that are liable to hinder or make less attractive the exercise of those

Treaty freedoms should be permitted only where they can be justified by objectives listed in the Treaty or by overriding reasons in the public interest recognised by Union law. While no exhaustive definition exists, the Court of Justice has recognised that justifications are possible on various grounds such as public policy, public security and public health, the maintenance of order in society, social policy objectives, the protection of the recipients of services, consumer protection, the protection of workers, provided that the other conditions are met. Such measures need, in any event, to be *appropriate* for ensuring the attainment of the objective in question and not go beyond what is necessary to attain that objective.

Treaty freedoms should be permitted only where they can be justified by objectives listed in the Treaty or by overriding reasons in the public interest recognised by Union law. While no exhaustive definition exists, the Court of Justice has recognised that justifications are possible on various grounds such as public policy, public security and public health, the maintenance of order in society, social policy objectives, the protection of the recipients of services, consumer protection, the protection of *creditors, the protection of* workers, provided that the other conditions are met. Such measures need, in any event, to be *necessary and proportionate* for ensuring the attainment of the objective in question and not go beyond what is necessary to attain that objective.

Or. en

Amendment 102

Daniel Buda

Proposal for a directive

Recital 30

Text proposed by the Commission

(30) In accordance with the principle of non-discrimination and to ensure the freedom of association, in the implementation and application of this Directive there should be no discrimination against any group or individual on any grounds, such as birth, age, colour, sex and gender, sexual orientation, gender identity, health conditions, immigration or residency status, genetic features, language, national, ethnic or social origin, political or any other opinion, membership of a national minority, physical or mental disability, property, race, religion or belief, or other status.

Amendment

(30) In accordance with the principle of non-discrimination and to ensure *equal treatment and* the freedom of association, in the implementation and application of this Directive there should be no discrimination against any group or individual on any grounds, such as birth, age, colour, sex and gender, sexual orientation, gender identity, health conditions, immigration or residency status, genetic features, language, national, ethnic or social origin, political or any other opinion, membership of a national minority, physical or mental disability, property, race, religion or belief, or other status.

Or. ro

Amendment 103

Daniel Buda

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) To facilitate the cooperation among Member States and between Member States and the Commission, Member States should designate a competent authority responsible for the application of the rule transposing this Directive ('competent authority'). The Commission should publish the list of competent authorities. To have a comprehensive overview of the legal treatment of ECBAs in Member States, Member States should notify the Commission of the names and tasks of relevant authorities, other than the competent authorities, established or designated for the purposes of the national rules applicable to the most similar non-profit association in national law, if applicable.

Amendment

(31) To facilitate the cooperation among Member States and between Member States and the Commission, Member States should designate a competent authority responsible for the application of the rule transposing this Directive ('competent authority') **and forward this to the Commission**. The Commission should publish **on its website** the list of competent authorities **in the Member States and update this where necessary**. To have a comprehensive overview of the legal treatment of ECBAs in Member States, Member States should notify the Commission of the names and tasks of relevant authorities, other than the competent authorities, established or designated for the purposes of the national rules applicable to the most similar non-profit association in national law, if applicable.

Or. ro

Amendment 104

Nacho Sánchez Amor, René Repasi

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) To facilitate the cooperation among Member States and between Member States and the Commission, Member States should designate a competent authority responsible for the application of the rule transposing this Directive ('competent

Amendment

(31) To facilitate the cooperation among Member States and between Member States and the Commission, Member States should designate a competent authority responsible for the application of the rule transposing this Directive ('competent

authority’). The Commission should publish the list of competent authorities. To have a comprehensive overview of the legal treatment of ECBAs in Member States, Member States should notify the Commission of the names and tasks of relevant authorities, other than the competent authorities, established or designated for the purposes of the national rules applicable to the most similar non-profit association in national law, if applicable.

authority’), ***which shall be in close contact and inform the Committee, as referred in Article 30 of this Directive.*** The Commission should publish the list of competent authorities. To have a comprehensive overview of the legal treatment of ECBAs in Member States, Member States should notify the Commission of the names and tasks of relevant authorities, other than the competent authorities, established or designated for the purposes of the national rules applicable to the most similar non-profit association in national law, if applicable.

Or. en

Amendment 105
Marion Walsmann

Proposal for a directive
Recital 31

Text proposed by the Commission

(31) To facilitate the cooperation among Member States and between Member States and the Commission, Member States should designate a competent authority responsible for the application of the rule transposing this Directive (‘competent authority’). The Commission should publish the list of competent authorities. To have a comprehensive overview of the legal treatment of ECBAs in Member States, Member States should notify the Commission of the names and tasks of relevant authorities, other than the competent authorities, established or designated for the purposes of the national rules applicable to the most similar non-profit association in national law, if applicable.

Amendment

(31) To facilitate the cooperation among Member States and between Member States and the Commission, Member States should designate a competent ***public*** authority responsible for the application of the rule transposing this Directive, ***such as courts, notaries or other authorities*** (‘competent authority’). The Commission should publish the list of competent authorities. To have a comprehensive overview of the legal treatment of ECBAs in Member States, Member States should notify the Commission of the names and tasks of relevant authorities, other than the competent authorities, established or designated for the purposes of the national rules applicable to the most similar non-profit association in national law, if applicable.

Or. en

Amendment 106
Pierre Karleskind, Ilana Cicurel

Proposal for a directive
Recital 33 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Where the purpose or the exercise of the activity of an ECBA is manifestly contrary to its declaration of respect for the fundamental values of the European Union, that ECBA should not be eligible for public funding. This restriction should be provided for by the Member States in strict compliance with the principles of equal treatment, non-discrimination and judicial review.

Or. fr

Amendment 107
Daniel Buda

Proposal for a directive
Recital 34

Text proposed by the Commission

Amendment

(34) To ensure that ECBAs fully benefit from the internal market, ECBAs should be able to provide and receive services, as well as to engage in trade in goods without ***interference from*** Member States. Restrictions should be permitted only if they are prescribed by law, justified by overriding reasons in the public interest, and are appropriate for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained. This should not affect provisions of other Union acts. This should include the provisions of Union acts that reinforce the fundamental freedoms, such as those laid down in Directive 2006/123/EC of the European Parliament

(34) To ensure that ECBAs fully benefit from ***proper functioning of*** the internal market, ECBAs should be able to provide and receive services, as well as to engage in trade in goods without ***unjustifiable interventions by*** Member States. ***Any*** restrictions should be permitted only if they are prescribed by law, ***if they are*** justified by overriding reasons in the public interest, and ***if they are*** appropriate for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained, ***based on the interpretation of the Member State concerned***. This should not affect provisions of other Union acts. This should include the provisions of Union acts that

and of the Council⁴¹ which guarantee the freedom of establishment and the freedom to provide services as well as the provisions of other Union acts which regulate specific economic activities ECBAAs engage in.

⁴¹ 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).

reinforce the fundamental freedoms, such as those laid down in Directive 2006/123/EC of the European Parliament and of the Council⁴¹, which guarantee the freedom of establishment and the freedom to provide services as well as the provisions of other Union acts which regulate specific economic activities ECBAAs engage in.

⁴¹ 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).

