



Brussels, 4 May 2017
(OR. en)

Interinstitutional File:
2017/0086 (COD)

8838/17
ADD 3

MI 378
ENT 113
TELECOM 103
DIGIT 119
COMPET 293
IND 100
CODEC 728
IA 73

PROPOSAL

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 2 May 2017

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: SWD(2017) 212 final

Subject: COMMISSION STAFF WORKING DOCUMENT SYNOPSIS REPORT ON
THE STAKEHOLDER CONSULTATION ON THE SINGLE DIGITAL
GATEWAY Accompanying the document Proposal for a regulation of the
European Parliament and of the Council on establishing a single digital
gateway to provide information, procedures, assistance and problem
solving services and amending Regulation (EU) No 1024/2012

Delegations will find attached document SWD(2017) 212 final.

Encl.: SWD(2017) 212 final



Brussels, 2.5.2017
SWD(2017) 212 final

Compliance Package

COMMISSION STAFF WORKING DOCUMENT

SYNOPSIS REPORT ON THE STAKEHOLDER CONSULTATION ON THE SINGLE DIGITAL GATEWAY

Accompanying the document

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

{ COM(2017) 256 final }
{ SWD(2017) 211 final }
{ SWD(2017) 213 final }
{ SWD(2017) 214 final }

SYNOPSIS REPORT ON THE STAKEHOLDER CONSULTATION ON THE SINGLE DIGITAL GATEWAY

1. OVERVIEW OF THE CONSULTATION PROCESS

The consultation process on the single digital gateway (SDG) started in November 2015 and closed in December 2016.

It included a dedicated stakeholders' workshop, an online public consultation, meetings with stakeholder representatives, as well as exchanges with Member States (MS). Considering the scope of and responses to these activities it was decided not to launch a specific consultation targeting SMEs and start-ups.

The main outcomes of each consultation activity are analysed below.

2. RESULTS OF THE CONSULTATION ACTIVITIES

2.1 Conclusions from the SDG stakeholders' workshop

A workshop on the SDG took place in March 2016 in Brussels. Participants included representatives of the Points of Single Contact (PSCs), chambers of commerce and national authorities.

Participants stated that there are many problems relating to access to information, availability of e-procedures and access to assistance services. These are due to gaps in legislation, lack of information or assistance, as well as unsatisfactory implementation by national and local authorities.

2.1.1 Online information on applicable EU and national rules

Participants claimed that it is costly and burdensome for businesses to establish, provide services or sell goods across borders. Even when online information exists, it is difficult to find or understand, mostly due to lack of alternative languages and the widespread use of jargon. Moreover, when only general information is offered, it cannot be applied to a particular case. Participants recommended using high quality standards for online information. The content and presentation of information should be constantly improved based on user feedback.

2.1.2 E-procedures to comply with national rules

Participants pointed out that it is very difficult to use e-procedures across borders. Although some Member States have made impressive progress in terms of e-government domestically, the recognition of foreign e-Signature and e-IDs is still very limited, making access to e-procedures for foreign users impossible.

2.1.3 Services for personalised assistance and advice

Access to assistance and problem-solving services is still limited due to low levels of awareness and language obstacles. In the participants' views, a SDG should offer personalised information services and assistance in both the national language and in English, with the response in a reasonably short time.

2.2 Input from the online public consultation

The public consultation was open from 28 August 2016, until 28 November 2016. Target groups were businesses (including companies, self-employed and business representative organisations), citizens (including private individuals, organisations representing citizens or consumers and academics) and public authorities.

Table 1 - Distribution of respondents

Type of respondent	N° of answers	% of answers
Self-employed	33	9%
Company	94	26%
Of which:		
- SME (1 to 249 employees)	87	93% of respondent companies
- Firm with more than 250 employees	7	7% of respondent companies
Business representative organisation	35	10%
Total for business category	162	45%
Private individual	147	40%
Organisation representing citizens / consumers	11	3%
Academic / research institution	8	2%
Total for citizens	166	45%
Public authority (including government)	39	10%
Total for Public authority (including government)	39	10%
TOTAL NUMBER OF REPLIES	367	100%

See Annex 16 of the IA for a detailed analysis of the results.

It highlighted a strong consensus among business and citizens on the importance of the main pillars of the single digital gateway, notably:

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

2.2.1 Online information on applicable EU and national rules

Businesses and citizens expressed very similar concerns regarding online information on EU and national rules. Most respondents use the internet as the first source of information on these issues (74% of businesses and 80% of citizens). Most of them have tried to find such information online (78% and 70% respectively) but found it was difficult (80% and 60% respectively). The main difficulties are the lack of findability (48% and 43% respectively), the quality (40% in both cases) and the language (24% and 13% respectively).

