



Plenary sitting

A9-0006/2024

25.1.2024

*****I**
REPORT

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

Committee on the Internal Market and Consumer Protection

Rapporteur: Anne-Sophie Pelletier

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0515),
 - having regard to Article 294(2), Article 21(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0327/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinion of the Committee on Legal Affairs,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0006/2024),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Pursuant to Article **30(2)** of Directive COM(2023)516, the administrative cooperation and the exchange of information between the competent authorities of the Member States is to be implemented through the Internal Market Information System ('IMI system') established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council⁵. For that reason, the necessary administrative cooperation procedures should be established in the IMI system.

⁵ Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1).

Amendment 2

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) In accordance with Articles 2 and 3 of Regulation (EU) 2018/1724 of the European Parliament and of the Council⁶, the single digital gateway **shall give** access to information, procedures as well as

Amendment

(2) Pursuant to Article **28(2)** of Directive COM(2023)516, the administrative cooperation and the exchange of information between the competent authorities of the Member States is to be implemented through the Internal Market Information System ('IMI system') established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council⁵. For that reason, the necessary administrative cooperation procedures **and the procedures for the exchange of information between the competent authorities** should be established in the IMI system.

⁵ Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1).

Amendment

(3) In accordance with Articles 2 and 3 of Regulation (EU) 2018/1724 of the European Parliament and of the Council⁶, the single digital gateway **provides** access to information, procedures as well as

assistance and problem-solving services to citizens of the Union, natural persons residing in a Member State and legal persons having their registered office in a Member State. The operative part and Annex I of Regulation (EU) 2018/1724 should be amended to ensure that the scope is not understood as limited to citizens and businesses and concerns legal persons other than businesses, such as ECBAs.

assistance and problem-solving services to citizens of the Union, natural persons residing in a Member State and legal persons having their registered office in a Member State. The operative part and Annex I of Regulation (EU) 2018/1724 should be amended **by this Regulation** to ensure that the scope is not understood as limited to citizens and businesses and concerns legal persons other than businesses, such as ECBAs.

⁶ Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).

⁶ Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).

Amendment 3

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

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

Amendment 4

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

Present text

‘Areas of information related to businesses:	
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Area	INFORMATION REGARDING RIGHTS, OBLIGATIONS AND RULES
J. Starting, running and closing a business	<ol style="list-style-type: none"> 1. registering, changing the legal form of or closing a business (registration procedures and legal forms for carrying out business) 2. moving a business to another Member State 3. intellectual property rights (applying for a patent, registering a trademark, a drawing or a design, getting a licence for reproduction) 4. fairness and transparency in commercial practices, including consumer rights and guarantees related to selling goods and services 5. offering online facilities for cross-border payments when selling goods and services online 6. rights and obligations arising under contract law, including late payment interests 7. insolvency proceedings and liquidation of companies 8. credit insurance 9. mergers of companies or selling a business 10. civil liability of directors of a company 11. rules and obligations regarding the processing of personal data'
<i>Amendment</i>	
(aa) the following areas of information are replaced:	
'Areas of information related to businesses:	
Area	INFORMATION REGARDING RIGHTS, OBLIGATIONS AND RULES
J. Starting, running and closing a business	<ol style="list-style-type: none"> 1. registering, changing the legal form of or closing a business (registration procedures and legal forms for carrying out business) 2. transferring of the registered office of a business to another Member State 2a. obligations to creditors and workers'

	<p><i>rights in connection with the transfer of the registered office of a business to another Member State</i></p> <p>3. intellectual property rights (applying for a patent, registering a trademark, a drawing or a design, getting a licence for reproduction)</p> <p>. fairness and transparency in commercial practices, including consumer rights and guarantees related to selling goods and services</p> <p>5. offering online facilities for cross-border payments when selling goods and services online</p> <p>6. rights and obligations arising under contract law, including late payment interests</p> <p>7. insolvency proceedings and liquidation of companies</p> <p>8. credit insurance</p> <p>9. mergers of companies or selling a business</p> <p>10. civil liability <i>of board members or</i> directors of a company</p> <p>11. rules and obligations regarding the processing of personal data'</p>
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Amendment 5

Proposal for a regulation

Article 2 – paragraph 1 – point 5 – point b

Regulation (EU) 2018/1724

Annex I

Text proposed by the Commission

(b) the following areas of information are added:	
'Areas of information related to legal persons other than businesses having their registered office in a Member State:	
<i>AA. Starting, running and closing a legal person other than a business</i>	1. registering, changing the legal form of or closing a legal person other than a business

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

	<p>another Member State</p> <p><i>2a. obligations to creditors and workers' rights in connection with the transfer of the registered office of a legal person other than a business to another Member State</i></p> <p>3. intellectual property rights (applying for a patent, registering a trademark, a drawing or a design, getting a licence for reproduction)</p> <p>4. fairness and transparency in commercial practices, including consumer rights and guarantees related to selling goods and services</p> <p>5. offering online facilities for cross-border payments when selling goods and services online</p> <p>6. rights and obligations arising under contract law, including late payment interests</p> <p>7. insolvency proceedings and liquidation of legal persons other than businesses</p> <p>8. credit insurance</p> <p>9. mergers of, or selling of a legal person other than a business</p> <p>10. civil liability of <i>board members or</i> directors of a legal person other than a business</p> <p>11. rules and obligations regarding the processing of personal data</p>
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EXPLANATORY STATEMENT