Or. ro

Amendment 108

Manon Aubry

Proposal for a directive

Recital 35

Text proposed by the Commission

(35) In order to establish a genuine internal market for non-profit associations, it is necessary to abolish certain restrictions on the freedom of establishment, the free movement of services and the free movement of capital that still apply in the laws of certain Member States. Therefore, Member States should not impose any discriminatory requirements based on the nationality of members of an ECBA or its executive body, except as provided for by this Directive. Nor should Member States provide for any requirement on physical presence of members for the validity of a meeting. To enable ECBAAs to enjoy the full benefits of the internal market, Member States should not require the registered office of an ECBA to be in the same Member State as its central administration or the principal place of operations. Member States should also not impose general prohibitions on ECBAAs

Amendment

(35) In order to establish a genuine internal market for non-profit associations, it is necessary to abolish certain restrictions on the freedom of establishment, the free movement of services and the free movement of capital that still apply in the laws of certain Member States. Therefore, Member States should not impose any discriminatory requirements based on the nationality of members of an ECBA or its executive body, except as provided for by this Directive. Nor should Member States provide for any requirement on physical presence of members for the validity of a meeting. To enable ECBAAs to enjoy the full benefits of the internal market, Member States should not require the registered office of an ECBA to be in the same Member State as its central administration or the principal place of operations. Member States should also not impose general prohibitions on ECBAAs

carrying out economic activities, nor only allow them to engage in economic activities if they are linked to an objective set out in an ECBA's statutes.

carrying out economic activities, nor only allow them to engage in economic activities if they are linked to an objective set out in an ECBA's statutes. ***In line with the right to freedom of expression, Member States should not impose any restrictions or additional requirements with regard to participation in matters of public or political debate, including, inter alia, the organisation of or participation in public interest advocacy, activism, demonstrations, whether carried out on a regular basis or on occasion, as part of the objectives of the ECBA or through its activities, irrespective of whether such participation is perceived or real.***

Or. en

Amendment 109
Nacho Sánchez Amor, René Repasi

Proposal for a directive
Recital 38

Text proposed by the Commission

(38) Member States should be entitled to require a registered ECBA to make a declaration, provide information, request or obtain authorisations for engaging in particular activities only where such requirements are (i) applied in a general and non-discriminatory way, (ii) prescribed by law, (iii) justified by overriding reasons in the public interest, (iv) appropriate for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained. Such requirements may be connected, for example, to the specificities of certain sectors, like healthcare. Where Member States provide for such additional procedures, this information should be made publicly available in order to ensure that an ECBA is able to comply with these requirements.

Amendment

(38) Member States should be entitled to require a registered ECBA to make a declaration, provide information, request or obtain authorisations for engaging in particular activities only where such requirements are (i) applied in a general and non-discriminatory way, (ii) prescribed by law, (iii) justified by overriding reasons in the public interest, (iv) appropriate for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained. Such requirements may be connected, for example, to the specificities of certain sectors, like healthcare. Where Member States provide for such additional procedures, this information should be made publicly available in ***a clear and comprehensible manner, as well as easily accessible, in*** order to ensure that an ECBA

is able to comply with these requirements.

Or. en

Amendment 110
Daniel Buda

Proposal for a directive
Recital 39

Text proposed by the Commission

(39) To prevent fraud, it is important that Member States verify the identity of the founding members and the legal representatives of the ECBA. The verification of identity is particularly important if the application for registration is conducted electronically. Due to the variety of different practices in Member States, the specific methods of verifying identity should remain in the prerogative of the Member State concerned.

Amendment

(39) To prevent fraud, it is important that Member States verify the identity of the founding members and the legal representatives of the ECBA. The verification of identity is particularly important, *especially* if the application for registration is conducted electronically. Due to the variety of different practices in Member States, the specific methods of verifying identity should remain in the prerogative of the Member State concerned. *This approach provides the necessary flexibility to take account of the specific traditions, specificities and procedures of each State, while ensuring that security and authenticity standards are respected at EU level.*

Or. ro

Amendment 111
Marion Walsmann

Proposal for a directive
Recital 39

Text proposed by the Commission

(39) To prevent fraud, it is important that Member States verify the identity of the founding members and the legal representatives of the ECBA. The verification of identity is particularly important if the application for registration

Amendment

(39) To prevent fraud *and to ensure the reliability of the register*, it is important that Member States verify the identity of the founding members and the legal representatives of the ECBA *by means of public preventive control*. The verification

is conducted electronically. Due to the variety of different practices in Member States, the specific methods of verifying identity should remain in the prerogative of the Member State concerned.

of identity is particularly important if the application for registration is conducted electronically. Due to the variety of different practices in Member States, the specific methods of verifying identity should remain in the prerogative of the Member State concerned.

Or. en

Amendment 112
Jiří Pospíšil

Proposal for a directive
Recital 39

Text proposed by the Commission

(39) To prevent fraud, it is important that Member States verify the identity of **the founding members and** the legal representatives of the ECBA. The verification of identity is particularly important if the application for registration is conducted electronically. Due to the variety of different practices in Member States, the specific methods of verifying identity should remain in the prerogative of the Member State concerned.

Amendment

(39) To prevent fraud, it is important that Member States verify the identity of the legal representatives of the ECBA. The verification of identity is particularly important if the application for registration is conducted electronically. Due to the variety of different practices in Member States, the specific methods of verifying identity should remain in the prerogative of the Member State concerned.

Or. en

Amendment 113
Marion Walsmann

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) Member States should be required to establish a register for the purposes of the registration and for maintaining and publishing information on ECBAs. This register should contain information about ECBAs and the submitted documents. As

Amendment

(41) Member States should be required to establish a register for the purposes of the registration and for maintaining and publishing information on ECBAs. This register should contain information about ECBAs and the submitted documents. As

the information kept in the register may become outdated, Member States should ensure that the ECBA notifies any changes concerning the information on ECBAs to the competent authority and that the information held in the register is updated. Member States should be allowed to make use of their existing national registers for the purpose of this Directive. In order to ensure transparency especially for members of an ECBA and its creditors, if applicable, the ECBA certificate, the liquidation and the dissolution of an ECBA are pieces of information that should be made publicly available for a maximum of 6 months after the dissolution of an ECBA. The interoperability solutions developed as part of the implementation of the Proposal for a Regulation of the European Parliament and of the Council laying down measures for a high level of public sector interoperability across the Union⁴² can further support Member States to move towards cross-border interoperability of their registers. To ensure that information about the existence of an ECBA is still available even after its dissolution, all data retained and stored in the register should be kept for 2 years after dissolution.

⁴² COM(2022)720.

the information kept in the register may become outdated, Member States should ensure that the ECBA notifies any changes concerning the information on ECBAs to the competent authority and that the information held in the register is updated. Member States should be allowed to make use of their existing national registers ***and the corresponding register procedures*** for the purpose of this Directive. In order to ensure transparency especially for members of an ECBA and its creditors, if applicable, the ECBA certificate, the liquidation and the dissolution of an ECBA are pieces of information that should be made publicly available for a maximum of 6 months after the dissolution of an ECBA. The interoperability solutions developed as part of the implementation of the Proposal for a Regulation of the European Parliament and of the Council laying down measures for a high level of public sector interoperability across the Union⁴² can further support Member States to move towards cross-border interoperability of their registers. To ensure that information about the existence of an ECBA is still available even after its dissolution, all data retained and stored in the register should be kept for 2 years after dissolution. ***The requirements under applicable national law concerning the authenticity, reliability and the appropriate legal form of documents or information that are submitted for online registration of an ECBA shall remain unaffected by this Directive, provided that online registration as set out in this Directive is possible.***

⁴² COM(2022)720.