This is reflected in the responses about the quality criteria for online information. For both categories, the top three elements are that information should be findable (82% and 72% respectively), relevant, practical and up-to-date (77% and 69% respectively) and available in another EU language (72% and 64% respectively). 91% of businesses and 87% of citizens can understand information in a different EU language, the most common one being English (88% and 78% respectively), followed by French and German.

Respondents believe it should be mandatory for authorities to provide the minimum level of information needed to carry out cross-border activities (80% in both cases) and that this should be in at least one other EU language (77% and 72% respectively). The most effective means to prevent gaps is for national authorities to provide all the information (77% of business and 63% of citizens consider it very effective) or at least the minimum information necessary for cross-border users (68% of businesses consider it very effective) and in at least one other language (72% of businesses and 63% of citizens consider it very effective). Most public authorities consider that the information needed is already provided (50%). Most consider it challenging but feasible to provide all the information needed for cross-border activities (50%), information in a centralised EU database (48%) and information in at least one other EU language.

Regarding rules and procedures for products and services, the majority of businesses (81%) are in favour of merging the respective contact points. This is a realistic option for respondent public authorities (70%). The majority of them consider it desirable or very desirable, despite considering integration difficult or somewhat difficult (28% and 48% respectively).

2.2.2 E-procedures to comply with national rules

About half of businesses and citizens have tried carrying out an e-procedure in another EU/EEA country. The main problems faced by business are the excessive use of jargon, the lack of full transactionality and the need to translate or certify documents. For citizens the main problems are the lack of full transactionality, the lack of findability and language problems. Issues relating to language and document provisions were identified as the most urgent to address by both groups of respondents.

The most important quality elements of e-procedures are the online transactionality of procedures (69% of businesses and 72% of citizens), the ease of navigation and step-by-step guidance (80% and 72% respectively), translated into another EU language (65% and 67% respectively) and a helpdesk (51% and 63% respectively).

The three priority procedures to be put online for businesses are 1) registration of business activity, 2) VAT registration and 3) VAT return. For citizens, they are 1) requesting or renewing an ID, 2) requesting the recognition of professional qualifications and 3) registering a change of address.

Respondents agree that it should be mandatory to make procedures available in at least one other EU language (78% of businesses, 73% of citizens and 55% of public authorities). It should also be mandatory that the most important procedures (67%, 69% and 70% respectively) or any relevant ones required under future European law (69%, 67% and 48% respectively) are fully online.

These actions were judged as the most effective measures to encourage the transition to e-procedures. Half of public authorities consider these actions challenging but feasible. The other half is split between those that consider these procedures already in place and those that consider them unfeasible or unnecessary.

Most public authorities see their transition to e-government as neutral (50%) or positive (30%). Administrations are evenly split amongst those that are planning to put more procedures online in the next two years (fully transactional in 83% of those cases) and those that do not.

2.2.3 Services for personalised assistance and advice

Respondents stated that the following are the most important quality criteria for personalised assistance services; replies should be quick (70% of businesses and 63% of citizens), answer the specific question/query (75% and 79% respectively), be reliable and legally sound (69% and 60% respectively), clear, simple and in non-legal terminology (64% of businesses), services should be available in a foreign language (68% and 58% respectively) and through different channels (35% of citizens).

2.2.4 Feedback mechanism

The majority of respondents are willing to give feedback on their experience of the single market, so as to orient policy-making.

2.3 Meetings and exchanges with business and citizens stakeholders

Key inputs include:

- The hearing "EU Citizenship in practice" in March 2016;
- Discussion at the Annual SME Assembly in Luxembourg in November 2015; discussion with the SME Envoys in June and October 2016;
- Bilateral meetings with organisations representing business and consumers throughout 2016 (Eurochambres, Eurocommerce, BUSINESSSEUROPE, national chambers of commerce, CEA-PME, Startup City Alliance Europe, European Roundtable of

Industrialists, etc.), as well as businesses operating in most EU countries;

- Discussions at Commission expert groups, including on e-government, on the implementation of the services directive, on the right to free movement of persons, on the right of unrepresented citizens to consular protection abroad and the EU Citizenship Inter-Service Group;
- Discussions at Commission networks such as the committee on horizontal questions concerning trade in processed agricultural products, the REFIT platform, the Single Market Forum, the Small Business Act meetings;
- Business and consumers associations' position papers sent as part of the online public consultation;
- Presentation and discussion at expert groups of existing tools, including Your Europe Editorial Board, Your Europe Advice, SOLVIT network, EU-GO network (Points of Single Contact), Europe Direct Contact Centres etc.

2.3.1 Online information on applicable EU and national rules

Stakeholder meetings confirmed that information about rules in EU countries is needed and difficult to find.

One of the Centres for European Consumers recommends that MS should provide all the information necessary to engage in cross-border business or private activities in at least one foreign language.

