

Public consultation on EU framework for cross-border recognition of associations in the EU

Fields marked with * are mandatory.

Introduction

Purpose of this Public Consultation

Under Article 225 of the Treaty on the Functioning of the European Union (hereafter TFEU), the European Parliament adopted on 17 February 2022 [a legislative initiative resolution](#) (2020/2026(INL), with 'recommendations to the Commission on a statute for European cross-border associations and non-profit organisations' aiming to harmonise and strengthen the legal situation of European associations and other non-profit organisations (hereafter NPOs). This consists in requests for two legislative proposals: A Regulation, which creates the legal form of "European Associations", and a Directive harmonising common minimum standards for NPOs.

In its reply to the European Parliament of May 2022, the Commission committed to propose, "within the respect of the principles of subsidiarity and proportionality and Member States' competences and better law making, a legislative initiative to allow associations to fully enjoy the single market freedoms, while protecting their fundamental rights and freedom of association more generally". Therefore, the legislative initiative, under consideration, will respond to the European Parliament legislative initiative resolution. Considering the broad diversity of the legal entities within the non-profit sector where associations occupy a predominant place, the initiative under consideration will focus on associations to meet the European Parliament objectives and goals. Previous failed legislative attempts to create EU legal forms should be taken into account when proposing the future legislative initiative. Furthermore, it will also complement non-legislative actions announced in the [Action Plan on social economy](#) (such as, a future Commission's proposal for a Council Recommendation on developing social economy framework conditions), and actions to strengthen the dialogue with civil society in the context of the Strategy to strengthen the application of the [Charter of Fundamental Rights in the EU](#) and the European Rule of Law Mechanism.

The initiative under consideration would aim primarily to create an enabling environment for associations to fully benefit from the single market freedoms. Improving the legal and administrative conditions for associations to engage in cross-border activities in the single market will unleash their economic and societal potential to create growth and jobs. It will also unleash their potential to support individuals to actively participate in the EU democratic life, while fostering the EU democratic space, addressing societal challenges, and protecting EU fundamental rights (such as freedom of association, expression, and information). In view of their specificity, trade unions, political and religious associations and foundations would be excluded.

Currently, 27 different set of rules for associations exist in the EU, with differing administrative and legal regimes and requirements, including for registration, transfer of seats or mergers. This creates additional burden for associations and non-profit entities when they operate across borders in the EU single market (e.g. they must register again in another Member State, which adds red tape and cost). This situation impacts a big number of associations operating across EU borders, with negative repercussions in terms of their economic and societal deployment and may deter them from extending their activities across borders and prevent them from benefitting from the Single Market freedoms.

The purpose of this consultation is to gather your views on the need for EU action and the envisaged options and to provide input on any further issues to consider in the development of this policy field. The European Commission will use this input in its assessment to identify the most appropriate solution to improve the EU framework for cross-border recognition of associations in the EU.

For the purpose of this public consultation, « association » refers to the legal form of associations or charities that are membership-based organizations of persons created for a specific purpose, usually for an indefinite period of time and having their own legal personality. They are established for a purpose other than sharing the potential profits from an economic activity, which leads to the qualification of “non-profit”. The term “non-profit” does not mean that the entity cannot engage in economic activities but rather that it cannot distribute profit among its members, which is the reason why associations may perform any kind of activity, including economic activities that generate profits but should not be established for the primary aim of making profit (i.e., profit-making activities). If an association generates profit by an economic activity, the profits may not be distributed to founders and members but must be reinvested in the primary activity of the association, which is called the “non-distribution constraint” of associations.

Guidance on the questionnaire

This public consultation consists of some introductory questions related to your profile, followed by questions on content. Please note that you are not obliged to respond to all questions in the questionnaire.

At the end of the questionnaire, you are invited to provide any additional comments and/or to upload additional information, position papers or policy briefs that express the position or views of yourself or your organisation.