Or. en

Amendment 114
Jiří Pospíšil

Proposal for a directive
Recital 45

Text proposed by the Commission

(45) In compliance with the freedom of assembly and of association, an ECBA should be dissolved only by decision of its members or by a decision of the competent authority of the home Member State. Where the dissolution of an ECBA is the result of a decision of its members, it should be taken by two-thirds of the votes representing at least half of the total of the members **during an extraordinary meeting**. The dissolution of an ECBA may be involuntary by decision of the competent authority of the home Member State of the ECBA, as a last resort, only where an ECBA does not respect its non-profit purpose, where its activities constitute a threat to public order, or where the members of the executive body of an ECBA have been convicted of a particularly serious criminal offence or the ECBA itself has been convicted of a criminal offence, if national law allows for this possibility. In this case, the competent authority should communicate to the ECBA a formal notice of its concerns and hear the ECBA in order to give the ECBA the opportunity to reply.

Amendment

(45) In compliance with the freedom of assembly and of association, an ECBA should be dissolved only by decision of its members or by a decision of the competent authority of the home Member State. Where the dissolution of an ECBA is the result of a decision of its members, it should be taken by two-thirds of the votes representing at least half of the total of the members. The dissolution of an ECBA may be involuntary by decision of the competent authority of the home Member State of the ECBA, as a last resort, only where an ECBA does not respect its non-profit purpose, where its activities constitute a threat to public order, or where the members of the executive body of an ECBA have been convicted of a particularly serious criminal offence or the ECBA itself has been convicted of a criminal offence, if national law allows for this possibility. ***Such a decision should be preceded by a risk assessment in line with standards of necessity and proportionality.*** In this case, the competent authority should communicate to the ECBA a formal notice of its concerns and hear the ECBA in order to give the ECBA the opportunity to reply. ***The decision should be subject to an independent judicial review pending finalisation.***

Or. en

Amendment 115
Pierre Karleskind, Ilana Cicurel

Proposal for a directive
Recital 45

Text proposed by the Commission

(45) In compliance with the freedom of

Amendment

(45) In compliance with the freedom of

assembly and of association, an ECBA should be dissolved only by decision of its members or by a decision of the competent authority of the home Member State. Where the dissolution of an ECBA is the result of a decision of its members, it should be taken by two-thirds of the votes representing at least half of the total of the members during an extraordinary meeting. The dissolution of an ECBA may be involuntary by decision of the competent authority of the home Member State of the ECBA, as a last resort, only where an ECBA does not respect its non-profit purpose, where its activities constitute a threat to public order, or where the members of the executive body of an ECBA have been convicted of a particularly serious criminal offence or the ECBA itself has been convicted of a criminal offence, if national law allows for this possibility. In this case, the competent authority should communicate to the ECBA a formal notice of its concerns and hear the ECBA in order to give the ECBA the opportunity to reply.

assembly and of association, an ECBA should be dissolved only by decision of its members or by a decision of the competent authority of the home Member State. Where the dissolution of an ECBA is the result of a decision of its members, it should be taken by two-thirds of the votes representing at least half of the total of the members during an extraordinary meeting. The dissolution of an ECBA may be involuntary by decision of the competent authority of the home Member State of the ECBA, as a last resort, only where an ECBA does not respect its non-profit purpose, where its activities constitute a threat to public order, or where the members of the executive body of an ECBA have been convicted of a particularly serious criminal offence or the ECBA itself has been convicted of a criminal offence, if national law allows for this possibility, ***or where the ECBA flagrantly fails to comply with its declaration of respect for the fundamental values of the European Union***. In this case, the competent authority should communicate to the ECBA a formal notice of its concerns and hear the ECBA in order to give the ECBA the opportunity to reply.

Or. fr

Amendment 116
Daniel Buda

Proposal for a directive
Recital 47

Text proposed by the Commission

(47) To enable an ECBA to prove that it has registered within a Member State and to further facilitate cross-border procedures and simplify and reduce formalities, the competent authorities should, as the final step of the registration process, issue a certificate ('ECBA certificate') which contains the essential registration

Amendment

(47) To enable an ECBA to prove that it has registered within a Member State and to further facilitate cross-border procedures and simplify and reduce formalities, the competent authorities should, as the final step of the registration process, issue a certificate ('ECBA certificate') which contains the essential registration

information, including the name of *an ECBA*, the address of its registered office, and the names of the legal representatives. To facilitate the use of this certificate in various Member States without additional adaptations or compliance costs, the Commission should establish a standardised template available in all languages of the Union. Therefore, in order to ensure uniform conditions for the implementation of this act, implementing powers should be conferred on the Commission to produce a standardised template including in relation to the technical specifications of the template. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁴⁸. Those implementing acts should be adopted in accordance with the examination procedure referred to in Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council.

⁴⁸ 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, 28.02.2011.

information, including the name of *the association followed or preceded by the acronym 'ECBA'*, the address of its registered office, and the names of the legal representatives. To facilitate the use of this certificate in various Member States without additional adaptations or compliance costs, the Commission should establish a standardised template available in all languages of the Union. Therefore, in order to ensure uniform conditions for the implementation of this act, implementing powers should be conferred on the Commission to produce a standardised template including in relation to the technical specifications of the template. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁴⁸. Those implementing acts should be adopted in accordance with the examination procedure referred to in Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council.

⁴⁸ 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, 28.02.2011.

Or. ro

Amendment 117

Daniel Buda

Proposal for a directive

Recital 48

Text proposed by the Commission

(48) The notion of ‘particularly serious crime’ should be **defined** by Member

Amendment

(48) The notion of ‘particularly serious crime’ should be **understood to mean one**

States and may include terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime.

of the offences listed in Article 2(2) of the Council Decision on the European Arrest Warrant, strictly interpreted by Member States and applied across the board. This may include terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime.

Or. ro

Amendment 118
Nacho Sánchez Amor, René Repasi

Proposal for a directive
Recital 49 a (new)

Text proposed by the Commission

Amendment

(49 a) In accordance with the principles of efficiency and effectiveness of the public administrations the transposition of this Directive should foster the simplification of administrative rules and the reduction of administrative costs and burdens.

Or. en

Amendment 119
Manon Aubry

Proposal for a directive
Article 2 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) “non-profit purpose” means that, regardless of whether the association’s activities are of an economic nature or not, any profits generated are used only in pursuit of the objectives of the ECBA as defined in its statutes and not to be

(c) “non-profit purpose” means that, regardless of whether the association’s activities are of an economic nature or not, any profits generated are used only in pursuit of the objectives of the ECBA as defined in its statutes and not to be

distributed among its members;

distributed among its members ***including its governing body, in a direct or indirect manner*** ;

Or. en

Amendment 120

Nacho Sánchez Amor, René Repasi

Proposal for a directive

Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) “non-profit association” means a legal entity under national law that is membership-based, has a non-profit purpose and has legal personality;

Amendment

(d) “non-profit association” means a legal entity under national law that is membership-based, ***self-governed***, has a non-profit purpose and has legal personality;

Or. en

Amendment 121

Nacho Sánchez Amor, René Repasi

Proposal for a directive

Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) “ECBA certificate” means a certificate issued by the competent authority of the home Member State, serving as evidence of the registration of an ECBA.

