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From: Permanent Representatives Committee (Part 1)
To: Council

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Subject: 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
- General Approach

I. INTRODUCTION

1. On 2 May 2017, the Commission transmitted the above-mentioned proposal for a Regulation to the European Parliament and to the Council.¹ It is part of the "Compliance Package", comprising also the proposal on the Single Market Information Tool and the Communication on SOLVIT.

¹ Doc. 8838/17 + ADD1.

2. The Regulation aims to ensure centralised access for EU citizens and businesses to all the information necessary when using their rights to mobility in the EU and to ensure full access to online procedures in a non-discriminatory way (if a procedure is available for a national of a specific Member State, it should also be accessible to users from other Member States).

It also imposes on Member States an obligation to create a fully online service concerning the most important and most often used procedures. It includes a strong incentive to Member States to adopt ambitious cross-border e-government strategies, so that EU citizens and businesses can benefit fully from the available technological developments.

3. The European Economic and Social Committee issued its opinion on 18 October 2017.²
4. The Committee of the Regions did not issue an opinion on this proposal.
5. The European Parliament Committee on the Internal Market and Consumer Protection (IMCO) has not yet voted on its report.

II. STATE-OF-PLAY

6. The examination of the proposal by the Working Party on Competitiveness and Growth started in June 2017. There were 14 meetings held on this proposal during the Maltese and Estonian Presidencies. The discussions were centered on gateway services, requirements related to online procedures, including the "once-only principle" (OOP), the collection of user feedback and statistics, technical solutions and the Annexes.
7. The impact assessment accompanying this proposal was examined in detail on 21 June 2017. In general, the conclusions by the Commission concerning the general scope and ambition of the proposal were shared by the delegations.

² EESC INT/825. This opinion of the Economic and Social Committee covers two legislative proposals of the Compliance Package (Single Gateway and SMIT) and the SOLVIT-Communication.

8. The Permanent Representatives Committee at its meeting on 24 November 2017 agreed on last modifications to the Presidency compromise text (doc. 14351/17) and gave its consent to forward the text to the Competitiveness Council of 30 November 2017 in order to agree on a general approach. The modified text is set out in the Annex to this note.

III. CONCLUSION

9. The Council (Competitiveness) is invited to mark its agreement on the text (general approach) and mandate the Presidency to enter into negotiations with the representatives of the European Parliament and the European Commission on this file.
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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

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles ~~21(2), 48 and~~ 114(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee³,

Having regard to the opinion of the Committee of Regions⁴

~~After consulting the European Data Protection Supervisor,~~

Acting in accordance with the ordinary legislative procedure,

Whereas:

³ OJ C , , p. .

⁴ OJ C , , p. .

- (1) The Single Market is one of Europe’s most tangible achievements. By allowing people, goods, services and capital to move freely it offers new opportunities for citizens and businesses. This Regulation is a key action of the Single Market Strategy **established by Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ‘Upgrading the Single Market: more opportunities for people and business’**⁵ with the objective of unlocking the full potential of the Single Market by making it easier for citizens and businesses to move within the EU and to trade, establish themselves and expand their businesses across borders.
- (2) The Digital Single Market Communication⁶ recognises the role of the Internet and digital technologies in transforming the lives we lead and the way in which we work by facilitating immense opportunities for innovation, growth and jobs. The Communication acknowledges that the needs of citizens and businesses in their own country and across borders could be better met by extending and integrating existing European portals, networks, services and systems and by linking them to a “Single Digital Gateway”. The Union e-Government Action Plan 2016-2020⁷ lists the single digital gateway amongst one of its actions for 2017. The EU Citizenship report⁸ considers the single digital gateway as a priority for the Unions' citizenship rights.
- (3) The European Parliament and the Council have repeatedly called for a more comprehensive, more user friendly package of information and assistance to help businesses navigate the Single Market and to strengthen and streamline Single Market tools in order to better meet the needs of citizens and businesses in their cross-border activities.

⁵ ~~‘Upgrading the Single Market: more opportunities for people and business’ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2015)550 final, 28.10.2015.~~

⁶ ‘A Digital Single Market Strategy for Europe’, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2015) 192 final.6.5.2015

⁷ ‘EU eGovernment Action Plan 2016-2020 Accelerating the digital transformation of government’ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, COM(2016)0179 final.

⁸ EU Citizenship Report: Strengthening citizens' rights in a Union of democratic change, 24 January 2017, COM(2017)30/2 final.

- (4) This Regulation responds to these calls by offering citizens and businesses easy access to information, procedures and assistance and problem solving services they need for the exercise of their rights in the internal market. This Regulation establishes a single digital gateway in the context of which the Commission and competent authorities would play an important role in achieving those objectives.
- (5) ~~This Regulation lists the information areas which are relevant for citizens and businesses exercising their rights within the internal market and should require Member States and the Commission to ensure that information within those areas is fully covered by national and Union level websites and portals. Furthermore, the information should not only explain the rules and obligations of citizens and businesses, but should also explain the procedures to be completed by citizens and businesses to comply with those rules and obligations. The information should also provide a description of the assistance and problem solving services which citizens and businesses can refer to where they have problems with understanding the information, with the application of that information to their particular situation or with the completion of a procedure.~~
- (6) Since ~~the initiative~~ **this Regulation** pursues a threefold purpose aiming at reducing additional administrative burden on citizens and businesses that operate or want to operate in other Member States in full compliance with national rules and procedures, eliminating discrimination and ensuring the functioning of the internal market with regard to provision of information, procedures and assistance and problem solving services ~~and since its components cover free movement of citizens and social security, which cannot be considered merely incidental,~~ **this Regulation** ~~the initiative~~ should be based on Articles 21(2), 48 and 114(1) TFEU.

- (7) In order for Union citizens and businesses to enjoy their right to free movement within the internal market, the Union should adopt specific measures allowing citizens and businesses to have easy access to **sufficiently** comprehensive and reliable information about their rights created by Union law and to information about the applicable national rules and procedures with which they will need to comply where they move to, live or study or where they establish or carry out a business in another Member State other than their own. **It is particularly important for innovative new businesses facing complex regulatory environments, such as those active in e-commerce and the collaborative economy, that they can easily find out the applicable rules and how they apply to their business activities. Easy access to information should be understood as enabling the user to easily find the information, to easily identify which parts of the information are relevant for their particular situation and to easily understand the relevant information. It should be the responsibility of the Member States to decide how to ensure easy access to information, taking account of real user needs of the users.** The information to be provided at national level should not only concern national rules implementing Union law, but also any other national rules that are applicable to national citizens and businesses from other Member States alike.

- (7a) **The information to be provided should not cover national judicial systems, as information in that area relevant for cross-border users is already included in the e-Justice portal. However, in some situations covered by this Regulation, courts can be competent authorities, for instance where courts are managing business registers. In addition, the non-discrimination principle should also apply to online procedures that give access to courts of law.**
- (8) It is clear that citizens and businesses ('users') from other Member States can be at a disadvantage due to their lack of familiarity with the national rules and administrative systems, the differences in languages used and their lack of geographic proximity to the public authorities in those Member States. The most efficient way to reduce the ensuing obstacles to the internal market, is to enable cross-border users (**users in a situation which is not confined in all respects within a single Member State**) to get access to information online, in a language they can understand, to enable them to complete procedures for compliance with national rules fully online and to offer them assistance where rules and procedures are not clear enough or where they encounter obstacles in exercising their rights.

- (9) A number of Union acts have aimed to provide solutions by creating sectorial one-stop shops, including Points of Single Contact established by the Services Directive⁹ in order to offer online information, assistance service and access to procedures relevant for the provision of services; Product Contact Points¹⁰ and Construction Product Contact Points¹¹ established to provide access product-specific technical rules and Professional Qualifications Assistance Centres¹² to assist professionals moving cross-border. In addition, networks have been established, such as European Consumer Centres in order to promote the understanding of Union consumers' rights and to assist in resolving complaints about purchases made in other Member States within the network, when travelling or shopping online. Furthermore, SOLVIT¹³ seeks to deliver fast, effective and informal solutions to individuals and businesses when their Union rights within the internal market are denied by public authorities. Finally, several information portals such as Your Europe, in respect of the internal market, and the e-Justice portal, in relation to the area of justice, were established to inform users about the Union and national rules.
- (10) As a result of the sectorial nature of these acts, the current provision of online information and assistance services together with online procedures for citizens and businesses remains very fragmented. There are discrepancies in the availability of online information and procedures, there is a lack of quality in relation to the services and a lack of awareness regarding that information and those assistance services. There are also problems with findability and accessibility of the services for ~~non-national~~ **cross-border** users ~~which remains a major issue~~.

⁹ 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).

¹⁰ Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC (OJ L 218, 13.8.2008, p. 21–29).

¹¹ Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5–43).

¹² Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22–142).

¹³ Commission Recommendation of 17 September 2013 on the principles governing SOLVIT (OJ L 249, 19.9.2011, p. 10).

- (11) This Regulation should establish a single entry point through which citizens and business should be able to access information about the rules and requirements they have to comply with, by virtue of Union and/or national law. It should simplify citizens' and businesses' contact with the assistance and problem solving services, established at the Union or national level and make it more effective. The gateway should also facilitate access to and completion of procedures. ~~Therefore, this Regulation should require Member States to enable users to fully complete certain procedures online that are of key importance to the majority of citizens and businesses moving across borders, without affecting in any way the existing substantive requirements by virtue of Union and/or national law within those policy areas.~~ In this context, the Regulation should support the use of the “once-only” principle for the purpose of the exchange of evidence between competent authorities in different Member States.
- (12) The gateway should be user-centric and user-friendly and it should allow citizens and businesses to interact with national and Union level administrations by providing them with the opportunity to give feedback in relation to both the services offered through the gateway and the functioning of the internal market as they experience it. The feedback tool should enable the user to point out perceived problems, deficiencies and needs in order to encourage continuous improvement of the quality of the services.
- (13) The success of the gateway will depend on the joint effort of the Commission and the Member States. The gateway should include a common user interface integrated into the existing Your Europe portal which will be managed by the Commission. The common user interface should provide links to information, procedures and to assistance or problem solving services available on portals managed by competent authorities in Member States and the Commission. In order to facilitate the use of the gateway, the user interface should be available in all official Union languages. The functioning of the gateway should be supported by technical tools developed by the Commission in **close** cooperation with the Member States.

(14) In the Charter for the electronic Points of Single Contact (PSCs) under the Services Directive¹⁴, Member States made a voluntary commitment to take a user centric approach in the provision of information through the PSCs, in order to cover areas of particular importance for businesses including VAT, income taxes, social security or labour law requirements. Based on the Charter and on the experience with the Your Europe Portal, the information should also provide a description of the assistance and problem solving services, ~~to which eCitizens and businesses can refer to~~ **such services** ~~where~~ **when** they have problems ~~with understanding the information,~~ **applying** ~~with the application of that information to their particular situation or~~ **completing** ~~with the completion of a procedure.~~

(14a) This Regulation lists the information areas which are relevant for citizens and businesses exercising their rights and complying with their obligations within the internal market. For these areas information should be provided at national, including regional and local levels, and at Union level explaining the applicable rules and obligations and the procedures to be completed by the citizens and businesses to comply with those rules and obligations. The information should also provide a description of the assistance and problem solving services which citizens and businesses can refer to when they have problems with understanding the information and how it would apply to their particular situation or with the completion of a procedure. This information should be provided in such a way that users can easily understand the basic rules and requirements applicable to their situation in such areas.

