Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (Text with EEA relevance)

REGULATION (EU) 2018/1724 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 2 October 2018

establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012

(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 Article 21(2) and Article 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 Committee[(1)],

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) The internal market is one of the Union'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 element of the Single Market Strategy established by the communication of the Commission of 28 October 2015 entitled 'Upgrading the Single Market: more opportunities for people and business'. That strategy has the objective of unlocking the full potential of the internal market by making it easier for citizens and businesses to move within the Union and to trade, establish themselves and expand their businesses across borders.

(2) The communication of the Commission of 6 May 2015 entitled 'A Digital Single Market Strategy for Europe' recognised the role of the internet and digital technologies in transforming our lives, changing the way in which citizens and businesses access information, acquire knowledge, buy goods and services, participate in the market and work, thereby facilitating opportunities for innovation, growth and jobs. That communication, along with several resolutions adopted by the European Parliament, acknowledged that the needs of citizens and businesses in their own country and across borders could be better met by extending and integrating existing European-level portals, websites, networks, services and systems and by linking them with different national solutions, thereby creating a single digital gateway serving as a European

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single entry point ('the gateway'). The communication of the Commission of 19 April 2016 entitled 'EU eGovernment Action Plan 2016-2020 — Accelerating the digital transformation of government' listed the gateway amongst one of its actions for 2017. The Commission's report of 24 January 2017, entitled 'Strengthening Citizens' Rights in a Union of Democratic Change — EU Citizenship Report 2017' considered the gateway to be a priority for the rights of the Union's citizens.

(3) The European Parliament and the Council have repeatedly called for a more comprehensive and more user-friendly package of information and assistance to help citizens and businesses navigate the internal market and to strengthen and streamline internal market tools in order to better meet the needs of citizens and businesses in their cross-border activities.

(4) This Regulation responds to those calls by offering citizens and businesses easy access to the information, the procedures, and the assistance and problem-solving services that they need in order to exercise their rights in the internal market. The gateway could contribute to the greater transparency of rules and regulations relating to different business and life events, in areas such as travel, retirement, education, employment, healthcare, consumer rights and family rights. Furthermore, it could help improve consumers' confidence, address the lack of knowledge about consumer protection and internal market rules and reduce compliance costs for businesses. This Regulation establishes a user-friendly, interactive gateway which, based on users' needs, should guide them to the most appropriate services. In that context, the Commission and Member States should play an important role in achieving those objectives.

(5) The gateway should facilitate interactions between citizens and businesses, on the one hand, and competent authorities, on the other hand, by providing access to online solutions, facilitating the day-to-day activities of citizens and businesses and minimising the obstacles encountered in the internal market. The existence of a single digital gateway providing online access to accurate and up-to-date information, to procedures and to assistance and problem-solving services could help raise the users' awareness of the different existing online services and could save them time and expense.

(6) This Regulation has three objectives, namely to reduce any additional administrative burden on citizens and businesses that exercise or want to exercise their internal market rights, including the free movement of citizens, in full compliance with national rules and procedures, to eliminate discrimination and to ensure the functioning of the internal market with regard to the provision of information, of procedures and of assistance and problem-solving services. Since it covers free movement of citizens, which cannot be considered to be merely incidental, this Regulation should be based on Article 21(2) and Article 114(1) of the Treaty on the Functioning of the European Union (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, non-discriminatory measures allowing citizens and businesses to have easy access to sufficiently comprehensive and reliable information about their rights under Union law and to information about the applicable national rules and procedures which they need to comply with when they

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move to, live or study, or when they establish or carry on a business, in a Member State other than their own. Information should be considered to be sufficiently comprehensive if it includes all the information that is necessary for the users to understand what their rights and obligations are and identifies the rules that apply to them in relation to the activities they want to undertake as cross-border users. The information should be stated in a clear, concise and understandable way and be operational and well adapted to the target user group. Information on procedures should cover all foreseeable procedural steps that are relevant for the user. It is important for citizens and businesses facing complex regulatory environments, such as those active in e-commerce and the collaborative economy, that they can easily find the applicable rules and how they apply to their activities. Easy and user-friendly access to information means enabling the users 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. The information to be provided at national level should not only concern national rules implementing Union law, but also any other national rules that apply both to non-crossborder and cross-border users.

(8) Rules on the provision of information in this Regulation should not apply to national judicial systems, since information in that area relevant for cross-border users is already included in the e-Justice portal. In some situations covered by this Regulation, courts should be considered to 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 court proceedings.

(9) It is clear that citizens and businesses from other Member States can be at a disadvantage due to their lack of familiarity with the national rules and administrative systems, the different languages used and their lack of geographic proximity to the competent authorities in a Member State other than their own. The most efficient way to reduce the ensuing obstacles to the internal market is to enable cross-border and non-crossborder users to access information online in a language they are able to understand in order 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 to the exercise of their rights.