Amendment

(e) “ECBA certificate” means a certificate issued by the competent authority of the home Member State, serving as evidence of the registration of an ECBA ***and its legal personality and legal capacity***.

Or. en

Amendment 122

Marion Walsmann

Proposal for a directive

Article 3 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) trade unions, political parties,
***religious organisations and associations
of such entities;***

(a) trade unions, political parties;

Or. en

Amendment 123
Sergey Lagodinsky

Proposal for a directive
Article 3 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) trade unions, political parties,
***religious organisations and associations
of such entities;***

(a) trade unions ***and*** political parties;

Or. en

Justification

Deletions linked to the addition of a new second subparagraph

Amendment 124
Sergey Lagodinsky

Proposal for a directive
Article 3 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

***This Directive does not affect the
particular status of churches and other
religious organisations and philosophical
or non-confessional organisations under
national law, within the meaning of
Article 17 TFEU, as well as associations
of these entities.***

Or. en

Amendment 125

Daniel Buda

Proposal for a directive

Article 3 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that an ECBA shall have a non-profit purpose and any profits of an ECBA shall be used exclusively for the pursuit of its objectives, as described in its statutes, without any distribution among its members.

Amendment

2. Member States shall ensure that an ECBA shall have a non-profit purpose and any profits of an ECBA shall be used exclusively for the pursuit of its objectives, as described in its statutes, without any distribution among its members, ***founders or any other private parties.***

Or. ro

Amendment 126

Gilles Lebreton, Gunnar Beck, Virginie Joron

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the name of the ECBA shall be preceded or followed by the acronym 'ECBA'.

Amendment

4. Member States shall ensure that the name of the ECBA shall be preceded or followed by the ***English*** acronym 'ECBA', ***followed by its translation into the official language or languages of the Member State of origin.***

Or. fr

Amendment 127

Marion Walsmann

Proposal for a directive

Article 4 – paragraph 4

Text proposed by the Commission

4. ***By [two years*** after the entry into force of this Directive], each Member State shall identify the most similar legal form of

Amendment

4. ***Immediately*** after the entry into force of this Directive, each Member State shall identify the ***single*** most similar legal

non-profit association in its domestic legal order as referred to in paragraph 2 and notify the Commission thereof and of the national rules that apply to that legal form. Member States shall notify the Commission without delay of any changes regarding the legal forms identified and of any changes to the rules applicable to them. Member States and the Commission shall make the notified information referred to in this paragraph publicly available.

form of non-profit association in its domestic legal order as referred to in paragraph 2 and notify the Commission thereof and of the national rules that apply to that legal form. Member States shall notify the Commission without delay of any changes regarding the legal forms identified and of any changes to the rules applicable to them. Member States and the Commission shall make the notified information referred to in this paragraph publicly available.

Or. en

Amendment 128
Nacho Sánchez Amor, René Repasi

Proposal for a directive
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The rules applicable to ECBAs, including its constitution, shall not undermine worker's rights or working conditions. In line with applicable collective agreements and national and Union law, worker's representation shall be respected and will take part in any consultation process in this regard.

Or. en

Amendment 129
Nacho Sánchez Amor, René Repasi

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that an ECBA acquires legal personality and legal capacity upon registration in accordance with Article 19. Member States shall

1. Member States shall ensure that an ECBA acquires legal personality and legal capacity upon registration in accordance with Article 19. Member States shall

recognise the legal personality and legal capacity of ECBAAs registered in another Member State, without requiring any further registration.

recognise **automatically** the legal personality and legal capacity of ECBAAs registered in another Member State, without requiring any further registration.

Or. en

Amendment 130

Pierre Karleskind, Ilana Cicurel

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Declaration of respect for the fundamental values of the European Union.

Member States shall ensure that the ECBA undertakes to respect the fundamental values of the European Union enshrined in Article 2 of the Treaty on European Union in its subject matter and in the exercise of its activity by signing a declaration to that effect to be submitted at the time of registration in accordance with Article 18.

Or. fr

Amendment 131

Jiří Pospíšil

Proposal for a directive

Article 6 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) justified by overriding reasons in the public interest;

(b) justified by overriding reasons in the public interest; **and**

Or. en

Amendment 132

Daniel Buda

Proposal for a directive

Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) appropriate for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Amendment

(c) appropriate for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained, ***based on the interpretation of the Member State concerned.***

Or. ro

Amendment 133

Jiří Pospíšil

Proposal for a directive

Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) ***appropriate*** for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Amendment

(c) ***necessary and proportionate*** for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Or. en

Amendment 134

Nacho Sánchez Amor, René Repasi

Proposal for a directive

Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) ***appropriate*** for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Amendment

(c) ***necessary*** for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Or. en

Amendment 135

Jiří Pospíšil

Proposal for a directive

Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall ensure that the statutes of an ECBA include the following information:

Amendment

2. Member States shall ensure that the statutes of an ECBA **are in writing, subject to formal requirements of the applicable national law and** include the following information:

Or. en

Amendment 136

Jiří Pospíšil

Proposal for a directive

Article 6 – paragraph 2 – point b

Text proposed by the Commission

(b) a detailed description of its objectives **and** a statement of its non-profit purpose;

Amendment

(b) a detailed description of its objectives **that must be in line with the values of the Union as enshrined in Article 2 TEU**, a statement of its non-profit purpose **and the description of the cross-border element**;

Or. en

Amendment 137

Jiří Pospíšil

Proposal for a directive

Article 6 – paragraph 2 – point j

Text proposed by the Commission

(j) provisions governing appointment, removal, powers and responsibilities of the members of the executive body;

Amendment

(j) provisions governing **number**, appointment, removal, powers and responsibilities of the members of the

executive body;

Or. en

Amendment 138

Jiří Pospíšil

Proposal for a directive

Article 6 – paragraph 2 – point 1

Text proposed by the Commission

(1) the procedure *to amend the statutes*;

Amendment

(1) *the date of adoption of the statutes and the procedure for amending them*;

Or. en

Amendment 139

Gilles Lebreton, Gunnar Beck, Virginie Joron

Proposal for a directive

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that only natural persons who are Union citizens or who legally reside in the Union and legal entities with a non-profit purpose established in the Union, through their representatives, may be members of the decision-making body of an ECBA. The decision-making body of an ECBA is the general meeting of its members. Any member of the ECBA shall have the right to participate in the general meeting or be represented at it, and to vote either directly or through their representative.

Or. fr

Amendment 140

Jiří Pospíšil

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that natural persons who have been convicted of a particularly serious criminal offence are not to be members of the executive body or representatives of a legal entity that is a member of the executive body.

deleted

Or. en

Amendment 141
Nacho Sánchez Amor, René Repasi

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that, within the ambit of application of this Directive, **public authorities do not discriminate against any group or individual** on any grounds, such as birth, age, colour, sex and gender, sexual orientation, gender identity, health conditions, immigration or residency status, genetic features, language, national, ethnic or social origin, political or any other opinion, physical or mental disability, membership of a national minority, property, race, religion or belief, or other status.