¹⁴ Charter was endorsed by the Council in 2013.

(14b) Wherever possible, information already collected by the Commission from the Member States under existing Union law or voluntary arrangements, such as for the EURES portal¹⁵, the e-Justice portal¹⁶ or the Regulated Professions database, should be used to cover part of the information to be made accessible to citizens and businesses at EU and national level in accordance with this Regulation. Where Member States already have to provide online information pursuant to other existing provisions of Union law, as for example pursuant to Directive 2014/67/EU, it should be sufficient that Member States provide links to the existing online information. Where certain policy areas have already been fully harmonised through Union law, for instance regarding consumer rights, information provided at EU level will generally suffice to explain users their relevant rights or obligations. In such cases Member States should only have to add information regarding their national administrative procedures and assistance services or any other national administrative arrangements that is are relevant for the users. Information regarding consumer rights should not interfere with private contract law, but only inform users about their legal rights under EU and national law in the context of commercial transactions.

¹⁵ **Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (OJ L 107, 22.4.2016, p. 1–28).**

¹⁶ **Council Decision of 28 May 2001 establishing a European Judicial Network in civil and commercial matters (2001/470/EC) (OJ L 174 27.6.2001, p. 25).**

(15) This Regulation should enhance the internal market dimension of online procedures by upholding the general principle of non-discrimination also in relation to the access by citizens or businesses to online procedures already established at the national level on the basis of national or Union law **and those to be fully made available online in accordance with this Regulation. This principle prohibits users in comparable situations from being treated differently or users in different situations from being treated in the same way, unless this is objectively justified. Where a user in a situation strictly confined to a single Member State can access and complete a procedure online in that Member State in an area covered by this Regulation,** ~~It should be possible for~~ **a cross-border user should be able** ~~users not residing in or established in a Member State to access and complete~~ **the same procedure** ~~online procedures,~~ **either through the same technical solution or an adapted alternative, technically separate solution leading to the same outcome,** without **any discriminatory** obstacles.

~~Such~~ **obstacles may consist of nationally designed solutions, such as using** form fields that require national phone numbers, ~~or~~ national postal codes, **or** payment of fees that can only be done through systems which do not provide for cross-border payments.; **Such obstacles can also arise from the** lack of **sufficient** ~~detailed~~ explanations in ~~another~~ **a** language other than ~~the national~~ **an-official** language ~~or languages~~ **of the Member State,** lack of possibilities to submit electronic evidence from authorities located in another Member State and lack of acceptance of electronic means of identification issued in other Member States. **This Regulation should not affect in any way the existing substantive requirements by virtue of Union and/or national law within policy areas covered by the Regulation.**

(15a) When users are completing online procedures across borders, they should be able to receive all the relevant explanations instructions in at least one additional language other than the official language of the Member State. This does not require Member States to translate all their administrative forms and provide the whole procedure, nor the output of the procedure into in the additional language. Member States are however encouraged to use technical solutions which would allow users to complete the procedures, as much as possible, in the additional language while respecting the Member States' national rules with regard to the use of languages.

(15b) Which online national procedures are relevant for cross-border users to enable them to exercise their single market rights, will depend on whether they are resident or established in the Member State concerned, or want to access the procedures of that Member State while being resident or established in another Member State. This regulation should not prevent Member States from requiring that cross-border users who are resident or established in their country, should obtain a national identification number in order to get access to the online national procedures, provided this does not entail an unjustifiable additional burden or cost for those users. For cross-border users who are not residing or established in the Member State, online national procedures, which are not relevant for the exercise of their single market rights, such as enrolling for receiving local services like garbage collection and parking permits, do not need to be made fully accessible online.

- (16) This Regulation should build on the eIDAS Regulation¹⁷ which lays down conditions under which Member States recognise certain ~~means of~~ electronic identification **means** for natural and legal persons falling under a notified electronic identification scheme of another Member State. ~~From the date of application of that regulation it should be possible for users to use their electronic identification and authentication means in order to operate on a cross-border basis and interact electronically with competent authorities.~~ **The eIDAS Regulation provides the conditions for users to be able to use their electronic identification and authentication means in order to access online public services in cross-border situations.**
- (17) A number of sectorial Union acts such as the Services Directive¹⁸, the Professional Qualifications Directive¹⁹ and the Public Procurement Directives²⁰ require that procedures are made fully available online. This Regulation should add the requirements for a number of **key procedures of key importance to the majority of citizens and businesses exercising their rights and obligations across borders** ~~for both citizens and businesses~~ to be fully made available online.

¹⁷ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73–114).

¹⁸ 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. 36–68).

¹⁹ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22–142).

²⁰ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65–242) and Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243–374).

(18) In order to allow citizens and business to directly enjoy the benefits of the internal market without unnecessary additional administrative burden, this Regulation should require full digitalisation of the user interface of certain key procedures for cross-border users, which are listed in Annex II to this Regulation and provide the criteria for defining how the procedure qualifies as fully online. **This obligation should only apply to existing where such procedures exist in the Member States. One of such procedures is the "general registration of business activity" which covers common steps that are required to register any business activity, including registration as a sole trader, a partnership or any other form that is not a separate legal entity** is one of such procedures of particular relevance for businesses. It should not, however, cover the procedures leading to the constitution of companies or firms as legal entities as such procedures necessitate a comprehensive approach aimed at facilitating digital solutions throughout a company's lifecycle. When businesses establish themselves in another Member State, they are required to register with a social security scheme and an insurance scheme in order to register their employees and pay contributions to both schemes. Those procedures are common for all businesses operating in any sector of the economy, and it is therefore appropriate to require that those two registration procedures are made available online.

(18a) This Regulation should clarify what offering a procedure fully online entails. A procedure can be considered as fully online if the user can take all steps from the access to ~~until~~ the completion of that procedure, with regard to the interaction between the user and the competent authority (the 'front office'), electronically, from a distance and through an online service. This service should guide the user through a ~~comprehensive~~ list of all the requirements to be fulfilled and all supporting evidence to be provided, should enable the user to provide the information and proof of compliance with all such requirements and should provide an automatic acknowledgment of receipt to the user, unless the output of the procedure is delivered immediately. The output of the procedure, as set out in this Regulation, should also be provided by the competent authorities to the user in an electronic way, where possible under applicable Union and national law. ~~Passports, ID cards and registration certificates for motor vehicles need to be exempted from the requirement of electronic delivery in compliance with existing Union law.~~

(18b) This Regulation should not interfere with the competencies of national authorities in different steps of any procedure, including the verification of the accuracy of information submitted, nor with the procedural workflows within and between their competent authorities (the 'back office'), whether digitalised or not.

(19) **In various cases the user would need to submit evidence to prove facts that cannot be established through online means, such as medical certificates, proof of being alive and proof of roadworthiness of motor vehicles or check of chassis numbers. As long as the evidence to prove such facts can be submitted in electronic format, this would not constitute an exception to the principle that a procedure should be offered fully online.**

In **other** ~~some~~ instances, given the current state of technical development it may still be necessary for users of a procedure to appear in person before a competent authority as part of the online procedure, in particular in the case of requesting or renewing passports or identity cards containing biometric data. Any such exceptions, **other than those resulting from Union law**, should be limited to situations where no digital technology exists to achieve the purpose of the procedure **or where justified by an overriding reason of public interest, including combatting fraud.** **For transparency, the Member States should share information about such exceptions with the Commission and the other Member States.** **Good national practices and technical developments allowing further digitalisation should be discussed regularly in the gateway coordination group.**

(19a) The procedure to register a change of address may in cross-border situations consist of two separate procedures, one in the Member State of origin to request deregistration from the old address, and the other in the Member State of destination to request registration at the new address.

(19b) This Regulation should only cover the digitalisation of the procedure to request academic recognition of diplomas, certificates or other proof of courses completed qualifications with regard to a person wishing to continue or to begin studying, or to use an academic title, outside the formalities relating to the recognition of professional qualifications, since the digitalisation of requirements, procedures and formalities relating to the recognition of professional qualifications is already covered by the Professional Qualifications Directive.²¹

²¹ **Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.09.2005, p. 22-142).**

- (20) ~~This Regulation should not interfere with the competencies of national authorities in different steps of any procedure, including the procedural workflows within and between their competent authorities whether digitalised or not.~~
- (21) This Regulation should not affect the social security coordination rules set out in Regulation (EC) No 883/2004 of the European Parliament and of the Council²² and Regulation (EC) No 987/2009 of the European Parliament and of the Council²³, which define the rights and obligations of insured persons and social security institutions, as well as the procedures applicable in the field of social security coordination. **The social security benefits that users should be able to claim online on the basis of this Regulation, should be the same as those covered by the social security coordination rules, provided for in Article 3 of Regulation (EC) No 883/2004.**
- (22) Several networks and services have been established at the national and Union level to assist citizens and businesses in their cross-border activities. It is important that these services, including European Consumer Centres, Your Europe Advice, SOLVIT, Intellectual Property Rights helpdesk, Europe Direct and Enterprise Europe Network, form part of the single digital gateway to ensure that all potential users can find them. Those which are listed in Annex III to this Regulation were established by binding union acts, whilst others operate on a voluntary basis. The former services should be bound by the quality **requirements** criteria-laid down in this Regulation while the latter should opt-in to comply with the quality requirements if they want their services to be made accessible through the gateway. **The scope and nature of these services, their governance arrangements, existing deadlines, and the voluntary, contractual or other basis on which they operate should not be altered by this Regulation. For instance, where the assistance they provide is of an informal nature, this Regulation should not have the effect of changing such assistance into legal advice of a binding nature.**

²² Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1–123).

²³ Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1–42).