(10) A number of Union acts have aimed to provide solutions by creating sectorial one-stop shops, including points of single contact established by Directive 2006/123/EC of the European Parliament and of the Council[(3)] which offer online information, assistance services and access to procedures relevant for the provision of services; Product Contact Points, established by Regulation (EC) No 764/2008 of the European Parliament and of the Council[(4)], and Product Contact Points for Construction, established by Regulation (EU) No 305/2011 of the European Parliament and of the Council[(5)], which provide access to product-specific technical rules; and national assistance centres for professional qualifications, established by Directive 2005/36/EC of the European Parliament and of the Council[(6)], which 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

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travelling or shopping online. Furthermore, SOLVIT as referred to in Commission Recommendation 2013/461/EU[7] seeks to deliver fast, effective and informal solutions to individuals and businesses when their internal market rights 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 Union and national rules.

(11) As a result of the sectorial nature of those Union acts, the current provision of online information and of assistance and problem-solving 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 and problem-solving services. Cross-border users also experience problems finding and accessing those services.

(12) This Regulation should establish a single digital gateway to act as the single entry point through which citizens and businesses are able to access information about the rules and requirements that they have to comply with, by virtue of Union or national law. The gateway should simplify citizens' and businesses' contact with the assistance and problem-solving services established at Union or national level and make that contact more effective. The gateway should also facilitate access to and completion of online procedures. This Regulation should not affect in any way the existing rights and obligations under Union or national law within those policy areas. For the procedures listed in Annex II to this Regulation and the procedures provided for in Directives 2005/36/EC and 2006/123/EC, and in Directives 2014/24/EU[8] and 2014/25/EU[9] of the European Parliament and of the Council, this Regulation should support the use of the 'once-only' principle and should fully respect the fundamental right to the protection of personal data, for the purpose of the exchange of evidence between competent authorities in different Member States.

(13) The gateway and its content should be user-centric and user-friendly. The gateway should aim to avoid overlaps and should provide links to existing services. It should allow citizens and businesses to interact with public bodies at national and Union level 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, in a way that makes it possible for the user to remain anonymous, perceived problems, deficiencies and needs in order to encourage the continuous improvement of the quality of the services.

(14) 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, to be managed by the Commission. The common user interface should provide links to information, to procedures and to assistance or problem-solving services available on portals managed by competent authorities in Member States and by the Commission. In order to facilitate the use of the gateway, the common user interface should be available in all official languages of the institutions of the Union ('official languages of the Union'). The existing Your Europe portal

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and its main access webpage, adapted to the requirements of the gateway, should preserve this multilingual approach to the information provided. The functioning of the gateway should be supported by technical tools developed by the Commission in close cooperation with the Member States.

(15) In the Charter for the electronic Points of Single Contact under Directive 2006/123/EC, which was endorsed by the Council in 2013, Member States made a voluntary commitment to take a user-centric approach in the provision of information through the points of single contact, 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 in the light of experience with the Your Europe portal, that information should also include a description of the assistance and problem-solving services. Citizens and businesses should be able to refer to such services when they have problems understanding the information, applying that information to their situation or completing a procedure.

(16) This Regulation should list the information areas which are relevant for citizens and businesses exercising their rights and complying with their obligations within the internal market. For those areas, sufficiently comprehensive information should be provided at national level, including at regional and local levels, and at Union level, explaining the applicable rules and obligations and the procedures to be completed by citizens and businesses in order to comply with those rules and obligations. In order to ensure the quality of the services offered, the information provided through the gateway should be clear, accurate and up-to-date, the use of complex terminology should be minimised and the use of acronyms should be limited to those which provide simplified and easily understandable terms that do not require a pre-existing knowledge of the issue or area of law. That 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. Users should also be informed about the absence, in certain Member States, of national rules in the information areas listed in Annex I, especially where those areas are subject to national rules in other Member States. Such information about the absence of national rules could be included in the Your Europe portal.

(17) Wherever possible, information already collected by the Commission from the Member States under existing Union law or voluntary arrangements — such as information collected for the EURES portal, established by Regulation (EU) 2016/589 of the European Parliament and of the Council[(10)], the e-Justice portal, established by Council Decision 2001/470/EC[(11)], or the Regulated professions database, established by Directive 2005/36/EC — should be used to cover part of the information to be made accessible to citizens and businesses at Union and national level in accordance with this Regulation. Member States should not be required to provide on their national websites information which is already available in the relevant databases managed by the Commission. Where Member States already have to provide online information pursuant to other Union acts, such as Directive 2014/67/EU of the European Parliament and of the Council[(12)], it should be sufficient for Member States to provide links to the existing online information. Where certain policy areas have already been fully harmonised through Union law, for instance consumer rights, information provided