Member States shall ensure that, within the ambit of application of this Directive, **ECBAs are not discriminated** on any grounds, such as birth, age, colour, sex and gender, sexual orientation, gender identity, health conditions, immigration or residency status, genetic features, language, national, ethnic or social origin, political or any other opinion, physical or mental disability, membership of a national minority, property, race, religion or belief, or other status.

Or. en

Amendment 142
Nacho Sánchez Amor, René Repasi

Proposal for a directive
Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Each Member State shall ensure that national laws, regulations or administrative acts regulating ECBAs do not discriminate against any group or individual on any grounds, such as birth, age, colour, sex and gender, sexual orientation, gender identity, health conditions, immigration or residency status, genetic features, language, national, ethnic or social origin, political or any other opinion, physical or mental disability, membership of a national minority, property, race, religion or belief, or other status.

Or. en

Amendment 143
Nacho Sánchez Amor, René Repasi

Proposal for a directive
Article 11 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1 Member States shall ensure the acces to effective complaint mechanisms and to effective administrative remedies.

Or. en

Amendment 144
Daniel Buda

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that all decisions of competent authorities on their territory affecting the rights and obligations of ECBAs, or the rights and obligations of other persons in connection to the operations of ECBAs, are subject to effective judicial review, in compliance

Member States shall ensure that all decisions of competent authorities on their territory affecting the rights and obligations of ECBAs, or the rights and obligations of other persons in connection to the operations of ECBAs, are subject to effective, *impartial and independent*

with Article 47 Charter of Fundamental Rights of the Union.

judicial review, in compliance with Article 47 Charter of Fundamental Rights of the Union.

Or. ro

Amendment 145
Jiří Pospíšil

Proposal for a directive
Article 12 – paragraph 2 – point b

Text proposed by the Commission

(b) justified by overriding reasons in the public interest;

Amendment

(b) justified by overriding reasons in the public interest; **and**

Or. en

Amendment 146
Daniel Buda

Proposal for a directive
Article 12 – paragraph 2 – point c

Text proposed by the Commission

(c) appropriate for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Amendment

(c) appropriate for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained, **based on the interpretation of the Member State concerned.**

Or. ro

Amendment 147
Jiří Pospíšil

Proposal for a directive
Article 12 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) **appropriate** for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

(c) **necessary and proportionate** for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Or. en

Amendment 148

Nacho Sánchez Amor, René Repasi

Proposal for a directive

Article 12 – paragraph 2 – point c

Text proposed by the Commission

(c) **appropriate** for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Amendment

(c) **necessary** for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Or. en

Amendment 149

Pierre Karleskind, Ilana Cicurel

Proposal for a directive

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Without prejudice to Articles 9 to 11, Member States shall provide that public funding sought by an ECBA whose subject matter or activity, or the methods by which that activity is pursued, are incompatible with the declaration of respect for the fundamental values of the European Union referred to in Article 5a shall be refused.

Or. fr

Amendment 150

Pierre Karleskind, Ilana Cicurel

Proposal for a directive
Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall not impose any restrictions on an ECBA's ability to provide or receive funding, including donations, from any lawful source, except to the extent that such restrictions are:

Amendment

2. ***Without prejudice to paragraph 1a***, Member States shall not impose any restrictions on an ECBA's ability to provide or receive funding, including donations, from any lawful source, except to the extent that such restrictions are:

Or. fr

Amendment 151
Jiří Pospíšil

Proposal for a directive
Article 13 – paragraph 2 – point b

Text proposed by the Commission

(b) justified by overriding reasons in the public interest;

Amendment

(b) justified by overriding reasons in the public interest; ***and***

Or. en

Amendment 152
Raffaele Stancanelli

Proposal for a directive
Article 13 – paragraph 2 – point c

Text proposed by the Commission

(c) appropriate for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Amendment

(c) appropriate for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

3. The Member States shall ensure the accountability, public reporting and the transparency of financing and governance structure of the ECBAs, particularly when they receive funds from public sources.

4. The Commission shall issue guidelines no later than 12 months after the entry into force of this Directive, which shall include the following:

a) a list of minimum available information the Member States shall request from ECBAs in order to ensure the transparency of their financing and governance;

b) best practices on public reporting, transparency of financing and governance structure of the ECBAs;

c) ethical guidance for ECBAs to ensure integrity, accountability, and responsible conduct.

Or. en

Amendment 153

Jiří Pospíšil

Proposal for a directive

Article 13 – paragraph 2 – point c

Text proposed by the Commission

(c) ***appropriate*** for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Amendment

(c) ***necessary and proportionate*** for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Or. en

Amendment 154

Jiří Pospíšil

Proposal for a directive

Article 14 – paragraph 2 – point b

Text proposed by the Commission

(b) justified by overriding reasons in the public interest;

Amendment

(b) justified by overriding reasons in the public interest; ***and***

Or. en

Amendment 155

Daniel Buda

Proposal for a directive

Article 14 – paragraph 2 – point c

Text proposed by the Commission

(c) appropriate for ensuring *the* attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Amendment

(c) appropriate for ensuring attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained, *based on the interpretation of the Member State concerned.*

Or. ro

Amendment 156

Jiří Pospíšil

Proposal for a directive

Article 14 – paragraph 2 – point c

Text proposed by the Commission

(c) *appropriate* for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Amendment

(c) *necessary and proportionate* for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Or. en

Amendment 157

Nacho Sánchez Amor, René Repasi

Proposal for a directive

Article 14 – paragraph 2 – point c

Text proposed by the Commission

(c) *appropriate* for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Amendment

(c) *necessary* for ensuring the attainment of the objective pursued and do not go beyond what is necessary in order for it to be attained.

Amendment 158

Manon Aubry

Proposal for a directive

Article 15 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(g a) restrictions on civic space or additional requirements on freedom of participation or differential treatment in matters of public or political debate, whether carried out on a regular or on an occasional basis as part of the objectives of the ECBA or through its activities, whether perceived or real.

Or. en

Amendment 159

Gilles Lebreton, Gunnar Beck, Virginie Joron

Proposal for a directive

Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that an ECBA has a minimum of **three** founding members.

2. Member States shall ensure that an ECBA has a minimum of **two** founding members.

Or. fr

Amendment 160

Jiří Pospíšil

Proposal for a directive

Article 16 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that the ***founding members express their intention***

3. Member States shall ensure that the ***formation of a European Association***

*to constitute an ECBA either by written agreement between **them** or by **an agreement at the constitutive meeting of the ECBA that is recorded in the written minutes; to that end, such an agreement or minutes shall be duly** signed by **the** founding members.*

*shall be executed by a written agreement between **all of the founding members** or by **written minutes documenting** the constitutive meeting signed by **all** founding members **and duly verified if the national law provides it for the formation of associations.***

Or. en

Amendment 161
Jiří Pospíšil

Proposal for a directive
Article 17 – title

Text proposed by the Commission

Amendment

Conversion of non-profit **associations** into an ECBA

Conversion of non-profit **entities** into an ECBA

Or. en

Amendment 162
Marion Walsmann

Proposal for a directive
Article 17 – title

Text proposed by the Commission

Amendment

Conversion of non-profit associations into an ECBA

Conversions and mergers

Or. en

Amendment 163
Marion Walsmann

Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that non-profit associations established in the Union may convert into an ECBA within the same Member State.

1. Member States shall ensure that non-profit associations established in the Union may convert into ***or merge with other non-profit associations established in the Union*** or an ECBA, ***in particular***, within the same Member State. ***Member States shall ensure that***

(a) any conversion or merger is approved by the decision-making body of the converting entity;

(b) the conversion or merger shall not result in the dissolution of the non-profit association that is converting or merging or any loss of interruption of its legal personality;

(c) all assets and liabilities are transferred to the newly constituted ECBA;

(d) the conversion or merger shall take effect upon registration of the newly constituted ECBA in accordance with Article 19;

(e) the entry concerning the non-profit association that has converted is removed from any register.

Or. en

Justification

Text from Art. 17 para. 2- para 6 has been moved to para. 1 and "merger" has been added.

Amendment 164

Jiří Pospíšil

Proposal for a directive

Article 17 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that non-profit ***associations*** established in the Union may convert into an ECBA within the same Member State.

Amendment

1. Member States shall ensure that ***existing*** non-profit ***entity legally*** established in ***a Member State which has its registered office within*** the Union ***and which operates across borders or has another cross-border element*** may convert into an ECBA within the same Member

State.

Or. en

Amendment 165
Marion Walsmann

Proposal for a directive
Article 17 – paragraph 2

Text proposed by the Commission

2. Member States *shall ensure that any conversion is approved by the decision-making body of the converting entity.*

Amendment

2. Member States *will apply the existing rules on (cross-border) conversions, mergers and divisions also to non-profit association and ECBAs in line with directive (EU) 2017/1132.*

Or. en

Justification

Original text from para. 2 has been added to para. 1. And a new text has drafted in order to avoid any frictions, since it should become sufficiently clear that the Member States will apply the existing rules on (cross-border) conversions, mergers and divisions also to non-profit association and ECBAs in line with directive (EU) 2017/1132.

Amendment 166
Marion Walsmann

Proposal for a directive
Article 17 – paragraph 3

Text proposed by the Commission

3. *Member States shall ensure the conversion shall not result in the dissolution of the non-profit association that is converting or any loss of interruption of its legal personality.*

Amendment

deleted

Or. en

Justification

Text added to para. 1.

Amendment 167
Marion Walsmann

Proposal for a directive
Article 17 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall ensure that all assets and liabilities are transferred to the newly constituted ECBA. *deleted*

Or. en

Justification

Text added to para. 1.

Amendment 168
Marion Walsmann

Proposal for a directive
Article 17 – paragraph 5

Text proposed by the Commission

Amendment

5. Member States shall ensure that the conversion shall take effect upon registration of the newly constituted ECBA in accordance with Article 19. *deleted*

Or. en

Justification

Text added to para. 1.

Amendment 169
Marion Walsmann

Proposal for a directive
Article 17 – paragraph 6

Text proposed by the Commission

Amendment

6. *Member States shall ensure that the entry concerning the non-profit association that has converted is removed from any register.* *deleted*

Or. en

Justification

Text added to para. 1.

Amendment 170
Jiří Pospíšil

Proposal for a directive
Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

Merger of non profit entities into an ECBA

Member States shall ensure that non profit entities legally established in one or more member states, can merge into an ECBA, provided that at least two of them are governed by the law of different Member States.

Or. en

Amendment 171
Marion Walsmann

Proposal for a directive
Article 18 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Member States shall ensure that an application for registration of an ECBA is submitted to the competent authority of the Member State in which the ECBA intends to have its registered office. The application shall be accompanied by the following documents and information,

Member States shall ensure that an application for registration of an ECBA is submitted to the competent authority of the Member State in which the ECBA intends to have its registered office. The application shall be ***made in the form applicable to the most similar non-profit***

provided in an official language of that Member State or any other language allowed under the law of that Member State:

association in national law and be accompanied by the following documents and information, provided in an official language of that Member State or any other language allowed under the law of that Member State:

Or. en

Amendment 172
Jiří Pospíšil

Proposal for a directive
Article 18 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) the postal address of the intended registered office ***and an electronic mail address***;

(c) the postal address of the intended registered office;

Or. en

Amendment 173
Pierre Karleskind, Ilana Cicurel

Proposal for a directive
Article 18 – paragraph 1 – subparagraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the declaration of respect for the fundamental values of the European Union referred to in Article 5a, signed by all its founding members.

Or. fr

Amendment 174
Daniel Buda

Proposal for a directive
Article 18 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the application for registration of an ECBA may be submitted online.

Amendment

4. Member States shall ensure that the application for registration of an ECBA, ***including in cases of conversions and mergers***, may be submitted online.

Or. ro

Amendment 175

Gilles Lebreton, Gunnar Beck, Virginie Joron

Proposal for a directive

Article 19 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the competent authority of the home Member State notifies, ***without delay***, the competent authorities of all the other Member States of any new registration of an ECBA.

Amendment

2. Member States shall ensure that the competent authority of the home Member State notifies, ***within a reasonable period of time***, the competent authorities of all the other Member States of any new registration of an ECBA.

Or. fr

Amendment 176

Gilles Lebreton, Gunnar Beck, Virginie Joron

Proposal for a directive

Article 19 – paragraph 5

Text proposed by the Commission

5. Where the competent authority decides to reject the application or has not reached a decision within 30 days of the submission of the complete application, Member States shall ensure that that decision, or the lack of such decision, ***is*** subject to effective judicial review.

Amendment

5. Where the competent authority decides to reject the application or has not reached a decision within 30 days of the submission of the complete application, Member States shall ensure that that decision, or the lack of such decision, ***can be*** subject to effective judicial review.

Or. fr

Amendment 177

Jiří Pospíšil

**Proposal for a directive
Article 20 – paragraph 1**

Text proposed by the Commission

1. Each Member State shall **establish a** register for the purposes of registration of **ECBAs** pursuant to Article 19.

Amendment

1. Each Member State shall **designate the register, the authority responsible for the management of the** register for the purposes of registration of **European associations** pursuant to Article 19 **and the authority responsible for supervision, and shall inform the Commission accordingly.**

Or. cs

Amendment 178

Daniel Buda

**Proposal for a directive
Article 20 – paragraph 1**

Text proposed by the Commission

1. Each Member State shall establish a register for the purposes of registration of ECBAs pursuant to Article 19.

Amendment

1. Each Member State shall establish a **national register or use an existing national** register for the purposes of registration of ECBAs pursuant to Article 19.

Or. ro

Amendment 179

Jiří Pospíšil

**Proposal for a directive
Article 20 – paragraph 2 – point a a (new)**

Text proposed by the Commission

Amendment

(aa) Annual activity reports, which shall contain at least:

1) information on the activities of the European Association;

2) a description of how the public benefit purpose, if granted to the European Association, was promoted during the financial year;

3) a list of gifts received and given.

Or. cs

Amendment 180

Jiří Pospíšil

Proposal for a directive Article 20 – paragraph 5

Text proposed by the Commission

Amendment

5. Member States shall ensure that the documents and information referred to in paragraph 4 are not publicly available for longer than 6 months after the dissolution of an ECBA.

deleted

Or. en

Amendment 181

Jiří Pospíšil

Proposal for a directive Article 20 – paragraph 6

Text proposed by the Commission

Amendment

6. Member States shall ensure that personal data are not retained in the register after the dissolution of an ECBA for longer than 2 years.