- (23) Furthermore, the Member States and the Commission may decide, **but should not be obliged,** to add other national assistance or problem solving services, provided by competent authorities or by private and semi-private entities, **such as chambers of commerce or non-governmental assistance services for citizens,** under the conditions set out in this Regulation. In principle, competent authorities should be responsible for assisting citizens and businesses with any queries they have in relation to applicable rules and procedures that cannot be fully addressed by online services. However, in very specialised areas and where the service provided by private or semi-private bodies meets the users' needs, Member States can propose to the Commission to include such services in the gateway, provided that they meet all conditions set out in the Regulation and do not duplicate the assistance or problem solving services already included.
- (24) In order to assist users to identify the appropriate service, this Regulation should provide a tool that automatically guides users to the right service.
- (25) Compliance with a minimum list of quality requirements is an essential element for the success of the single digital gateway in order to ensure that the provision of information or services is reliable as otherwise it would seriously undermine the credibility of the gateway as a whole. **The overarching objective of compliance is to ensure that the information or service is presented in a clear and user-friendly way. It is the responsibility of the Member States to determine how information is presented over the course of the user journey in order to meet this objective.**

(25aa) The accessibility of information for cross-border users can be substantially improved where the information is available **in another official EU language broadly understood by the largest possible number of cross-border users** not only in the national language of a Member State but also in, at least, one additional official EU language of the Union. The translation from the national language or languages into this other official language of the Union should accurately reflect the content of the information provided in the national language or languages. **Only the information that users need in order to understand the basic rules and requirements that apply to their situation should have to be translated in the other language. While encouraging Member States to translate as much information as possible in a language that is broadly understood by the largest possible number of cross-border users, this Regulation should not oblige them to translate more information than can be financed through by the Union budget. The Commission should make the appropriate arrangements to ensure the efficient delivery of translations to the Member States at their request.**

(25a) **In order to facilitate the payment of fees, cross-border users should be able to use credit transfers or direct debits as specified in the Regulation (EU) 260/2012²⁴ or other generally used cross-border payment means including debit or credit cards, to pay any fees required as part of online procedures or for the provision of assistance or problem solving services.**

(25b) **It is ~~necessary~~ useful for users to be informed about the expected time a procedure may take. They should be informed about applicable deadlines or tacit approval or administrative silence arrangements or, if these are not applicable, at least of the average, estimated or indicative time that the procedure usually requires. Such estimates or indications should not have any legal effect, but only help the users in planning their activities or any subsequent administrative steps.**

²⁴ **Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.03.2012, p. 22-37).**

(26) This Regulation should also allow for the verification of the evidence provided in electronic format by the users, where this is submitted without electronic seal or certification from the issuing competent authority, ~~and~~ where the technical tool **covered by this Regulation or any other systems** enabling the direct exchange **or verification** of evidence between competent authorities of different Member States **are** is not yet available. For such cases this Regulation should foresee an effective mechanism for administrative cooperation among the competent authorities of the Member States, based on the Internal Market Information System (‘IMI’), established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council²⁵.

In such cases the decision of a competent authority to use IMI should be voluntary, but once the request for information or cooperation is submitted via IMI, the requested competent authority should be bound to cooperate and to provide a response. The request can be sent via IMI either to a the competent authority issuing the evidence or to the central authority designated on the basis of Article 15 of Regulation (EU) 2016/1191. To be decided by the Member States in accordance with their own administrative requirements. To avoid unnecessary duplication and as Regulation (EU) 2016/1191 covers part of the evidence relevant for the procedures covered by this Regulation, the cooperation arrangements modalities for IMI laid down in Regulation (EU) 2016/1191 may should also be used for the purpose of other evidence required in procedures covered by this Regulation. In order to allow Union bodies, offices or agencies to become actors within IMI, Regulation (EU) No 1024/2012 should be amended.

²⁵ Regulation (Union) 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).

- (27) Online services provided by competent authorities are crucial for increasing the quality of the services provided to citizens and businesses. Where public administrations within Member States increasingly no longer require that citizens and businesses supply the same information several times but instead are working towards the re-use of data, the same should be facilitated for users faced with procedures in other Member States, to reduce additional burden.
- (28) In order to further facilitate the use of online procedures, this Regulation should, in line with the “once-only” principle, provide the basis for the **creation and use of a technical solution for automated** exchange of evidence ~~directly between the competent authorities concerned from different~~ **across** Member States, **between the actors involved in the procedure**, at the **explicit** request of citizens and businesses. **Where the exchange of evidence includes personal data, the request should be considered as explicit if it contains a freely given, specific, informed and unambiguous indication of the individual's wishes to have the relevant personal data exchanged, either by statement or by affirmative action. If the user is not the person concerned by the data, the online procedure must not affect his or her rights as mentioned in the Regulation (EU) 2016/679.** The **cross border application of the “once-only” principle** means that citizens and businesses should not have to supply the same ~~information~~ **data** to public authorities more than once **and that this data can also be used at the request of the user** for the **purposes of completing** cross-border **online procedures** ~~exchange of evidence.~~ **involving cross-border users. Any cross-border exchange of evidence should have an appropriate legal basis such as in Directives 2005/36/EC, 2006/123/EC, 2014/24/EU and 2014/25/EU or for the procedures listed in Annex II, under other applicable EU or national law. Where such a legal basis involves processing of personal data, it should be done in accordance with the provisions of the General Data Protection Regulation and Regulation (EC) 45/2001.**

(28a) This Regulation should lay down, as a general rule, that the cross-border automated exchange of evidence takes place at the explicit request of the user. This requirement should not apply where the relevant Union or national law allows for automated cross-border data exchange without an explicit user request.

(29) The secure technical system that should be set up to enable the exchange of evidence under this Regulation should also give requesting competent authorities certainty that the evidence has been provided by the right issuing authority. **Before accepting information provided by a user in the context of a procedure, the competent authority should be able to verify the information in case of doubts and conclude that it is accurate.**

(29a) A number of existing building blocks offer basic capabilities that can be used to set up the technical system, such as the existing Connecting Europe Facility²⁶ (CEF) eDelivery and eID building blocks. These building blocks comprise technical specifications, sample software and supporting services, and aim at ensuring interoperability between Member States existing ICT systems so that citizens, businesses and administrations can benefit from seamless digital public services wherever they may be in Europe.

²⁶ **Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010, (OJ L 348, 20.12.2013, p. 129–171).**

(30) Such a system should be available in addition to other systems providing mechanisms for cooperation between authorities, such as IMI or ~~[e-Services-Card]~~ and should not affect other systems, including the system foreseen in Article 4 of Regulation (EC) No 987/2009, the European Single Procurement Document under Directive (EU) 2014/24 of the European Parliament and of the Council²⁷, **the Electronic Exchange of Social Security Information (EESSI) under Regulation (EC) No 987/2009²⁸, the European Professional Card under Directive 2005/36/EC**, the interconnection of national registers, the interconnection of central, commercial and company registers under Directive 2009/101/EC **(EU) 2017/1132** of the European Parliament and of the Council²⁹ and of insolvency registers under Regulation (EU) 2015/848 of the European Parliament and of the Council³⁰.

²⁷ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65–242).

²⁸ **Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No. 883/2004 on the coordination of social security systems (OJ L 284 , 30.10.2009, p. 1).**

²⁹ **Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law (codification) (OJ L 169, 30.6.2017, p. 46-127).** Directive 2009/101/EC of the European Parliament and of the Council of 16 September 2009 on coordination of safeguards which, for the protection of the interests of members and third parties, are required by Member States of companies within the meaning of the second paragraph of Article 48 of the Treaty, with a view to making such safeguards equivalent (OJ L 258, 1.10.2009, p. 11–19).

³⁰ Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (OJ L 141, 5.6.2015, p. 19–72).

(31) In order to ensure uniform conditions for the implementation of a technical system allowing for the exchange of evidence, implementing powers should be conferred on the Commission to detail, in particular technical specifications of a system for processing of the request from the user for evidence to be exchanged, transfer of such evidence, measures necessary to ensure integrity and confidentiality of the transfer. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³¹. **The obligation to use the technical system allowing for the automated exchange of evidence should apply as of the date laid down in the respective implementing acts setting out its technical specifications.**

(31a) With a view to ensure a high level of security of the technical system for the cross-border application of ‘once-only’ principle, when adopting implementing acts setting out the specification for such a technical system, the Commission should take due account of the standards and technical specifications drawn up by European and international standardisation organisations and bodies [,in particular the European Committee for Standardisation (CEN), the European Telecommunications Standards Institute (ETSI), the International Organisation for Standardisation (ISO) and the International Telecommunication Union (ITU)], in accordance with Article 32 of Regulation (EU) 2016/679 and Article 22 of Regulation (EC) 45/2001 of the European Parliament and of the Council.

³¹ 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, 28.2.2011, p. 13–18).

(32) The compliance with the quality criteria should be the responsibility of the competent authorities and the Commission in relation to the information, procedures and services which they are responsible for. The national coordinators and the Commission should supervise compliance with the quality criteria at national and Union level respectively, and address any problems that arise. This Regulation should give the Commission a ~~wide~~ range of means to address any deterioration in the quality of services offered through the gateway, depending on the seriousness and persistence of such deterioration, which would include involving the gateway coordination group. This should not prejudge the overall responsibility of the Commission regarding the monitoring of the compliance with this Regulation.

- (33) This Regulation should specify the main functionalities of the technical tools supporting the functioning of the gateway, in particular the common user interface, the repository ~~for~~ of links and the common assistance service finder. **The common user interface should ensure that users can easily find information, procedures and assistance and problem solving services on national and Union level websites. Member States and the Commission should aim at providing links to a single source of the information required for the gateway to avoid confusion among the users caused by different, fully or partly duplicative sources of the same information. This should not prevent linking to the same information offered by local or regional competent authorities regarding different geographical areas. It should also not prevent some duplication of information where this is unavoidable or desirable, for instance where some EU rights, obligations and rules are repeated or described on national webpages to improve user-friendliness. To minimise human intervention in the updating of the links to be used by the common user interface, a direct connection between the relevant technical systems of the Member States and the repository of links should be established, where technically possible. The common ICT support tools may use the Core Public Services Vocabulary (CPSV) to facilitate interoperability with national service catalogues and semantics. Member States should be encouraged to use the CPSV, but where they may decide to use national solutions, these should be mapped on the structure used for the common IT tools. The information included in the repository should be made publicly available in machine-readable and open data format, for example by application programming interfaces (APIs), to enable its reuse.**

(33a) In order to ensure uniform conditions for **the** implementation of the technical solutions supporting the gateway, implementing powers should be conferred on the Commission to specify, **where necessary, interoperability the requirements in order to facilitate findability of** ~~organisation, structure and marking of each of the information~~ **on rules and obligations, on** procedures and **on** assistance ~~or~~ **and** problem solving services under the Member States' and Commission's responsibilities ~~for the purpose of the user interface~~. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

(33b) This Regulation should also clearly allocate the responsibility regarding the development, availability, maintenance and security of these tools between the Commission and Member States.

(34) In order to develop the full potential of the different areas of information, the procedures and assistance and problem solving services that should be included in the gateway, the awareness of the target audiences about their existence and operation needs to be improved significantly. Their inclusion in the gateway should make it much easier for users to find the information, procedures and assistance and problem solving services they need, even where they are not familiar with any of them. In addition, a coordinated promotional effort will be needed to ensure that citizens and business across the Union will become aware of the existence of the gateway and of the advantages it offers. **Promotional activities should include search engine optimisation, and other online awareness raising through social media and other online actions, as these are most cost-effective and have the potential to reach the largest possible target audience.** For maximum efficiency, promotional actions should be coordinated within the framework of the coordination group and Member States should adjust their promotional efforts so that there is a common brand reference in all relevant contexts, with a possibility of co-branding the single digital gateway with national initiatives.

- (35) In order to obtain adequate information for measuring **and improving** the performance of the single digital gateway, this Regulation ~~provides a framework for establishing common specifications for the collection and analysis of~~ **should require the competent authorities and the Commission to collect and analyse the** data related to the use of the different information areas, procedure and services offered through the gateway. **The collection of statistics, such as number of visits to specific webpages, number of users within a Member State as compared with users from other Member States, search terms used, most visited pages, referral sites, number of procedures completed online or number, origin and subject matter of requests for assistance, should improve the functioning of the gateway by helping to identify the target audience, to develop promotional activities and to improve the quality of the services offered. The collection of data should take into account the annual eGovernment Benchmarking done by the Commission to avoid any duplication.**

~~In order to lay down the detailed categories of data to be recorded and the method of recording and exchange of data, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016³². In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.~~

- (36) In order to lay down uniform rules on the method of ~~recording~~ **collecting** and exchange of **user** statistics, the Commission should be empowered to adopt implementing acts. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

³² Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making, (OJ L 123, 12.5.2016, p. 1–14).

(37) The quality of the information, procedures, assistance and problem solving services available through the gateway should be monitored **also primarily** through a user feedback tool that will ask users ~~of~~ to assess the coverage and quality of the information, procedure or assistance and problem solving service which they have used. This feedback will be collected in a common tool to which the Commission, the competent authorities and the national coordinators should have access. In order to ensure uniform conditions for implementation of this Regulation in relation to the **common** functionalities of ~~this~~ user feedback tools and the modalities **for** ~~related to~~ the collection and sharing of the user feedback, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

(38) This Regulation should also allow users to signal, voluntarily and anonymously, through an internal market feedback tool included in the gateway, any problems and difficulties encountered by them while exercising their internal market rights. This tool should be considered only as complementary to the complaint handling mechanisms since it cannot offer a personalised response to users. The received input should be combined with **aggregated** information from assistance and problem solving services about the cases they have handled, to produce an overview of the internal market as perceived by its users and to identify problem areas for possible future actions to improve the functioning of the internal market. **This overview should be linked to existing reporting tools such as the Single Market Scoreboard.**

(38a) The right of the Member States to decide who should carry out the role of the national coordinator should remain unaffected by this Regulation. Member States should be able to adapt functions and responsibilities in relation to the gateway to their internal administrative structures. Member States should be able to appoint additional national coordinators to carry out the tasks under this Regulation alone or jointly with others, for a division of the administration, a geographic region, or according to another criterion. Member States should inform the Commission of the single national coordinator they have appointed for contacts with the Commission.

(39) A coordination group composed of the national coordinators and chaired by the Commission should be set up with a view to facilitate the application of this Regulation, in particular by exchanging best practices and working together to improve the consistency of the presentation of information as required by this Regulation. The work of the group should **take into account** follow the objectives set out in the annual work programme, **which the Commission should submit to the coordination group for consideration. The annual work programme should take the form of guidelines or recommendations without binding effect on the Member States.**

(39a) This Regulation should clarify which parts of the gateway are to be financed through the Union budget and which are for the responsibility of the Member States. The Commission should assist the Member States in identifying reusable ICT building blocks and financing available through various Union level funds and programmes that can contribute to covering the costs for ICT adaptations and developments needed at national level to comply with this Regulation. The budget required for the implementation of this Regulation should be compatible with the applicable Multiannual Financial Framework. While encouraging Member States to translate as much information as possible in an additional language, this Regulation should not oblige them to translate more information than can be financed through by the Union budget. The Commission should make the appropriate arrangements to ensure the efficient delivery of translations to the Member States at their request.

(39b) Member States are encouraged to coordinate, exchange and collaborate more with each other to increase their strategic, operational, research and development capacities in the area of cybersecurity, in particular via the implementation of the network and information security (NIS) Directive (EU) 2016/1148 of the European Parliament and of the Council³³ to strengthen the security and resilience of their public administration and services. Member States are also encouraged to make their digital public services secure by using the eIDAS framework. Member States are encouraged to increase the security of transactions and to ensure a sufficient degree of confidence in electronic means by using the eIDAS framework and in particular adequate assurance levels. Member States may take measures in accordance with Union law to safeguard cybersecurity and to prevent identity fraud or other forms of fraud.

(40) Where the measures provided for in this Regulation entail the processing of personal data, they should be carried out in accordance with Union law on the protection of personal data, in particular ~~Directive 95/46/EC³⁴~~ [Regulation (EU) 2016/679 of the European Parliament and of the Council³⁵] and [new Regulation replacing (EC) No 45/2001] of the European Parliament and of the Council. **As provided for in Regulation (EU) 2016/679, Member States may maintain or introduce further conditions, including limitations, with regard to the processing of data concerning health, and they may provide for more specific rules on the processing of employees' personal data in the employment context.**

³³ **Directive (EU) 2016/1148 of the European Parliament and of the Council concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).**

³⁴ ~~Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31–50).~~

³⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

(40a) This Regulation should promote and facilitate streamlining of governance arrangements for the services covered by the gateway. For this purpose the Commission should, in close cooperation with the Member States, review the existing governance arrangements and adapt them where necessary, in order to avoid duplication and inefficiencies.

- (41) The objective of this Regulation is to ensure that users who operate in other Member States have online access to comprehensive, reliable and understandable Union and national information on rights, rules and obligations, to online procedures that are fully transactional cross-border and to assistance and problem solving services. As this cannot be sufficiently achieved by the Member States the Union may adopt measures, in accordance with principle of subsidiarity as set out in Article 5 of the Treaty of the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (42) In order for the Member States and the Commission to develop and implement the necessary tools to give effect to this Regulation, certain of its provisions should apply from two years after the date of entry into force.
- (43) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, and should be implemented in accordance with those rights and principles.
- (44) The European Data Protection Supervisor was consulted in accordance with Article [28(2)] of Regulation [(EC) N° 45/2001] [new EDPS Regulation] and delivered an opinion on [date to be inserted].

HAVE ADOPTED THIS REGULATION:

Chapter I

General provisions

Article 1

Subject matter

1. This Regulation **lays down rules for**:
 - (a) ~~lays down rules for~~ the establishment and operation of a single digital gateway to provide citizens and businesses with easy access to high quality, **sufficiently** comprehensive information, effective assistance and problem solving services and efficient procedures regarding Union and national rules applicable to citizens and businesses exercising or intending to exercise their rights derived from Union law in the field of the internal market, within the meaning of Article 26(2) TFEU;
 - (b) ~~facilitates~~ the use of procedures by users from other Member States and **for** ~~supports~~ the implementation of the "once only" principle;
 - (c) ~~lays down rules for~~ reporting on obstacles in the internal market based on the collection of user feedback and statistics from the services covered by the gateway.
2. **Where the provisions of this Regulation conflict with a provision of another Union act governing specific aspects of the subject matter covered by this Regulation, the provision of the other Union act shall prevail.**
3. **This Regulation shall not affect the substance of nor the rights granted through any procedure laid down at the Union or national level in any of the areas covered by this Regulation. Nor shall it affect measures taken in accordance with Union law to safeguard cybersecurity and prevention of fraud.**

Article 2

Establishment of the single digital gateway

1. A single digital gateway ("the gateway") shall be established by the Commission and the **Member States** ~~competent authorities~~ in accordance with this Regulation. The gateway shall consist of ~~a common user interface integrated in a single portal,~~ **with a common user interface** managed by the Commission ("the common user interface"), **which gives access and shall link to relevant national and Union websites** ~~webpages~~ ("the common user interface").
2. The gateway shall give access to:
 - (a) information on rights, obligations and rules laid down in Union and national law, which are applicable to users exercising or intending to exercise their rights derived from Union law in the field of the internal market in areas listed in Annex I;
 - (b) information on ~~and links to~~ **online and offline** procedures **and links to online procedures** established at Union or national level in order to exercise ~~the~~ **these** rights and comply with ~~the~~ **these** obligations and rules **in the field of the internal market in areas listed in Annex I, and including procedures covered by Annex II;**
 - (c) information on and links to assistance and problem solving services which citizens and businesses can refer to with questions or problems related to their rights, obligations or procedures referred to in points (a) and (b), listed in Annex III and referred to in Article 6.
3. The common user interface ~~referred to in paragraph 1~~ ("the common user interface") shall be accessible in all official languages of the Union.

Article 3
Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) ‘user’ means anyone who is a citizen of the Union, a natural person residing in a Member State or a legal person having its registered office in a Member State, and who accesses the information, the procedures, or the assistance or problem solving services, referred to in Article 2(2), through the gateway;
- (2) ‘procedure’ means a sequence of actions that must be taken by users to satisfy the requirements or obtain from a competent authority a decision in order to be able to exercise their rights as referred to in Article 2(2)(a);
- (3) ‘competent authority’ means any Member State body or authority established at either national, regional or local level with specific responsibilities relating to the information, procedures, assistance and problem solving services covered by this Regulation;
- (4) ‘evidence’ means any document or data, including text or sound, visual or audiovisual recording, irrespective of the medium used, **required** ~~issued~~ by a competent authority to prove facts or compliance with requirements for procedures referred to in Article 2(2)(b).

Chapter II

Gateway services

Article 4

Access to information

1. Member States shall ensure that users have easy, online access to the following on their national webpages:
 - (a) information about the rights, obligations and rules referred to in Article 2(2)(a), which are derived from national law;
 - (b) information about the procedures referred to in Article 2(2)(b), which are established at national level;
 - (c) information about the assistance and problem solving services, referred to in Article 2(2)(c), which are provided at national level.

2. The Commission shall ensure that users have easy, online access to the following in the single portal referred to in Article 2(1):
 - (a) information about rights, obligations and rules referred to in Article 2(2)(a), which are derived from Union law;
 - (b) information about the procedures referred to in Article 2(2)(b), which are established at Union level;
 - (c) information about the assistance and problem solving services referred to in Article 2(2)(c), which are provided at Union level.

Article 5
Access to procedures

- ~~1. Member States shall ensure that where a procedure, referred to in Article 2(2)(b), established at national level, can be accessed and completed online by users of that Member State, it can be also accessed and completed by users of other Member States in a non-discriminatory way **in accordance with Article 11.**~~
2. **Each** Member States shall ensure that users can **access and** complete the procedures listed in Annex II fully online, **where such procedures exist in the Member State concerned.**
- 2a.** **Where justified by an overriding reason of public interest or where the objective pursued by a procedure, referred to in paragraph 2, cannot be achieved by fully online means, Member States may require the user to appear in person before the competent authority for procedural steps for which the physical presence is necessary. The Member States** ~~Where the objective pursued by a given procedure, referred to in paragraph 2, cannot be achieved without requiring the user to appear in person before the competent authority at some stage of the procedure, Member States shall limit such physical presence to what is strictly necessary and objectively justified and shall ensure that other steps of the procedure can be completed fully online.~~
- 2b.** **Member States** ~~They shall notify~~ **record** ~~such~~ **the procedural steps for which physical presence is required** ~~exceptions~~ **referred to in paragraph 2a and the cases of physical delivery referred to in paragraph 3(d) in a common repository accessible for** ~~to the~~ Commission **and the other Member States.**

3. The procedures, referred to in paragraph 2, shall be considered as fully online where identification, provision of information, ~~supporting~~ evidence, signature and final submission can be
- (a) done electronically at a distance, and
 - (b) via a single service communication channel which enables guides users to fulfill all requirements related to the procedure in a user-friendly way in a structured way,
 - (c) in a way that ensures delivery of an automatic acknowledgement of receipt, unless the output of the procedure is delivered immediately, and
 - (d) where if the output of the procedure is also delivered electronically, and-or where necessary to comply with applicable Union or national law, in parallel by physical delivery with the exception of motor vehicle registration certificates, ID cards and passports.
4. ~~Where justified by an overriding reason of public interest and where the objective pursued by a procedure, referred to in paragraph 2, cannot be achieved by fully online means, Member States may require the user to appear in person before the competent authority for procedural steps for which the physical presence is necessary. The Member States~~ Where the objective pursued by a given procedure, referred to in paragraph 2, cannot be achieved without requiring the user to appear in person before the competent authority at some stage of the procedure, Member States shall limit such physical presence to what is strictly necessary and objectively justified and shall ensure that other steps of the procedure can be completed fully online.
- 4a. ~~Member States~~ They shall notify record such ~~the~~ exceptions referred to in paragraph 4 in a common repository accessible for to the Commission and the other Member States.

5. ~~This Regulation shall not affect the substance of nor the rights granted through any procedure laid down at the Union or national level in any of the areas **covered** governed by this Regulation.~~
6. ~~Nothing in t~~This Article shall **not** prevent Member States from offering users the additional possibility of accessing and completing procedures as referred to in Article 2(2)(b) by other means than an online channel.

Article 6

Access to assistance and problem solving services

1. Member States and the Commission shall ensure that users have easy, online access to assistance **and** ~~or~~ problem solving services referred to in Article 2(2)(c).
2. The national coordinators and the Commission may provide links to assistance and problem solving services offered by competent authorities, the Commission or bodies, offices and agencies of the Union, other than those listed in Annex III, in accordance with Article 16(2) and (3) if such services comply with the quality requirements laid down in Articles 9 and 13.

3. Where necessary to meet the needs of the users, the national coordinator may propose to the Commission, that links to assistance or problem solving services provided by private or semi-private entities are included in the gateway where ~~their~~ **their** services ~~those entities provide~~ meet the following conditions:
- (a) the service offers information or assistance within the areas and for the purposes covered by this regulation and is complementary to services already included in the gateway;
 - (b) the service is offered free of charge or at a price which is affordable for micro-enterprises or citizens;
 - (c) the service complies with the requirements laid down in Articles 9 and 13.
4. Where the national coordinator has proposed the inclusion of a link in accordance with paragraph 3, and provides such link in accordance with Article 16(3), the Commission shall assess whether the conditions in ~~that~~ paragraph **3** are met **by the service to be included through the link**, and if so, it shall activate the link.

Chapter III

Quality requirements

SECTION 1

QUALITY REQUIREMENTS RELATED TO INFORMATION ON RIGHTS, OBLIGATIONS AND RULES, ON PROCEDURES AND ON ASSISTANCE AND PROBLEM SOLVING SERVICES

Article 7

Quality of information on rights, obligations and rules

1. **Where** ~~the competent authorities~~ **Member States** and the Commission shall ensure that ~~where, in accordance with Article 4 they are responsible~~ **in accordance with Article 4** for ensuring access to information as referred to in Article 2(2)(a), **they shall ensure** that **such** information **is clear and user-friendly, and** complies with the following requirements:
 - (a) it is ~~comprehensive~~, accurate and **sufficiently comprehensive to** covers information that users need to know in order to exercise their rights in full compliance with applicable rules and obligations;
 - (b) it includes references, links to legal acts, technical specifications and guidelines, where relevant;
 - (c) it includes the name of the entity responsible for the content of the information;
 - (d) it includes contact details **of** and links to any relevant assistance and problem solving services;

- (e) it includes the date of publication ~~and~~ **or** the last update of the information;
 - (f) it is well-structured and presented so that users can quickly find the information they need;
 - (g) it is kept up-to-date;
 - (h) it is written in clear and plain language adapted to the needs of the target users.
2. The ~~competent authorities~~ **Member States** shall ~~provide~~ **make** the information **referred to in paragraph 1, accessible in a language broadly understood by the largest possible number of cross-border users, in accordance with Article 9a.** ~~in at least one official language of the Union **other than** in addition to the **official** national language or, where applicable, the national languages **of the relevant Member State ("additional language"), within the limits of the budget allocated for translation as referred to in Article 28(1)(e).**~~

Article 8

Quality of information on procedures

1. The ~~competent authorities~~ **Member States** and the Commission shall, for the purposes of complying with Article 4, ensure that users have access to a clear and user-friendly explanation of the following elements of the procedures referred to in Article 2(2)(b), **where applicable relevant**, before having to identify themselves prior to launching the procedure:
- (a) the ~~different~~ **basic** steps of the procedure **to be taken by the user**;
 - (b) the accepted means of authentication, identification and signature for this procedure;
 - (c) the type and format of evidence ~~required~~ to be submitted;

- (d) the means of redress or appeal which are **generally** available in the event of disputes with the competent authorities ~~in relation to the outcome of a procedure~~;
- (e) ~~where relevant~~, the applicable fees and the online method of payment;
- (f) ~~[the estimated time required to complete the procedure and]~~ any applicable deadlines **or tacit approval or administrative silence arrangements**;
- (fa) where no deadlines exist, the average, estimated or indicative time the competent authority needs to complete the procedure;**
- (g) **any additional** the language or, where applicable, the **additional** languages in which the procedure can be carried out.
2. Where the explanation referred to in paragraph 1 is already made available for national users, it may be **used or** reused for the purposes of this Regulation, provided that it contains information in relation to the situation of **cross-border** ~~non-national~~ users, where applicable.
3. The competent authorities **Member States** shall **make** provide the explanation referred to in paragraph 1 **accessible in a language broadly understood by the largest possible number of cross-border users, in accordance with Article 9a.** ~~in at least one **additional** official language, **within the limits of the budget allocated for translation as referred to in Article 28(1)(c).**~~ of the Union in addition to the national language or, where applicable, the national languages.

Article 9

Quality of information on assistance and problem solving services

1. The ~~competent authorities~~ **Member States** and the Commission shall, for the purposes of complying with Article 4, ensure that users have access to a clear and user-friendly explanation of the following before submitting a request for a service as referred to in Article 2(2)(c):
 - (a) the type, purpose and expected results of the service offered;
 - (b) the name and contact details of entities responsible for the service;
 - (c) where relevant, the applicable fees and the online method of payment;
 - (d) the estimated time required to deliver the service or an average response time;
 - (e) ~~the~~ **any additional** language ~~or, where applicable, the languages~~ in which the request can be submitted and which can be used in subsequent contacts.

2. The ~~competent authorities~~ **Member States** shall ~~provide~~ **make** the explanation referred to in paragraph 1 **accessible in a language broadly understood by the largest possible number of cross-border users, in accordance with Article 9a, in at least one additional official language, within the limits of the budget allocated for translation as referred to in Article 28(1)(c).** ~~of the Union in addition to the national language or, where applicable, the national languages.~~

Article 9a

Translation of information

Where the Member States do not provide the information, explanations and instructions set out in Articles 7, 8(1), and 9 and 11(1)(a) in an official Union language broadly understood by the largest possible number of cross-border users, they shall request translations in that language, within the limits of the available budget as referred to in Article 28(1)c.

The Member States shall ensure that these translations cover at least the basic information in all areas listed in Annex I and, where sufficient budget is available, any further information, explanations and instructions as referred to in Articles 7, 8(1), and 9 and 11(1)(a), taking account of the most important needs of cross-border users. The Member States shall provide the links to such translated information to the repository for links.

SECTION 2

REQUIREMENTS RELATED TO ONLINE PROCEDURES

~~[Article 10~~

~~Quality requirements related to online procedures~~

The competent authorities shall ensure that the following requirements are fulfilled in relation to the **online** procedures ~~as~~ referred to in Article ~~11(0)~~5(1) for which they are responsible:

- ~~(a) — any deadlines applying to **them** competent authorities in the course of the procedure are respected; **and**~~
- ~~(b) — **when** in case of non-compliance with applicable deadlines **are extended**, users are informed in advance of the reasons thereof and a new deadline is given.]~~

Article 11

Cross-border access to online procedures

0. **Member States shall ensure that where a procedure, referred to in Article 2(2)(b), established at national level, can be accessed and completed online by users of that Member State, it can also be accessed and completed by users of other Member States in a non-discriminatory way through the same or an alternative technical solution.**

1. The competent authorities shall ensure that ~~for where~~ the procedures ~~as~~ referred to ~~in paragraph 0 in Article 5(1)~~ are offered online, at least the following requirements are met:
- (a) users are able to access ~~and receive~~ instructions for completing the procedure in ~~at least one additional official language~~ **an official Union language that is broadly understood by the largest possible number of cross-border users, in accordance with Article 9a** of the Union other than the national language or, where applicable, the national languages;
 - (b) users are not restricted by ~~input~~ form fields that only accept ~~national data types~~ in particular national formats; **able to submit the required information, including where the structure of such information differs from similar information in the Member State concerned;**
 - (c) users are able to identify **and authenticate** themselves, sign ~~and~~ **or seal documents electronically**, ~~authenticate documents using electronic identification and authentication means~~, as provided for under Regulation (EU) 910/2014 of the European Parliament and of the Council, **in all cases where this is also possible for national users** ~~where identification and signature are required~~;
 - (d) users are able to provide evidence of compliance with applicable requirements in electronic format **in all cases where this is also possible for national users**;
 - (e) where the completion of a procedure requires a payment, users are able to pay any fees online through **widely available** cross-border payment services, ~~including~~, at a minimum, credit transfers or direct debits as specified in Regulation (EU) No 260/2012 of the European Parliament and of the Council³⁶.

³⁶ Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22–37).

2. Where **the procedure does not require electronic identification or authentication as referred to in paragraph 1(c) and where** competent authorities **are allowed under applicable national law or administrative practices to** accept digitalised copies of non-electronic evidence of identity such as identity cards or passports for national users, they shall accept such digitalised copies **of types of evidence that are recognised as proof of identity at EU level.** for users from other Member States.

3. **Where the technical system referred to in Article 12, or other systems allowing for the exchange or verification of evidence between Member States are not available,** competent authorities shall cooperate through the Internal Market Information system (IMI), established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council, where necessary to verify the authenticity of evidence submitted to them **a competent authority** in **an** electronic format by the user for the purpose of an online procedure. **The modalities for the cooperation between the Member States shall be those set out in Articles 14 (3) (6), 15 and 16 of the Regulation on Public Documents³⁷.**

³⁷ **Regulation (EU) 2016/1191 of the European Parliament and of the Council of 6 July 2016 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012 (OJ L 200, 26.7.2017, p. 1-136).**

Article 12

Cross-border **automated** exchange of evidence ~~between competent authorities~~ ("**once only**" **principle**)

0. Where competent authorities lawfully issue, in their own Member State, evidence in an electronic format that allows automated exchange within their own Member State and which is relevant for the online procedures listed in Annex II and procedures provided for in Directives 2005/36/EC, 2006/123/EC, 2014/24/EU and 2014/25/EU, they shall also make such evidence available to requesting competent authorities from other Member States in an electronic format allowing automated exchange.

1. For the purpose of the exchange of evidence for **the** online procedures **referred to in paragraph 0** listed in Annex II and procedures provided for in Directives 2005/36/EC, 2006/123/EC, 2014/24/EU and 2014/25/EU, a technical system for the **automated** electronic exchange of evidence between ~~competent authorities~~ in different Member States ("the technical system") shall be established by the Commission in cooperation with the Member States.
2. The technical system shall ~~fulfil the following requirements~~ **in particular**:
 - (a) ~~it shall~~ enable the processing of requests for evidence to be **accessed or** exchanged;
 - (b) ~~it shall~~ allow the transmission of evidence between **actors requesting and issuing** ~~it~~ **competent authorities**;
 - (c) ~~it shall~~ allow the processing of the evidence by the ~~receiving~~ **requesting** competent authority;
 - (d) ~~it shall~~ ensure the confidentiality and integrity of the evidence;

(e) ~~it shall~~ **enable the possibility for the** ~~ensure that the user has the possibility to preview the evidence to be~~ **processed used by the requesting authority** ~~exchanged;~~

(ea) **ensure an adequate a high level of interoperability with other relevant existing systems;**

(eb) **ensure a high level of security for the transmission and processing of evidence.**

2a. The possibility to preview the evidence as referred to in point (e) of paragraph 2 does not have to be offered for procedures where the automated cross-border data exchange without such preview is allowed under applicable EU or national law. This preview is without prejudice of the information required by Articles 13 and 14 of Regulation (EU) 2016/679.

3. Member States shall integrate the **fully operational** technical system as part of the procedures referred to in paragraph ~~4~~ **0, as from the date set out in the implementing acts referred to in paragraph 7.**

4. The competent authorities responsible for online procedures referred to in paragraph 1 shall, upon an explicit request of the user, request evidence directly from competent authorities issuing evidence in other Member States through the technical system. The issuing **competent** authorities shall, **in accordance with point (d) of** ~~subject to paragraph 2(d)~~, make such evidence available through the same system.

4a. The explicit request of the user referred to in paragraphs 4 does not have to be applied to procedures where the automated cross-border data exchange without such an explicit request is allowed under applicable EU or national law.

5. ~~Where competent authorities issue evidence in electronic format for the purpose of procedures referred to in paragraph 1 within their own Member State, they shall also make such evidence available to the requesting competent authorities from other Member States, through the technical system.~~
6. The evidence made available ~~by a competent authority~~ **to the requesting competent authority** shall be ~~strictly~~ limited to what has been requested and shall only be used ~~by the receiving authority~~ for the purpose of the procedure for which the evidence was exchanged. **When the consent of the user is necessary for data protection purposes, it shall be obtained in accordance with Regulation (EU) 2016/679 and Regulation (EU) 45/2001.**
7. The Commission shall adopt implementing acts to set out the specifications of the technical system necessary for the implementation of this Article. Those implementing acts shall be adopted in accordance with the procedure referred to in Article **35 (2)** ~~34(2)~~.
8. Paragraphs ~~03~~ to ~~6~~ **5-4** shall not apply to procedures established at Union level which provide for different mechanisms for the exchange of evidence, unless the technical system referred to in paragraph 1 is integrated into those procedures in accordance with the rules of the Union acts that establish them.

SECTION 3

QUALITY REQUIREMENTS RELATED TO ASSISTANCE AND PROBLEM SOLVING SERVICES

Article 13

Quality requirements related to assistance and problem solving services

The competent authorities and the Commission shall ensure, **within their respective competences**, that the services listed in Annex III and the services that have been included in the gateway in accordance with Article 6(2), (3) and (4) comply with the following quality requirements:

- (a) ~~any deadlines applying to competent authorities in the course of the service are respected; **and**~~
- (b) **when** ~~in case of non-compliance with applicable deadlines~~ **are extended**, users are informed in advance of the reasons thereof and **of** a new deadline ~~is~~ given;
- (c) where the provision of a service requires a payment, users are able to pay any fees online through a **widely available** cross-border payment services ~~including, at a minimum, credit transfers or direct debits as specified in Regulation (EU) No 260/2012.~~

SECTION 4

QUALITY MONITORING

Article 14

Quality monitoring

1. The national coordinators and the Commission shall, **within their respective responsibilities**, monitor the compliance of the information, procedures and assistance and problem solving services available through the gateway ~~for which they are responsible~~, with the quality requirements laid down in Articles 7 to 11 and 13. The monitoring shall be carried out on the basis of the data gathered in accordance with Articles **21 and 22**.

2. In case of ~~the a~~ deterioration in the quality of the services referred to in paragraph 1, provided by the competent authorities, the Commission may take any of the following measures having regard to the seriousness and persistence of the deterioration:
 - (a) inform the relevant national coordinator and **ask for** ~~require~~ remedial action;
 - (b) **initiate an exchange of views on best practices for quality improvement** ~~submit the quality deterioration for discussion~~ **in** at the coordination group;
 - (c) send a letter with recommendations to the Member State;
 - (d) temporarily disconnect the information, procedure, assistance or problem solving service from the gateway.

3. Where an assistance or problem solving service to which links are provided in accordance with Article 6(2) **(3)** consistently does not comply with requirements laid down in Articles **9 and 13**, or no longer meets the needs of the users as indicated by the data gathered in accordance with Articles **21 and 22**, the Commission may disconnect it from the gateway, **after consultation with the relevant national coordinator and, where necessary, with the gateway coordination group.**

Chapter IV

Technical solutions

Article 15

Common user interface

1. The Commission shall, **in close cooperation with the Member States,** provide a common user interface to ensure the proper functioning of the gateway.
2. The common user interface shall give access to the information, procedures and assistance or problem solving services by means of links to the relevant national and Union level websites **or webpages, included** ~~provided~~ in the repository referred to in Article 16.
3. Member States and the Commission, acting in accordance with their respective roles and responsibilities, as provided for under Article 4, shall ensure that the information **on rules and obligations, on** procedures and **on** assistance and problem solving services **is are** organised, ~~structured~~ and marked in a way that improves **its** findability through the **common** user interface.

4. The Commission may adopt implementing acts laying down **interoperability requirements to improve the findability** ~~detailed organisation, structure and marking of each~~ of the information **on rules and obligations**, **on** procedures and **on** assistance **and** ~~of~~ problem solving services **through** ~~to enable proper functioning of the~~ common user interface. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).

Article 16

*Repository ~~of~~ **for** links*

1. The Commission shall, **in close cooperation with the Member States**, establish and maintain an electronic repository for links to the information, procedures and assistance and problem solving services referred to in Article 2(2) allowing the connection between such services and the common user interface ~~of the gateway~~.
2. The Commission shall provide the links to the information, procedures and assistance and problem solving services accessible on the webpages managed at Union level, and all their subsequent updates, **in** ~~to~~ the repository **for** ~~of~~ links.
3. The national coordinators shall provide the links to the information, procedures and assistance and problem solving services accessible on the webpages managed by competent authorities or private or semi-private entities as referred to in Article 6(3), and all their subsequent updates, **in** ~~to~~ the repository **for** ~~of~~ links.

The national coordinators when providing the links to assistance and problem solving services, shall indicate which services are provided by those private or semi-private entities as referred to in Article 6(3).

3a. Where technically possible, the provision of the links referred to in paragraph 3 may be done automatically between the relevant technical systems of the Member States and the repository for links.

4. The Commission shall make the links included in the repository publicly available.
5. The Commission and the national coordinators shall ensure that the **links to** information, procedures and assistance or problem solving services offered through the gateway do not contain any unnecessary full or partial duplication that is likely to confuse users.
6. Where the making available of information referred to in Article 4 is provided for in other **provisions of** acts of Union **law** legislation, the national coordinators and the Commission may provide links to that information to comply with the requirements of that Article.

Article 17

Common assistance service finder

1. In order to facilitate access to assistance and problem solving services listed in Annex III and referred to in Article 6(2) and (3), the competent authorities and the Commission shall ensure that users can access them through the common assistance and problem solving service finder (“the common assistance service finder”) available through the gateway.
2. The Commission shall develop and manage the common assistance service finder, and decide on the structure and format in which the descriptions and contact details of the assistance and problem solving services need to be provided, to enable the proper functioning of the common assistance service finder.
3. The national coordinators shall provide the descriptions and contact details as referred to in paragraph 2 to the Commission.

Article 18

Responsibilities for ICT applications supporting the gateway

1. The Commission shall be responsible for the development, availability, maintenance, security and hosting of the following ICT applications and webpages:
 - (a) the single portal referred to in Article 2(1);
 - (b) the common user interface referred to in Article 15(1), **including the search engine or any other ICT tool that enables searchability of web information and services;**
 - (c) the repository **for** of links referred to in Article 16(1);
 - (d) the common assistance service finder referred to in Article 17;
 - (e) the user feedback tools referred to in Articles 22(1) and 23(1)(a).

The Commission shall work in close cooperation with the Member States to develop the ICT applications.

2. Competent authorities shall be responsible for the development, availability, maintenance and security of ICT applications related to webpages they are managing and which are linked to the common user interface.

Chapter V

Promotion

Article 19

Name and quality label

1. The name and the logo by which the gateway shall be known and promoted to the general public, **shall** ~~will~~ be decided by the Commission in close cooperation with the gateway coordination group, at the latest by **six months after** the date of **entry-into-force** ~~application~~ of this ~~R~~regulation.
2. **As proof of adherence to the quality requirements referred to in Chapter III, t**~~The name~~ **and the logo** of the gateway **shall** also serve as a quality label which may only be used in that sense by information websites and assistance and problem solving services included in the repository referred to in Article 16 ~~as proof of adherence to the quality requirements referred to in Chapter III.~~

Article 20

Promotion

1. The **Member States** ~~competent authorities~~ and the Commission shall promote the awareness and the use of the gateway amongst citizens and businesses and shall ensure **findability** ~~the accessibility~~ and visibility of the gateway and its services through search engines accessible to the public.
2. The **Member States** ~~competent authorities~~ and the Commission shall coordinate their promotion activities referred to in paragraph 1 and shall refer to the gateway **and** ~~using~~ its logo ~~and reference~~ in such activities together with any other brand names as appropriate.
3. The **Member States** ~~competent authorities~~ and the Commission shall ensure that the gateway is easily findable through the related **websites** ~~portals~~ for which they are responsible **including by providing** ~~and that~~ clear links to the gateway ~~are included in all relevant~~ ~~websites~~.
4. The national coordinators shall promote the gateway within national authorities.

Chapter VI

Collection of user feedback and statistics

Article 21

User statistics

1. The competent authorities and the Commission shall ensure that statistics are collected in relation to users' visits on the gateway and the webpages to which the gateway links in order to improve the functionality of the gateway.
2. The competent authorities, **the providers of assistance services as referred to in Article 6(3)** and the Commission shall **collect** ~~record~~ and exchange, in an aggregated way, the numbers, the origin and the subject matter of requests for assistance and problem solving services and their response times.
 - 2a. The statistics collected in accordance with paragraphs 1 and 2, in relation to the information, procedures and assistance and problem solving services to which the gateway links shall include the following data categories allow:**
 - (a) data related to the number, origin and type of users of the gateway to identify the gateway target audience;**
 - (b) data related to the user preferences and user journeys develop promotional activities;**
 - (c) data related to the usability, findability and to improve the quality of the information, procedures and assistance and problem solving services.**

3. ~~The Commission is empowered to adopt delegated acts in accordance with Article 34 concerning the detailed categories of data to be recorded in accordance with paragraphs **1 and 2**, in relation to the information, procedures and assistance and problem solving services to which the gateway links.~~
4. The Commission shall adopt implementing acts laying down the method of **collecting** ~~recording~~ and exchange of **user** such statistics **referred to in paragraphs 1, 2 and 2a**. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).

Article 22

User feedback on the services of the gateway

1. In order to gather direct information from users about their satisfaction with the services provided within the gateway, the Commission shall provide users through the gateway with a user-friendly tool allowing them to **evaluate** ~~comment~~ anonymously, ~~immediately~~ after using any of the services referred to in Article 2(2), ~~on~~ **the** quality and availability of the services provided through the gateway and of the common user interface.
2. The competent authorities and the Commission shall **give users access** ~~include an appropriate link~~ to this tool on all webpages that are part of the gateway. ~~The competent authorities shall cooperate with the Commission and shall integrate such a tool into the webpages for which they are responsible.~~
3. The Commission, **the competent authorities** and the national coordinators shall have direct access to the user feedback collected through this tool in order to address, **where appropriate**, any problems raised.

4. By derogation from paragraph 2, the competent authorities are not required to **give users access on their webpages to** ~~integrate~~ the user feedback tool referred to in paragraph 1, ~~in their webpages that are linked to the gateway~~ where a user feedback **tool** mechanism of **with** similar functionalities as ~~the tool referred to in paragraph 1~~ is **already** available on ~~those~~ **their** webpages to monitor service quality. The competent authorities shall collect the user feedback received through ~~their own~~ **their own** user feedback tool and shall share it with the Commission and the national coordinators of the other Member States.
5. The Commission shall adopt implementing acts laying down rules for the collection and sharing of the user feedback. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 35(2).

Article 23

Reporting on the functioning of the internal market

1. The Commission shall:
 - (a) provide users of the gateway with a user-friendly tool to signal anonymously obstacles encountered by them in exercising their internal market rights;
 - (b) collect **aggregated** information from the assistance and problem solving services about the subject matter of requests and responses.

1a. The Commission, the competent authorities and the national coordinators shall have direct access to the feedback collected in accordance with paragraph 1(a).

2. The Commission shall publish in an anonymised form an online overview of the problems as emerging from the information collected in accordance with paragraph 1.
3. Member States and the Commission shall analyse and investigate the problems raised and address them wherever possible, by appropriate means.

Chapter VII

Governance of the gateway

Article 24

National coordinators

1. Each Member State shall appoint a national coordinator ~~or national coordinators~~. In addition to ~~fulfilling~~ their obligations in accordance with Articles 6, 14, 16, 17, 20 and 22, the national coordinators shall:
 - (a) act as ~~national~~ contact point **within their administration** for all matters relating to the gateway;
 - (b) ~~be responsible for contacts with the Commission for all matters relating to the gateway;~~
 - (c) promote the uniform application of Articles 7 to 13 within **competent** ~~national~~ authorities;
 - (d) ensure that recommendations referred to in Article 14(2)(c) are **taken into account** properly implemented, **as far as it is within their control**.
- 1a. Each Member State may, in addition, appoint one or more coordinators in order to carry out any of the tasks listed in paragraph 1, in accordance with its internal administrative structure. A single national coordinator for each Member State shall be responsible for contacts with the Commission for all matters relating to the gateway.**
2. ~~The~~Each Member States shall inform the other Member States and the Commission of the name and contact details of **their** ~~its~~ national coordinators.

Article 25
Coordination group

A coordination group (“the gateway coordination group”) shall be established. It shall be composed of ~~one~~ the national coordinators **for each Member State** and shall be chaired by a representative of the Commission. It shall adopt its rules of procedure. The Commission shall provide the secretariat.

Article 26
Tasks of the gateway coordination group

1. The gateway coordination group shall support the implementation of the gateway. In particular it shall:
 - (a) facilitate the exchange and regular updating of best practice;
 - (b) discuss improvements to the presentation of information within the areas listed in Annex I;
 - (ba) assist the Commission in developing the common ICT solutions applications supporting the gateway;**
 - (c) discuss the draft annual work programme;
 - (d) assist the Commission in monitoring the execution of the annual work programme;
 - (e) assist the Commission in monitoring the compliance with the requirements set out in Articles 7 to 11 and 13;

- (f) inform about the implementation of Article 5(2);
 - (g) ~~provide opinions and recommend actions to the Member States competent authorities and the Commission with a view to~~ **discuss ways to** avoiding or eliminating unnecessary duplication of the services available through the gateway;
 - (h) ~~provide opinions on~~ **discuss** procedures or organisational measures to address efficiently any problems with the quality of the services raised by users or suggestions for its improvement;
 - (i) discuss issues related to quality requirements of the services offered through the gateway;
 - (j) assist the Commission for the organisation, structure and presentation of services referred to in Article 2(2), on the common user interface;
 - (k) facilitate the development and implementation of the coordinated promotion;
 - (l) cooperate with the governance bodies of information, assistance or problem solving services or networks.
2. The Commission may consult the coordination group on any matter relating to the application of this Regulation.

Article 27
Annual work programme

1. The Commission shall adopt the annual work programme which shall specify, in particular:
 - (a) actions to ~~implement~~ **facilitate** the specific presentation of information within the areas listed in Annex I;
 - (b) actions ~~required to ensure~~ **facilitate** compliance with Articles 5 and 11;
 - (c) actions ~~required to ensure~~ **facilitate** the consistent compliance with the requirements set out in Articles 7 to 10;
 - (d) activities related to the promotion of the gateway in line with Article 20.

2. When preparing the draft annual work programme the Commission shall take account of user **statistics and** feedback collected in accordance with Articles **21 and 22** **and of any suggestions made by Member States**. Prior to adoption, the Commission shall submit the draft annual work programme to the coordination group for discussion.

Chapter VIII

Final provisions

Article 28

Costs

1. The general budget of the European Union shall cover the costs of:
 - (a) development and maintenance of the ICT tools supporting the implementation of this Regulation at Union level;
 - (b) promotion of the gateway at Union level;
 - (c) translation **of information, explanations and instructions in accordance with Article 9a within** a maximum **annual** volume per Member State, **without prejudice to possible reallocation where necessary to enable full use of the available budget.** ~~of information referred to in Article 2(2)(a) and instructions for completing procedures referred to in Article 11(1)(a), into an **additional** official language of the Union, other than the national language.~~
2. The costs related to national webportals, information platforms, assistance services and procedures established at Member State level shall be borne from the respective budgets of the Member States, unless otherwise provided for in Union legislation.

Article 29

Protection of personal data

Processing of personal data within the framework of this Regulation by competent authorities **shall comply** ~~must be in compliance~~ with ~~[Directive 95/46/EC]~~ [Regulation (EU) 2016/679 of the European Parliament and of the Council]. Processing of personal data by the Commission within the framework of this Regulation, shall comply with the provisions of Regulation 00/0000 [new Regulation replacing Regulation 45/2001].

Article 30

Cooperation with other information and assistance networks

1. **After consulting the Member States** ~~t~~The Commission shall decide which existing informal governance arrangements for any of the assistance or problem solving services listed in Annex III or for any of the areas of information covered by Annex I shall be integrated in the gateway coordination group.
2. Where the information and assistance services or networks have been created by a **legally** binding Union act for any of the areas of information covered by Annex I, the Commission shall coordinate the work of the gateway coordination group and the governance bodies of such services or networks with a view to achieve synergies and to avoid duplication.

Article 31

Relationship with other provisions of Union law

~~Where the provisions of this Regulation conflict with a provision of another Union act governing specific aspects of the subject matter covered by this Regulation, the provision of the other Union act shall prevail.~~

Article 32

Internal Market Information System

1. The Internal Market Information System established by Regulation (EU) No 1024/2012 shall be used for the purposes of **and in accordance with** Articles **5(4a) and 11(3)** ~~(4)~~.
2. The Commission may decide to use IMI as an electronic repository **for** ~~of~~ links as provided for in Article 16(1).

Article 33

Reporting and review

By four years after the entry into force of this Regulation and once every two years thereafter, the Commission shall review the application of this Regulation and submit to the European Parliament and the Council an assessment report on the functioning of the gateway and on the functioning of the internal market on the basis of the statistics and feedback collected in accordance with Articles 21, 22 and 23. The review will, in particular, evaluate the scope of Article 12 of this Regulation taking into account technological, market and legal developments concerning the exchange of evidence between competent authorities.

Article 34

Exercise of the delegation

- 1.—~~The power to adopt delegated act is conferred on the Commission subject to the conditions laid down in this Article.~~
- 2.—~~The power to adopt delegated acts referred to in Article 21(3) shall be conferred on the Commission for a period of five years from [...]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.~~
- 3.—~~The delegation of power referred to in Article 21(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.~~
- 4.—~~As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.~~
- 5.—~~A delegated act adopted pursuant to Article 21(3) shall enter into force only if no objection has been raised either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.~~

Article 35
Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 36
Amendment to Regulation (EU) No 1024/2012

Regulation (EU) No 1024/2012 is amended as follows:

- (1) Article 1 is replaced by the following:

Article 1
Subject matter

‘This Regulation lays down rules for the use of an Internal Market Information System (‘IMI’) for administrative cooperation, including processing of personal data, among ~~the following actors~~ (‘the IMI actors’):

- ~~(a) the competent authorities of the Member States;~~
- ~~(b) the competent authorities of the Member States and the Commission;~~
- (c) the competent authorities of the Member States, **IMI coordinators**, the Commission and Union bodies, offices and agencies (**“the IMI actors”**).

(2) Article 3(1) is replaced by the following:

‘1. IMI shall be used for exchanges of information, including of personal data, among the IMI actors and the processing of that information for the purposes of either of the following:

- (a) administrative cooperation required in accordance with the acts listed in the Annex;
- (b) administrative cooperation subject to a pilot project carried out in accordance with Article 4.’

(3) the second paragraph of Article 5 is amended as follows:

(a) point (a) is replaced by the following:

‘(a) ‘IMI’ means the electronic tool provided by the Commission to facilitate administrative cooperation ~~between~~ **among IMI actors** ~~competent authorities of the Member States and among competent authorities of the Member States, the Commission and Union bodies, offices and agencies~~’;

(b) point (b) is replaced by the following:

‘(b) ‘administrative cooperation’ means the collaboration between IMI actors by exchanging and processing information for the purpose of better application of Union law.’;

(c) point (g) is deleted.

- (4) In Article 8(1) the following point is added:
- ‘(f) ‘ensuring coordination with Union bodies, offices and agencies and granting them access to IMI‘;
- (5) Article 9(4) is replaced by the following:
- ‘4. Appropriate means shall be put in place by the Member States, the Commission and ~~other~~ Union bodies, offices and agencies to ensure that IMI users are allowed to access personal data processed in IMI only on a need-to-know basis and within the internal market area or areas for which they were granted access rights in accordance with paragraph 3.’
- (6) Article 21 is amended as follows:
- (a) paragraph 2 is replaced by the following:
- ‘2. The European Data Protection Supervisor shall be responsible for monitoring and ensuring the application of the provisions of this Regulation when the Commission or ~~other~~ Union bodies, offices and agencies, in their role as IMI actors, process personal data. The duties and powers referred to in Articles 58 and 59 of [Regulation (EU) No XX/201Y] shall apply accordingly’.
- (b) paragraph 3 is replaced by the following:
- ‘3. The National Supervisory Authorities and the European Data Protection Supervisor, each acting within the scope of their respective competences, shall cooperate with each other to ensure coordinated supervision of IMI and its use by IMI actors in accordance with Article 62 of [Regulation (EU) No XX/201Y]’.
- (c) paragraph 4 is deleted.