The results of the questionnaire as well as the uploaded position papers and policy briefs will be published online. Please read the [specific privacy statement](#) informing on how personal data and contributions will be dealt with.

About You

*** Language of my contribution**

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch

- ☒ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Irish
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Company/business organisation
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☒ Non-governmental organisation (NGO)
- ☐ Public authority
- ☐ Trade union
- ☐ Other

* First name

Citizens Network

* Surname

WATCHDOG POLAND

* Email (this won't be published)

biuro@siecobywatelska.pl

* Organisation name

255 character(s) maximum

Citizens Network Watchdog Poland

* Organisation size

- ☐ Micro (1 to 9 employees)
- ☒ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☐ Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

086599744855-84

* Country of origin

Please add your country of origin, or that of your organisation.

This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

- | | | | |
|--------------------------------------|--|-------------------------------------|--|
| ☐ Afghanistan | ☐ Djibouti | ☐ Libya | ☐ Saint Martin |
| ☐ Åland Islands | ☐ Dominica | ☐ Liechtenstein | ☐ Saint Pierre and Miquelon |
| ☐ Albania | ☐ Dominican Republic | ☐ Lithuania | ☐ Saint Vincent and the Grenadines |
| ☐ Algeria | ☐ Ecuador | ☐ Luxembourg | ☐ Samoa |
| ☐ American Samoa | ☐ Egypt | ☐ Macau | ☐ San Marino |

- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan

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| ☐ Brazil | ☐ Guinea | ☐ New Zealand | ☐ Tanzania |
| ☐ British Indian Ocean Territory | ☐ Guinea-Bissau | ☐ Nicaragua | ☐ Thailand |
| ☐ British Virgin Islands | ☐ Guyana | ☐ Niger | ☐ The Gambia |
| ☐ Brunei | ☐ Haiti | ☐ Nigeria | ☐ Timor-Leste |
| ☐ Bulgaria | ☐ Heard Island and McDonald Islands | ☐ Niue | ☐ Togo |
| ☐ Burkina Faso | ☐ Honduras | ☐ Norfolk Island | ☐ Tokelau |
| ☐ Burundi | ☐ Hong Kong | ☐ Northern Mariana Islands | ☐ Tonga |
| ☐ Cambodia | ☐ Hungary | ☐ North Korea | ☐ Trinidad and Tobago |
| ☐ Cameroon | ☐ Iceland | ☐ North Macedonia | ☐ Tunisia |
| ☐ Canada | ☐ India | ☐ Norway | ☐ Turkey |
| ☐ Cape Verde | ☐ Indonesia | ☐ Oman | ☐ Turkmenistan |
| ☐ Cayman Islands | ☐ Iran | ☐ Pakistan | ☐ Turks and Caicos Islands |
| ☐ Central African Republic | ☐ Iraq | ☐ Palau | ☐ Tuvalu |
| ☐ Chad | ☐ Ireland | ☐ Palestine | ☐ Uganda |
| ☐ Chile | ☐ Isle of Man | ☐ Panama | ☐ Ukraine |
| ☐ China | ☐ Israel | ☐ Papua New Guinea | ☐ United Arab Emirates |
| ☐ Christmas Island | ☐ Italy | ☐ Paraguay | ☐ United Kingdom |
| ☐ Clipperton | ☐ Jamaica | ☐ Peru | ☐ United States |
| ☐ Cocos (Keeling) Islands | ☐ Japan | ☐ Philippines | ☐ United States Minor Outlying Islands |
| ☐ Colombia | ☐ Jersey | ☐ Pitcairn Islands | ☐ Uruguay |
| ☐ Comoros | ☐ Jordan | ☒ Poland | ☐ US Virgin Islands |
| ☐ Congo | ☐ Kazakhstan | ☐ Portugal | ☐ Uzbekistan |
| ☐ Cook Islands | ☐ Kenya | ☐ Puerto Rico | ☐ Vanuatu |
| ☐ Costa Rica | ☐ Kiribati | ☐ Qatar | ☐ Vatican City |
| ☐ Côte d'Ivoire | ☐ Kosovo | ☐ Réunion | ☐ Venezuela |