6. Member States shall ensure that personal data are not retained in the register after the dissolution of an ECBA for longer than **10** years.

Or. en

Amendment 182

Jiří Pospíšil

Proposal for a directive Article 22 – paragraph 4 – point c

Text proposed by the Commission

Amendment

(c) *when insolvency are pending;*

(c) *the ECBA is insolvent;*

Or. cs

Amendment 183

Jiří Pospíšil

Proposal for a directive

Article 23 – paragraph 1

Text proposed by the Commission

Amendment

1. *Without prejudice to any provisions in force more favourable to employees based on national or Union law, Member States shall ensure that the employees of an ECBA willing to transfer its registered office are informed of the potential transfer and entitled, in good time and at least one month before the extraordinary meeting referred to in paragraph 2, to examine the draft of the decision approving the transfer of registered office referred to in paragraph 2.*

1. Member States shall ensure that the creditors of an ECBA *are informed of the possible transfer of the registered office, in particular through the obligation of the ECBA to publish the application for the transfer of the registered office* referred to in paragraph 3, *and that they have the right to have that application reviewed in accordance with the procedure* referred to in Article 23a.

Or. cs

Amendment 184

Jiří Pospíšil

Proposal for a directive

Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *Member States shall ensure that the employees of the ECBA are informed of the possible transfer of the registered office and have the opportunity to comment on it well in advance, at least one month before the planned decision pursuant to paragraph 2.*

Amendment 185

Jiří Pospíšil

Proposal for a directive

Article 23 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the transfer of the registered office needs to be adopted by the decision-making body of the ECBA ***in an extraordinary meeting***. That decision shall be taken by two thirds of the votes, representing at least half of all members.

Amendment

2. Member States shall ensure that the transfer of the registered office needs to be adopted by the decision-making body of the ECBA. That decision shall be taken by two thirds of the votes, representing at least half of all members.

Or. en

Amendment 186

Jiří Pospíšil

Proposal for a directive

Article 23 – paragraph 3 – point f

Text proposed by the Commission

(f) a report ***explaining*** the safeguards for creditors ***and employees, if applicable under Union or national law***.

Amendment

(f) a report ***setting out*** the safeguards for creditors;

Or. cs

Amendment 187

Jiří Pospíšil

Proposal for a directive

Article 23 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(fa) a report explaining whether and to what extent, if any, the rights of

employees will be affected by the transfer:

Or. cs

Amendment 188

Jiří Pospíšil

Proposal for a directive

Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23a

Protection of creditors

1. Member States shall provide for an adequate system of protection of the interests of creditors whose claims antedate the application for the transfer of the registered office and have not fallen due at the time of such disclosure.

Member States shall ensure that creditors who are not satisfied with the safeguards contained in the application for transfer of the registered office referred to in Article 23(3)(f) may, within three months of the publication of the application for transfer of the registered office, apply to the competent administrative or judicial authority for adequate safeguards if they can reliably demonstrate that the satisfaction of their claims will be jeopardised as a result of the transfer of the registered office and that they have not received any adequate safeguards from the company. Member States shall ensure that the safeguards are conditional upon the relocation taking effect.

2. Member States may require that the administrative or management body of the company provide a declaration that accurately reflects its current financial status at a date no earlier than one month before the disclosure of that declaration. The declaration shall state that, on the basis of the information available to the administrative or management body of the

company at the date of that declaration, and after having made reasonable enquiries, that administrative or management body is unaware of any reason why the company would, after the conversion takes effect, be unable to meet its liabilities when those liabilities fall due. The declaration shall be published together with the application for transfer.

3. Paragraphs 1 and 2 shall be without prejudice to the application of the law of the departure Member State concerning the satisfaction or securing of pecuniary or non-pecuniary obligations due to public bodies.

4. Member States shall ensure that creditors whose claims antedate the publication of the application for the transfer of the registered office are able to institute proceedings against the company also in the departure Member State within two years of the date the transfer has taken effect, without prejudice to the jurisdiction rules arising from Union or national law or from a contractual agreement. The option of instituting such proceedings shall be in addition to other rules on the choice of jurisdiction that are applicable pursuant to Union law.

Or. cs

Amendment 189

Jiří Pospíšil

Proposal for a directive

Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that an ECBA shall ***only*** be dissolved by decision of its members ***and only in the following cases:***

Amendment

1. Member States shall ensure that an ECBA shall be dissolved by decision of its members ***in accordance with its statutes.***

Or. en

Amendment 190

Jiří Pospíšil

Proposal for a directive

Article 24 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the objective of the ECBA has been achieved; *deleted*

Or. en

Amendment 191

Jiří Pospíšil

Proposal for a directive

Article 24 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the time for which it was set up has expired; *deleted*

Or. en

Amendment 192

Jiří Pospíšil

Proposal for a directive

Article 24 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) for any reason in accordance with its statutes. *deleted*

Or. en

Amendment 193

Jiří Pospíšil

Proposal for a directive
Article 25 – paragraph 2 – point b

Text proposed by the Commission

(b) a serious threat to public order or public security caused by the activities of the ECBAs;

Amendment

(b) a serious threat to public order or public security caused by the activities of the ECBAs ***provided that it is preceded by a risk assessment in line with standards of necessity and proportionality;***

Or. en

Amendment 194
Jiří Pospíšil

Proposal for a directive
Article 25 – paragraph 2 – point c

Text proposed by the Commission

(c) ***a conviction for a serious criminal offence of the ECBA or of the members of its executive body;***

Amendment

deleted

Or. en

Amendment 195
Pierre Karleskind, Ilana Cicurel

Proposal for a directive
Article 25 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) Flagrant failure to comply with the declaration of respect for the fundamental values of the European Union referred to in Article 5a.

Or. fr

Amendment 196
Daniel Buda

**Proposal for a directive
Article 25 – paragraph 4**

Text proposed by the Commission

4. Member States shall ensure that where, after having duly examined the replies by the ECBA pursuant to paragraph 3 of this Article, the competent authority determines that the ECBA must be dissolved because one of the reasons referred to in paragraph 2 of this Article has been ascertained, it shall adopt a written decision to that effect. A decision to dissolve an ECBA may only be taken where there are no less restrictive measures capable of addressing the concerns raised by the competent authority.

Amendment

4. Member States shall ensure that where, after having duly examined the replies by the ECBA pursuant to paragraph 3 of this Article, the competent authority determines that the ECBA must be dissolved because one of the reasons referred to in paragraph 2 of this Article has been ascertained, it shall adopt a written **and reasoned** decision to that effect. A decision to dissolve an ECBA may only be taken where there are no less restrictive measures capable of addressing the concerns raised by the competent authority.

Or. ro

**Amendment 197
Jiří Pospíšil**

**Proposal for a directive
Article 25 – paragraph 5**

Text proposed by the Commission

5. Member States shall ensure that the decision referred to in paragraph 4 of this Article is reasoned, subject to **effective** judicial review, and does not take effect while judicial review is pending.

Amendment

5. Member States shall ensure that the decision referred to in paragraph 4 of this Article is reasoned, subject to **independent** judicial review, and does not take effect while judicial review is pending.