Introduction

The Commission's proposal for a directive on European cross-border associations (ECBAs) introduces an additional legal form of a European cross-border association (ECBA) in national legal systems of the Member States, which is specifically designed for cross-border

purposes and will reduce legal and administrative burden when it comes to the recognition and establishment of non-profit associations engaging in activities in another Member State. Once established in one Member State, an ECBA will be recognised automatically and will be able to engage in activities in all Member States, including economic activities, thereby allowing non-profit associations to unleash their full societal and economic potential in the EU.

With the proposed directive, the Commission also proposed an accompanying Regulation of technical nature amending the Internal Market Information (IMI) system and the Single Digital Gateway (SDG) Regulations, to allow cooperation and exchange of information among competent authorities through the IMI system and to conduct digital operations through the SDG allowing access to information about ECBAs available online.

Draft report

The Rapporteur welcomes the Commission proposal to amend the IMI system and SDG for the purpose of establishing and operating ECBAs. The draft report contains only technical changes to enhance the clarity of the text, without modifying the substance. Amongst others, the draft report clarifies that also the exchanges of information between the competent authorities should be established in the IMI system. The opinion of the European Data Protection Supervisor, which was published on 31 October 2023, should be highlighted in a recital.

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The rapporteur declares under her exclusive responsibility that she did not receive input from any entity or person to be mentioned in this Annex pursuant to Article 8 of Annex I to the Rules of Procedure.

12.12.2023

LETTER OF THE COMMITTEE ON LEGAL AFFAIRS

Ms Anna Cavazzini
Chair
Committee on the Internal Market and Consumer Protection
BRUSSELS

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

Dear Madam Chair,

At the meeting of 23 October 2023, the Coordinators of the Committee on Legal Affairs decided to give an opinion, in accordance with Rule 56+ of the Rules of Procedure, on the proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) No 1024/2012 and (EU) 2018/1724 as regards the use of the Internal Market Information System and the Single Digital Gateway for the purposes of certain requirements laid down by Directive (EU) .../... of the European Parliament and of the Council on European cross-border associations. The opinion was attributed to the Greens/EFA Group and Mr Sergey Lagodinsky was nominated the Rapporteur. However, in order to respect the timetable of the IMCO Committee as well as following the rather technical, concise and uncontroversial nature of the proposal, the Coordinators decided on 29 November to change the format of the opinion under Rule 56+ into a letter while keeping the same Rapporteur.

Suggestions:

At its meeting of 11 December 2023, the Committee on Legal Affairs accordingly decided, by 18 votes in favour, 0 votes against and no abstentions¹, to call on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the elements outlined in this opinion, when preparing their report.

The proposed regulation accompanies the proposal for a Directive on European Cross-border Association (ECBAs), and should support an efficient administrative cooperation and the

¹ The following Members were present for the final vote: Sergey Lagodinsky (Vice-Chair), Marion Walsmann (Vice-Chair), Raffaele Stancanelli (Vice-Chair), Alessandra Basso, Iban Garcia del Blanco, Ilana Cicurel, Pascal Durand, Pierre Karleskind, Antonius Manders, Maria Manuel Leitão Marques, Karen Melchior, Sabrina Pignedoli, Jiří Pospíšil, Franco Roberti, Caroline Roose (for Marie Toussaint pursuant to Rule 209(7)), Axel Voss, Tiemo Wölken, Javier Zarzalejos.

exchange of information between the competent authorities of the Member States with regards to ECBA in order to contribute to the implementation and application of the proposed directive. It is therefore important for the European Parliament and the Council to look at both instruments together as part of the same package to ensure coherence and consistency.

In that regard, the Committee on Legal Affairs welcomes the Commission's proposal for regulation and the suggested changes to the Regulations on the Internal Market Information System and the Single Digital Gateway, and considers only minimal amendments are needed. Therefore, the elements to be taken into account as agreed by the Committee on Legal Affairs, are the following:

1. **Recital 2** contains a technical error in referring to Article 30 on the Committee procedure instead of Article 28 on the IMI. It should therefore be amended as follows:

(2) Pursuant to Article **30(2)** of Directive COM(2023)516, the administrative cooperation and the exchange of information between the competent authorities of the Member States is to be implemented through the Internal Market Information System ('IMI system') established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council⁵. For that reason, the necessary administrative cooperation procedures should be established in the IMI system.

(2) Pursuant to Article **28(2)** of Directive ~~COM(2023)516~~, the administrative cooperation and the exchange of information between the competent authorities of the Member States is to be implemented through the Internal Market Information System ('IMI system') established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council⁵. For that reason, the necessary administrative cooperation *and exchange of information* procedures should be established in the IMI system.