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| ☐ Croatia | ☐ Kuwait | ☐ Romania | ☐ Vietnam |
| ☐ Cuba | ☐ Kyrgyzstan | ☐ Russia | ☐ Wallis and Futuna |
| ☐ Curaçao | ☐ Laos | ☐ Rwanda | ☐ Western Sahara |
| ☐ Cyprus | ☐ Latvia | ☐ Saint Barthélemy | ☐ Yemen |
| ☐ Czechia | ☐ Lebanon | ☐ Saint Helena | ☐ Zambia |
| | | Ascension and Tristan da Cunha | |
| ☐ Democratic Republic of the Congo | ☐ Lesotho | ☐ Saint Kitts and Nevis | ☐ Zimbabwe |
| ☐ Denmark | ☐ Liberia | ☐ Saint Lucia | |

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, ‘business association’, ‘consumer association’, ‘EU citizen’) country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☐ Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

☒ Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☒ I agree with the [personal data protection provisions](#)

Part I General issues linked to associations operating cross-border within the European Union

Is your organisation part of the non-profit sector?

- ☒ Yes
☐ No

What is the legal form of your organisation?

- ☒ Association
☐ Charity
☐ Other

Please specify

500 character(s) maximum

We are independent, non-profit organization working for transparency in the public realm, good government and the accountability of power in Poland.

We defend the right to information. We regard it not only as the condition of a good state but above all, as an inviolable human right which safeguards human dignity, allows freedom of expression and ensures protection from the abuse of power.

Please indicate the main type of activity pursued by the organisation or the sector in which it operates (e.g. education, sport, research, culture, fundamental rights etc.).

500 character(s) maximum

fundamental rights

Is your organisation registered as an association (or a charity) in the Member State where it is located?

- ☒ Yes
☐ No

Please mention the legal form of your organisation in national law

500 character(s) maximum

Association registered in accordance with the Law on Associations.

Is your organisation engaged in economic activities? (In the Member State where it is located (whether for its members or more broadly)?

'An economic activity takes place when resources such as capital goods, labour, manufacturing techniques or intermediary products are combined to produce specific goods or services. Thus, an economic activity is characterised by an input of resources, a production process and an output of products (goods or services).

Source: [Eurostat Glossary: Economic activity - Statistics Explained \(europa.eu\)](https://ec.europa.eu/eurostat/glossary/economic-activity)

- ☒ Yes
- ☐ No

Please explain what these economic activities are

500 character(s) maximum

Training, consultancy, research.

Among the persons working for your organisation, how many of them are volunteers, i.e. not employed?

- ☒ Less than 10%
- ☐ Between 10-40%
- ☐ Between 40-70%
- ☐ More than 70%

Countries of operations (please also indicate their names)

- ☒ in one Member State
- ☐ in several EU Member States
- ☐ in EU Member States and non-EU countries

Please specify your answer

Poland. To a lesser extent we work internationally and on the EU level.

Does your organisation have a legal status under European law (e.g. European Groupings of Territorial Cooperation, European Cooperative)?

- ☐ Yes
- ☒ No

If so, please describe the type of organisation it is:

500 character(s) maximum

Please explain your answer

500 character(s) maximum

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Part II General issues linked to associations operating cross-border within the European Union

1) To what extent do you agree with the following statements:

	I strongly disagree	I somewhat disagree	Neutral	I somewhat agree	I strongly agree	No opinion /I don't know
a) For reaching the objectives of an association, it is also necessary to be able to easily operate across different Member States/cross-border in the EU Single Market	☒	☐	☐	☐	☐	☐
b) Associations will likely increase cross-border activities in the EU Single Market in the future	☒	☐	☐	☐	☐	☐