Business stakeholders pointed out that information should be high quality, complete, reliable, up to date and trustworthy so that users can rely on it. It should include detailed technical and regulatory requirements on testing and reporting, as well as information on taxation and social security etc..

Eurochambres internal survey identified top single market obstacles. These included inaccessibility of information on rules and requirements (81%) and different national product/service rules (81%).

A big company present in almost all MS pointed out that the mapping legal requirements applying to their products in a new country takes at least 2 years before starting operations. They devote considerable resources to this process.

In their position papers, various business organisations consider it useful to streamline all online information tools under a single umbrella. Some encourage a common architecture for information across MS. This will assist information providers in identifying the information they are obliged to make accessible and facilitate the search process for users.

2.3.2 E-procedures to comply with national rules

Most business stakeholders argue that all procedures should be fully available online, avoiding wasting time and money. Some are willing to accept exceptions only when security is at stake.

Some business associations' regret that only a few procedures are available online and only for certain sectors on current PSCs. They support linking contact points to make them more useful and efficient. Some stakeholders suggest that the Commission should coordinate and

enforce quality criteria and improve interoperability between national portals, including cross-border e-signatures and user-friendly eIDs.

Some stakeholders highlighted that local authority permits are hard to obtain electronically, due to system incompatibility..

Some businesses would find it useful to have a glossary to help them find the authority in charge of a specific procedure in another country, since competences are often distributed in different ways.

The majority of business representatives support the idea of common forms and more harmonisation across MS for e-procedures and rules.

Procedures identified as a priority for cross-border transactionality by BusinessEurope are: company establishment, fiscal registration, submission of tax forms and e-procurement.

2.3.3 Services for personalised assistance and advice

SMEs associations have highlighted the need for good quality assistance services, in particular for finding and understanding national requirements. Even bigger businesses recommend making affordable assistance available to guide users through all steps of their cross-border endeavour, to ensure compliance with local requirements. Representatives of smaller sectors argue that they do not have national associations that could help them expand to new markets.

Most of the stakeholders consulted stressed that assistance services should be available in at least one language that is commonly understood across Member States, e.g. English with some even suggesting that it should be in all the languages.

2.4 Consultation with Member State administrations

Member States have been consulted through the Expert Group on Services Directive, the Mutual Recognition Committee, as well as through bilateral meetings with national authorities and their representation offices in Brussels. Some MS have also submitted position papers to the online public consultation.

In addition, 17 Member States have issued a position paper calling for a network of digital single gateways (fully functioning e-government portals) to help business start up, scale up and trade across borders by providing all the information needed to operate in another Member State. They also support the idea that businesses should only have to go through one digital process to set up and operate anywhere in the EU.

2.4.1 Governance of the single digital gateway

Most MS argue for a clear distribution of responsibilities between the national level and the EU. All respondents believe content ownership and management should be a national responsibility. Most of them would like the European Commission to play a strong coordination role, defining objectives in terms of updates, content, usefulness, etc. Some support the creation of a stronger coordination body compared to one for the EUGO network, for example. Many support the idea of enforcement measures if agreed quality standards are

not met. MS also stressed the need to keep their autonomy when it comes to national initiatives.

MS have also pointed out the need to further integrate initiatives and portals at EU level.

Most stakeholders in this category are in favour of collecting data and user feedback for improving services.

2.4.2 Online information on applicable EU and national rules

Most MS are in favour of providing basic information concerning cross-border operations and support the idea of merging or linking existing points of contact as well as of mandating information provision in another commonly used EU language.

2.4.3 E-procedures to comply with national rules

The evidence shows that putting procedures online requires substantial investments, which sometimes slows down their adoption. Nevertheless, some Member States have pointed out that the SDG could lead to more efficient communication and data-sharing among the European Commission and MS. This will help the identification and further rationalisation of the most used procedures across MS. Some MS favour a digital-by-default principle for future EU legislation and its national implementation.

A majority of MS stressed the importance of interoperability and the challenges posed by identification, authentication and electronic signature.

2.4.4 Services for personalised assistance and advice

Some MS are concerned about the impact the creation of a SDG can have on the investments made for the creation of the PSCs and other contact points or chambers of commerce portals. Most would prefer the SDG to build on existing systems.

2.5 Conclusions

The main elements that emerge from the consultation are the need to tackle the quantity and quality of single market-related information, e-procedures and assistance services available. There is broad support for the aims of the initiative and a high level of stakeholder interest in concrete implementation.

Businesses and citizens consider that having access to all applicable information would be useful to make informed decisions. Member States consider that minimum level of information needed is already being offered and that it would be challenging to offer all information online.

The majority of respondents would like to carry out cross-border procedures online. Member States have concerns about feasibility, notably regarding authentication and mutual recognition of e-signatures and regarding potential cost of putting all procedures online. Most MS would like to make sure that the SDG builds on existing systems.

These results are fully taken into account in the proposed preferred options package presented in the impact assessment.