- (7) Article 29(1) is deleted.
- (8) In the Annex, the following points 12 and 13 are added:

[12. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation): Article 56 and Articles 60-66]

~~‘12.~~ **13.** [Regulation (EU) XX/201Y] of the European Parliament and of the Council on establishing a single digital gateway to information, procedures, assistance and problem-solving services and amending Regulation (EU) No 1024/2012: **Article 5(4a)** ~~{11(4)(3)}~~, **and 16.**’

Article 37

Entry into force

- ~~(1.)~~ This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
- ~~(2.)~~ Article 2, Articles ~~4~~, **Articles 6 to 9 and 11 to 11**, ~~Article 12(1) to (6) and (8)~~, Article 13, Article 14, Article 15(1) to (3), Article 16, Article 17, Article 21(1) and (2), Article 22(1) to (4) and Article 23 shall apply from ~~...~~ [two years after entry into force of this Regulation].
- ~~(3.)~~ **The obligation to request translations in accordance with Article 9a and Article 11 for online procedures existing in the Member States in the areas listed in Annex I shall apply from ... [three years after entry into force of this Regulation].**
- ~~(4.)~~ **Article 5, Article 11 for procedures listed in Annex II and Article 12(1) to (6) and (8) shall apply ~~the~~ from ... [1 January 2023 ~~four~~ five years after entry into force of this Regulation].**
- 5. Notwithstanding the date of application for Articles 2, 7, 8 and 9 and 11(1)(a), local authorities shall make the information, explanations and instructions referred to in these Articles available at the latest by ... [1 January 2023 five years after entry into force of this Regulation].**

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEXES

to the

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

ANNEX I

List of areas of information relevant for citizens and business exercising their Single Market rights referred to in Article 2(2)(a)

Areas of information areas related to citizens:

Area	INFORMATION REGARDING RIGHTS, OBLIGATIONS AND RULES <u>arising from Union and national law</u>
Travel within the Union	<ul style="list-style-type: none">• Documents required of Union citizens, their family members who are not Union citizens, minors travelling alone, non-Union citizens when travelling across borders within the Union (ID card, visa, passport)• rights and obligations of travellers by plane, train, ship, bus in and from the Union, and of those who buy travel packages or linked travel arrangements• assistance in case of reduced mobility when travelling in and from the Union• transport of animals, plants, alcohol, tobacco, cigarettes and other goods when travelling in the Union• voice calling and sending and receiving electronic messages and electronic data within the Union

Work and retirement within the Union	<ul style="list-style-type: none"> • seeking employment in another Member State • taking up employment in another Member State • recognition of qualifications with a view to employment in another Member State • taxation in another Member State • terms of employment <u>stipulated by law or statutory instrument</u> (including working hours, paid leave, holiday entitlements, rights and obligations regarding overtime work, health checks, termination of contracts, dismissal and redundancies) • equal treatment (rules against discrimination in the workplace, equal pay for men and women, equal pay for employees on fixed-term / permanent employment contracts) • health and safety obligations in relation to different types of activity • social security rights and obligations in the Union including those related to getting pensions
Vehicles in the Union	<ul style="list-style-type: none"> • taking a motor vehicle temporarily or permanently to another Member State • acquiring and renewing a driving license • taking out mandatory motor insurance • buying and selling a motor vehicle in another Member State • renting a motor vehicle • national traffic rules and requirements for drivers
Residence in another Member State	<ul style="list-style-type: none"> • moving temporarily or permanently to another Member State • participating in municipal elections and elections to the European Parliament • requirements for residence cards for Union citizens and their -family members, including family members who are not Union citizens

Education or traineeship in another Member State	<ul style="list-style-type: none"> • attending school in another Member State • attending university in another Member State • volunteering in another Member State • traineeships in another Member State • conducting research in another Member State as part of an education programme
Healthcare	<ul style="list-style-type: none"> • getting medical treatment in another Member State • buying prescribed pharmaceutical products in Member State other than the one where the prescription was issued, on-line or in person
Cross-border family rights, obligations and rules	<ul style="list-style-type: none"> • birth, custody for minor children, parental responsibilities, maintenance obligations in relation to children in a cross-border family situation • living in a couple with different nationalities (marriage, separation, divorce, marital property rights, the rights of cohabitants) • rights in relation to succession in another Member State
Consumer rights in cross-border situations	<ul style="list-style-type: none"> • buying goods and services from another Member State (including financial), on-line or in person • holding a bank account in another Member State • connection to utilities, such as gas, electricity, water, telecom and internet • payments, including credit transfers, delays in cross-border payments • consumer rights and guarantees related to buying goods and services • <u>safety of consumer products</u> • <u>renting a motor vehicle</u>

Areas of information related to businesses:

Area	INFORMATION REGARDING RIGHTS, OBLIGATIONS AND RULES
Starting, running and closing a business	<ul style="list-style-type: none"> • registering a business (registration procedures and legal forms for carrying out business) • intellectual property rights (applying for a patent, registering a trademark, a drawing or a design, getting a license for reproduction) • fairness and transparency in commercial practices, including consumer rights and guarantees related to selling goods and services • offering online facilities for cross-border payments when selling goods and services online • rights and obligations arising under contract law, including late payment interests • insolvency proceedings and liquidation of companies • credit insurance • mergers of companies or selling a business
Staff	<ul style="list-style-type: none"> • terms of employment <u>stipulated by law or statutory instrument</u> (including working hours, paid leave, holiday entitlements, rights and obligations regarding overtime work, health checks, termination of contracts, dismissals and redundancies) • social security rights and obligations in the Union (registering as employer, registering employees, notifying the end of contract of an employee, paying social contributions, rights and obligations related to pensions) • employment of workers on other Member States (posting of workers, rules on freedom to provide services, residency requirements for workers) • equal treatment (rules against discrimination in the workplace, equal pay for men and women, equal pay for employees on fixed-term / permanent employment contracts) • rules on staff representation

Taxes	<ul style="list-style-type: none"> • VAT: information on the general rules, rates and exemptions, registering for and paying VAT, getting a refund • excise duties: information on the general rules, rates and exemptions • other taxes: payment, rates
Goods	<ul style="list-style-type: none"> • obtaining CE marking • identifying applicable standards, technical specifications and getting products certified • mutual recognition of products not subject to Union-specifications • requirements regarding classification, labelling and packaging for hazardous chemicals • distance/off-premises selling: information to be given to customers in advance, confirmation of the contract in writing, withdrawal from a contract, delivering of the goods, other specific obligations • defective products: consumer rights and guarantees, after-sale responsibilities, means of redress for an injured party • certification, labels (EMAS, energy labels, Eco-design, EU eco-label) • recycling and waste management
Services	<ul style="list-style-type: none"> • acquiring licenses, authorisations or permits with a view to starting a business • notifying the authorities of cross-border activities • recognition of professional qualifications

Funding a business	<ul style="list-style-type: none"> • getting access to finance at the Union level, including Union funding programmes and business grants • getting access to finance at national level • initiatives addressed to entrepreneurs (exchanges organised for new entrepreneurs, mentoring programmes etc.)
Public contracts	<ul style="list-style-type: none"> • Participating in public tenders: rules and procedures • submitting a bid online in response to a public call for tender • reporting irregularities in relation to the tender process
Health and safety at work	<ul style="list-style-type: none"> • Health and safety obligations in relation to different types of activity, including prevention of risks, information and training

ANNEX II
Procedures referred to in Article 5(2)

Life events	Procedures	Expected output <u>subject to an assessment of the application by the competent authority in accordance with their national law, where relevant</u>
Birth	Requesting <u>proof of registration of birth</u> a birth certificate	<u>Proof of registration of birth or</u> birth certificate
Studying	Applying for a <u>tertiary education study financing, such as</u> study grants <u>and loans</u> from a public <u>body or</u> institution	Decision regarding on the application for <u>financing</u> a grant <u>or</u> <u>acknowledgement of receipt</u>
	<u>Requesting academic recognition of diplomas, certificates or other proof of studies or courses qualifications</u>	<u>Decision on the request for recognition</u>

Working	<u>Request for determination of applicable legislation</u> Registering <u>a claim</u> for social security <u>coverage</u> benefits <u>in accordance with Title II of Regulation (EU) 883/2004</u> ³⁸	Acknowledgement of receipt <u>Decision on claim Confirmation or rejection of registration Decision on applicable legislation</u>
	<u>Notifying changes in personal or professional circumstances of the insured person receiving relevant for social security benefits, relevant for such benefits</u>	<u>Confirmation of receipt of notification of change</u>
	<u>Application for European Health Insurance Card (EHIC)</u>	<u>European Health Insurance Card (EHIC)</u>
	Requesting <u>academic</u> recognition of <u>qualifications</u> diploma	Decision on the request for recognition
Moving	Registering a change of address	Confirmation of <u>the de-registration at the previous address and of the registration at</u> of the new address
	Requesting/renewing ID card or passport	Issue or renewal of an ID card or a passport
	Registering a motor vehicle <u>originating from or already registered in an EU Member State, in standard procedures</u> ³⁹	<u>Proof of registration of a motor vehicle</u> Registration certificate

³⁸ Benefits as covered by Article 3 of Regulation (EU) 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems.

³⁹ This covers the following vehicles: (a) any motor vehicle or trailer as referred to in Article 3 of Directive 2007/46/EC of the European Parliament and of the Council (OJ L263, 9.10.2007, p.1) and (b) any two or three-wheel motor vehicle, whether twin-wheeled or otherwise, intended to travel on the road, as referred to in Article 1 of Directive 2002/24/EC of the European Parliament and of the Council OJ L 124, 9.5.2002, p.1).

Retiring	Claiming pension and pre-retirement benefits from public or semi-public <u>compulsory</u> schemes	<u>Confirmation of the receipt of the claim or decision</u> regarding the claim for a pension or pre-retirement benefits
Starting a business	General registration of business activity, excluding procedures concerning the constitution of companies or firms within the meaning of the second paragraph of Article 54 TFEU	Confirmation of the completion of all steps necessary to start operating as a business
	Registration of an employer (a natural person) with public or semi-public <u>compulsory</u> pension and insurance schemes	<u>Confirmation of registration or</u> s Social security registration number
	Registration of employees with public or semi-public <u>compulsory</u> pension and insurance schemes	<u>Confirmation of registration or</u> s Social security registration number
Doing business	Notification to the social security schemes of the end of contract with an employee, excluding <u>procedures for the collective termination of employee contracts</u>	Confirmation of the receipt of the notification
	Payment of social contributions for employees	Receipt or other form of confirmation of payment of social contributions for employees

ANNEX III

List of the assistance and problem solving services referred to in Article 2(2)(c)

- (1) Points of Single Contact⁴⁰
 - (2) Product Contact Points⁴¹
 - (3) Construction Product Contact Points⁴²
 - (4) National Assistance Centres for Professional Qualifications⁴³
 - (5) Health Contact Points⁴⁴
 - (6) EURES⁴⁵
 - (7) Online Dispute Resolution⁴⁶
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⁴⁰ 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).

⁴¹ Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC (OJ L 218, 13.8.2008, p. 21–29).

⁴² Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC (OJ L 88, 4.4.2011, p. 5–43).

⁴³ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22–142).

⁴⁴ Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).

⁴⁵ Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (Text with EEA relevance) (OJ L 107, 22.04.2016, p.1-28).

⁴⁶ Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 1–12).