Please explain your answer

500 character(s) maximum

2. In your view, which are the most important needs for associations operating or willing to operate in more than one Member State? (several replies are possible)

between 1 and 8 choices

- ☒ Transfer of seat in another Member State
- ☒ Merge of associations operating in at least two different EU Member States
- ☒ Providing services in another Member State without registering in the second Member State
- ☒ Get equal tax treatment for donors in case of cross-border donations
- ☒ Access to funding in another Member State
- ☐ Register in an EU Member State, even if the founding members are located in another Member State
- ☐ There is no cross-border need for associations
- ☐ Other

Part III Restrictions faced by associations operating cross-border

To what extent do you agree with the following statement:

	I strongly disagree	I somewhat disagree	Neutral	I strongly agree	No opinion /I don't know
1. An association registered in an EU Member State currently faces restrictions when seeking to operate in another EU Member State (e.g. registration, access to funding, membership)	☒	☐	☐	☐	☐

Please explain your answer indicating the relevant activities

In some cases would be more logical to register as international association. However due to the lack of relevant structure, some in fact international associations are registered as the national ones.

2. Regarding restrictions to the freedoms of the Single Market, what are the most significant type of restrictions associations face when engaging in activities across borders

at most 6 choice(s)

- ☒ a) Administrative formalities to implement actions in another Member State without prior registration
- ☒ b) Registration in another Member State (cost, case handling time, uncertainty about constitutive requirements etc.)
- ☐ c) Access to funding in another Member State
- ☒ d) Difficulty in obtaining recognition of tax benefits by competent authorities of another Member State
- ☒ e) The uncertainty of the types of economic activities permitted
- ☐ f) Differences between Member States in membership requirements
- ☒ g) Differences between Member States in reporting obligations
- ☐ h) Differences between Member States of liability, liquidation and dissolution regimes
- ☒ i) Differences between Member States in regulations related to hiring employees
- ☐ j) Other

Please explain your preferred choices (a-j)

3. Which restrictions do you see as most dissuasive?

500 character(s) maximum

Difficulty in obtaining recognition of tax benefits by competent authorities of another Member State and Differences between Member States in regulations related to hiring employees

4. Do you know examples where operating cross-border for an association led to unequal treatment within the Single Market? If yes, please explain.

1000 character(s) maximum

No, I don't.

5. Regarding restrictions to the fundamental rights of associations, to what extent do the following restrictions faced by associations when operating across borders in the EU have had a negative impact on the exercise of fundamental rights of associations and/or of individuals (such as the

freedom of association, freedom of expression etc.), and more broadly on the ability of associations to carry out their work (e.g. in terms of civil engagement, representation of civil society and individuals' interests)?

- ☒ a) Administrative formalities to implement actions in another Member State without prior registration
- ☒ b) Answer Registration in another Member State cost, case handling time, uncertainty about constitutive requirements etc.)
- ☐ c) Access to funding in another Member State
- ☒ d) Difficulty in recognition of tax benefits by competent authorities of another Member State
- ☒ e) The uncertainty of tax treatment in another Member State
- ☒ f) The uncertainty of the types of economic activities permitted
- ☐ g) Differences between Member States in membership requirements
- ☒ h) Differences between Member States regarding asset management requirements
- ☒ i) Differences between Member States in reporting obligations
- ☐ j) Differences between Member States of liability, liquidation and dissolution regimes
- ☒ k) Differences between Member States in regulations related to hiring employees
- ☐ l) Other

Please explain your preferred choices (a-l)

500 character(s) maximum

Everything that is bureaucratic and time consuming brings a lot of stress and disappointment in civic activity. It should be minimized. Unified rules matter. I picked up those that will save as much time as possible.

6. Do you think that the restrictions faced by associations when operating across borders in the EU have a negative impact on the development of civil society (e.g. in terms of civil engagement, representation of civil society interests)?

- ☒ Yes
- ☐ No
- ☐ No opinion/I don't know

Please explain your answer

500 character(s) maximum

Cooperation usually expands activities of NGOs. Unless paperwork and administrative requirements connected with cooperation are exhaustive and prolonging.

7. Do you think that restrictions faced by associations when operating across borders in the EU have a negative economic impact on the Single Market?

- ☐ Yes
- ☐ No
- ☒ No opinion/I don't know

Please explain your answer

500 character(s) maximum

8. Do you think that restrictions faced by associations when operating cross-border in the Single Market dissuade them from extending their operations and carrying out their activities across other EU Member States?

- ☒ Yes
- ☐ No
- ☐ No opinion/I don't know

Please explain your answer

500 character(s) maximum

9. Do you think that associations operating in border regions are more affected than others by the restrictions to operate in several Member States?

- ☒ Yes
- ☐ No
- ☐ No opinion/I don't know

Please explain your answer

500 character(s) maximum

They are affected as they have a practical need to cooperate and they encounter problems more frequently.
Or they can't achieve more.

10. In your view, restrictions faced by associations when operating across borders in the Single Market are due to:



- a) Incompatible legislation between Member States
- ☐ b) Lack of administrative procedures taking into account cross-border activities of associations
- ☐ c) Lack of recognition by Member States of an association's status in other Member States
- ☒ d) Associations' lack of knowledge/understanding of legislation in other Member States
- ☐ e) Lack of Member States' measures to support the role of associations to tackle societal challenges
- ☐ f) Funding limitations (e.g. public funding applicable only to actions on national level)
- ☐ g) Other/not applicable

Please explain your preferred choices (a-g)

500 character(s) maximum

All restrictions matter, however the incompatible legislation and lack of understanding of legislation is time consuming and timewasting, also discourages from being active. Sometimes may contribute to giving up

Part IV Ways to mitigate the restrictions faced by associations operating cross-border

11. In your view, do associations need a policy action at EU level to mitigate restrictions encountered either when currently operating in several Member States or planning to do so?

- ☒ Yes
- ☐ No
- ☐ No opinion/I don't know

Explain your answer

500 character(s) maximum

12. What kind of policy response would best address these needs?

- ☐ **Option 1: A new legal form for associations allowing for recognition in all Member States to fully benefit from the single market** [For an association to benefit from a new legal form, it would likely require administrative formalities (e.g. registration or application). The creation of a

new legal form allowing for recognition in all Member States would likely not affect existing national legislations on associations.

- ☒ **Option 2: Harmonising common minimum standards for cross-border operations in the EU** [*Changes to Member States legislation would likely be needed in this case. Depending on the content, common minimum standards could involve governance and administration related changes for targeted entities.*]
- ☐ **Option 3: An EU information campaign, with strengthened cooperation among Member States** [*As a non-legislative initiative, this would not involve legal action. It could include raising the awareness of targeted entities of their rights and obligations when operating cross-border in the EU, as well as strengthened cooperation between the Member States, including providing better access to information for targeted entities.*]
- ☐ **Other**

Please explain your preferred options

It is sometimes difficult to run international project if partners have some surprising restrictions. Also, different member states may feel tempted to shorten freedom of associations at times of authoritarian governments. The minimum standard required by the EU would help in protecting freedom of association and in practice of cooperation.

Sub-options:

- ☐ **2a: Harmonising common minimum standards of associations**
- ☒ **2b: Harmonising common minimum standards of associations and other non-profit organisations** [*As called for by the European Parliament in its resolution of 17 February 2022 with recommendations to the Commission on a statute for European cross-border associations and non-profit organisations*].

13. If you have any comments or supplementary information to add to your replies to the above questions, please insert your reply:

2000 character(s) maximum

You can upload any files you may find relevant

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

14. Would you be interested in participating in a targeted consultation?

- ☒ Yes
- ☐ No

Contact

Valentina.SHABAJ@ec.europa.eu