Or. en

**Amendment 198
Jiří Pospíšil**

**Proposal for a directive
Article 26 – paragraph 2**

Text proposed by the Commission

2. Member States shall ensure that any assets of the dissolved ECBA remaining after financial interests of possible creditors are discounted are transferred to a non-profit entity carrying out a similar activity as the dissolved ECBA or that the assets are transferred to a local authority, ***which is obliged to utilise them for an activity that is similar to the one pursued by the dissolved ECBA.***

Amendment

2. Member States shall ensure that any assets of the dissolved ECBA remaining after financial interests of possible creditors are discounted are transferred to a non-profit entity carrying out a similar activity as the dissolved ECBA or that the assets are transferred to a local authority.

Or. en

Amendment 199

Nacho Sánchez Amor, René Repasi

Proposal for a directive

Article 27 – paragraph 1

Text proposed by the Commission

1. Each Member States shall designate ***the*** competent authority (‘competent authority’) responsible for the application of this Directive.

Amendment

1. Each Member States shall designate ***an independent*** competent ***public*** authority (‘competent authority’) responsible for the application of this Directive.

Or. en

Amendment 200

Daniel Buda

Proposal for a directive

Article 27 – paragraph 2

Text proposed by the Commission

2. Member States shall notify the Commission of the names of the competent authority designated pursuant to paragraph 1. The Commission shall publish a list of the designated competent authorities.

Amendment

2. Member States shall notify the Commission of the names of the competent authority designated pursuant to paragraph 1. The Commission shall publish ***on its website*** a list of the designated competent authorities ***and update this where necessary.***

Amendment 201**Daniel Buda****Proposal for a directive****Article 28 – paragraph 1***Text proposed by the Commission*

1. The competent authorities of Member States shall cooperate with and assist each other in an effective and efficient way for the purposes of the application of the provisions of this Directive.

Amendment

1. The competent authorities of Member States shall cooperate with and assist each other, ***without undue delays***, in an effective and efficient way for the purposes of the application of the provisions of this Directive.

Amendment 202**Raffaele Stancanelli****Proposal for a directive****Article 29 – paragraph 1***Text proposed by the Commission*

By [seven years after transposition deadline] at the latest, and every five years thereafter, the Commission shall report to the European Parliament and to the Council on the transposition and application of this Directive. To that end, the Commission may request, to the extent possible through digital tools, Member States to share aggregated data concerning ECBAAs registered in their territory.

Amendment

By [seven years after transposition deadline] at the latest, and every five years thereafter, the Commission shall report to the European Parliament and to the Council on the transposition and application of this Directive. To that end, the Commission may request, to the extent possible through digital tools, Member States to share aggregated data concerning ECBAAs registered in their territory. ***The report shall in particular take into account:***

- a) Consider the adequacy and the proportionality of the measures;***
- b) Number, size and geography spread of registered cross-border associations/ECBAAs in the EU;***
- c) Number of infringement cases in***

relation to this Directive;

d) Quantified cost-benefit analysis of this Directive, including costs for the Member States, the Commission and non-profit associations including non-profit associations that qualify as SMEs;

e) Quantified cost reduction for non-profit associations realised due to reduced regulatory and administrative formalities;

f) Trend in the number, size and geography spread of registered cross-border associations/ECBAs in the EU, including number of voluntary and involuntary dissolutions;

g) Perceived satisfaction of non-profit associations taking up the new legal form of ECBA operating cross-border in the internal market;

h) The need for harmonisation of requirements for accounts transparency, annual reports and auditing, especially for the ECBAs receiving financial public support.

Or. en

Amendment 203

Manon Aubry

Proposal for a directive

Article 29 a (new)

Text proposed by the Commission

Amendment

Article 29a

ECBA Committee

1. The Commission shall be assisted by a Committee called the ECBA Committee. The ECBA Committee shall be composed of two representatives of each Member State. The committee shall be chaired by a representative of the Commission. The chair shall not take part in the committee vote. Member States and the Commission shall ensure a gender balance in the

composition of national delegations. The Committee shall establish its own rules of procedure and adopt and organise its own operational arrangements.

2. The Committee shall monitor the implementation of this Directive, in particular with regard to the provisions that make reference to this Article. It shall promote the exchange of information, experience and best practices as well as the coordination of policy approaches among national governments and the Commission.

3. The Committee shall prepare reports, formulate opinions or undertake other work within its fields of competence, at the request of either the Council or the Commission or on its own initiative.

4. The Committee shall work, as appropriate, in cooperation with other relevant bodies and committees, such as the EU Agency for Fundamental Rights.

5. In fulfilling its mandate, the Committee shall establish a framework for structured civil dialogue with relevant stakeholders and non-profit associations in particular.

6. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

7. The discussions of the Committee shall be governed by Regulation (EC) No 1049/2001 of the European Parliament and of the Council^{1a}.

8. The Council and the European Parliament shall also be informed on a biannual basis regarding the activities of the Committee.

^{1a} *Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).*

Amendment 204

Gilles Lebreton, Gunnar Beck, Virginie Joron

Proposal for a directive

Article 30

Text proposed by the Commission

Amendment

Article 30

deleted

Committee procedure

1. The Commission shall be assisted by a Committee. That Committee shall be a committee within the meaning of Article 3(2) of the Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Or. fr

Amendment 205

Nacho Sánchez Amor, René Repasi

Proposal for a directive

Article 30 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Committee shall establish a framework for structured civil dialogue with relevant stakeholders and non-profit associations in particular.

Or. en

Amendment 206

Nacho Sánchez Amor, René Repasi

Proposal for a directive

Article 30 a (new)

Text proposed by the Commission

Amendment

Article 30a

Right to good administration

Member States, notwithstanding the rights enshrined in Article 41 of the EU Charter of Fundamental Rights, shall ensure that the administrative procedures and obligations of ECBAs may be submitted online and that they are easily accessible.

Member States shall make available the necessary information and support concerning the administrative processes related to ECBAs.

Or. en

Amendment 207

Jiří Pospíšil

Proposal for a directive

Article 31 – paragraph 1

Text proposed by the Commission

1. Member States shall adopt and publish the laws, regulations, and administrative provisions necessary to comply with this Directive by [2 years from the entry into force of this Directive]. They shall immediately communicate the text of those measures to the Commission.

Amendment

1. Member States shall adopt and publish the laws, regulations, and administrative provisions necessary to comply with this Directive by [3 years from the entry into force of this Directive]. They shall immediately communicate the text of those measures to the Commission.

Or. en

Amendment 208

Manon Aubry

Proposal for a directive

Article 31 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall engage in a structured dialogue with non-profit

organisations established, registered or operating in their territory in a timely, transparent and meaningful manner about the transposition and implementation of the provisions of this Directive as well as the revision of relevant national provisions. Such structured dialogue shall take place prior to the transposition of this Directive and at least twice a year thereafter.

Or. en

Amendment 209
Nacho Sánchez Amor, René Repasi

Proposal for a directive
Article 31 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Member States shall engage in a dialogue with nonprofit organisations established, registered or operating in their territory in a timely, transparent and meaningful manner about the transposition and implementation of the provisions of this Directive as well as the revision of relevant national provisions. Such dialogue shall take place prior to the transposition of this Directive and at least twice a year thereafter.

Or. en