2. **Article 1** of the draft regulation concerns the inclusion of the ECBA's Directive as a new point in the Annex of Regulation (EU) No 1024/2012 regarding the IMI System. By using an already existing digital system for administrative cooperation, additional legislative, administrative and financial burden is avoided and supports the functioning of the internal market for associations. The Committee therefore considers that no amendments are needed to this provision in the draft regulation.
3. **Article 2** of the draft regulation covers amendments to Regulation (EU) 2018/1724 regarding the Digital Single Gateway. It expands the use of the Digital Single Gateway in view of access to information and problem-solving services beyond citizens and businesses to legal persons other than business, to include in particular future ECBA's. The amendments proposed by the European Commission are reflecting this expansion in a legally sound and technically correct way, including by putting forward additional areas of information to Annex I of Regulation (EU) 2018/1724 which concern the exact same areas included in that Annex for businesses. This supports the transparency of the operations of ECBA's as well as the creation of a level-playing field and more equal participation in the internal market for ECBA's compared to businesses.

The Committee therefore considers that no amendments are needed to these provisions in the

draft regulation.

Yours sincerely,

Adrián Vázquez Lázara

ANNEX: ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The rapporteur has received input from the following entities or persons in the preparation of the opinion, until the adoption thereof in committee:

Entity and/or person

Allianz "Rechtssicherheit für politische Willensbildung" e.V.
Alzheimer Europe
Caritas Europa
CEDAG - European Council of Associations of General Interest
Centre Français des Fonds et Fondations
Civil Society Europe
Deutscher Caritasverband e.V.
E.A.N. - European Ageing Network
EASPD - European Association of Service Providers for Persons with Disabilities
ECNL European Center for Not-For-Profit Law Stichting
EPR - European Platform for Rehabilitation
ESU - European Students' Union
Eurodiaconia
European Alternatives
European Civic Forum
European Fundraising Association, COFACE
FEANTSA - European Federation of National Organisations Working with the Homeless
France générosités
Human Rights Cities Network
Irish Council for Civil Liberties
Le Mouvement associatif
Maecenata Stiftung
Ökotárs - Hungarian Environmental Partnership Foundation
Philea
Red Cross EU Office
Samaritan International
Social Services Europe

The list above is drawn up under the exclusive responsibility of the rapporteur.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Amending Regulations (EU) No 1024/2012 and (EU) 2018/1724 as regards the use of the Internal Market Information System and the Single Digital Gateway for the purposes of certain requirements laid down by Directive (EU) .../... of the European Parliament and of the Council on European cross-border associations (COM(2023)516))
References	COM(2023)0515 – C9-0327/2023 – 2023/0314(COD)
Date submitted to Parliament	5.9.2023
Committee responsible Date announced in plenary	IMCO 23.11.2023
Committees asked for opinions Date announced in plenary	JURI 23.11.2023
Rapporteurs Date appointed	Anne-Sophie Pelletier 25.10.2023
Discussed in committee	4.12.2023
Date adopted	24.1.2024
Result of final vote	+ : 39 - : 2 0 : 0
Members present for the final vote	Alex Agius Saliba, Andrus Ansip, Pablo Arias Echeverría, Laura Ballarín Cereza, Alessandra Basso, Brando Benifei, Biljana Borzan, Vlad-Marius Botoș, Markus Buchheit, Anna Cavazzini, Dita Charanzová, Deirdre Clune, David Cormand, Alexandra Geese, Sandro Gozi, Maria Grapini, Svenja Hahn, Eugen Jurzyca, Włodzimierz Karpiński, Arba Kokalari, Marcel Kolaja, Kateřina Konečná, Andrey Kovatchev, Maria-Manuel Leitão-Marques, Antonius Manders, Beata Mazurek, Leszek Miller, Miroslav Radačovský, René Repasi, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Tom Vandenkendelaere, Kim Van Sparrentak
Substitutes present for the final vote	Maria da Graça Carvalho, Salvatore De Meo, Carlo Fidanza, Ivars Ijabs, Stelios Kouloglou
Date tabled	26.1.2024

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

39	+
ECR	Carlo Fidanza, Eugen Jurzyca, Beata Mazurek
ID	Alessandra Basso
PPE	Pablo Arias Echeverría, Maria da Graça Carvalho, Deirdre Clune, Salvatore De Meo, Włodzimierz Karpiński, Arba Kokalari, Andrey Kovatchev, Antonius Manders, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Tom Vandenkendelaere
Renew	Andrus Ansip, Vlad-Marius Botoș, Dita Charanzová, Sandro Gozi, Svenja Hahn, Ivars Ijabs, Róza Thun und Hohenstein
S&D	Alex Agius Saliba, Laura Ballarín Cereza, Brando Benifei, Biljana Borzan, Maria Grapini, Maria-Manuel Leitão-Marques, Leszek Miller, René Repasi, Christel Schaldemose
The Left	Kateřina Konečná, Stelios Kouloglou
Verts/ALE	Anna Cavazzini, David Cormand, Alexandra Geese, Marcel Kolaja, Kim Van Sparrentak

2	-
ID	Markus Buchheit
NI	Miroslav Radačovský

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention