

Opinion of the European Economic and Social Committee on the Proposal for a Regulation of the European Parliament and of the Council establishing a European single access point providing centralised access to publicly available information of relevance to financial services, capital markets and sustainability

(COM(2021) 723 *final* — 2021/0378 (COD))

and the Proposal for a Directive of the European Parliament and of the Council amending certain Directives as regards the establishment and functioning of the European single access point

(COM(2021) 724 *final* — 2021/0379 (COD))

and the Proposal for a Regulation of the European Parliament and of the Council amending certain Regulations as regards the establishment and functioning of the European single access point

(COM(2021) 725 *final* — 2021/0380 (COD))

(2022/C 290/10)

Rapporteur: **Florian MARIN**

Referrals	Council of the European Union, 9.2.2022 (COM(2021) 724 <i>final</i> and COM(2021) 725 <i>final</i>), 15.2.2022 (COM(2021) 723 <i>final</i>) European Parliament, 14.2.2022
Legal basis	Articles 50, 114 and 304 of the Treaty on the Functioning of the European Union
Section responsible	Economic and Monetary Union and Economic and Social Cohesion
Adopted in section	3.3.2022
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Plenary session No	568
Outcome of vote (for/against/abstentions)	215/1/2

1. Conclusions and recommendations

1.1. The EESC supports the European single access point (ESAP), which is a tool that is contributing to a more sustainable, digital and inclusive economy, to strengthening digital sovereignty, and to better integration of capital markets.

1.2. The EESC considers that the ESAP should be more ambitious and that more added value should be created by processing the information instead of being only an information tool for gathering raw information with a single access point. The aggregation and transformation of data and of sectoral and territorial reports and analyses should be delivered through the ESAP.

1.3. The EESC suggests that the ESAP should be built as a flexible tool and that it should be possible to add new data categories and to communicate with national registers or Eurostat, taking into account different types of technologies. The ESAP should provide a clear synergy between the sustainable development goals (SDGs) and the Green Deal indicators.

1.4. The EESC considers that consideration should be given to establishing an advisory board, which should include civil society and the social partners, based on a transparent selection process, and which will decide about the future of the ESAP and strategic changes.

1.5. Reducing the 'white zones' for ensuring access without discrimination to the ESAP is important. The ESAP should also allow functionalities to enable persons with disabilities to benefit from proper accessibility without discrimination.

1.6. The EESC suggests that it is very important for the ESAP to ensure standard procedures, transparency, data integrity and the credibility of the source of information, user-friendly automatic data validation, and proper control of the collection body for data protection. Proper and adequate supervision of financial and ESG data providers will be important in the near future.

1.7. Consideration should be given to subsidising the cost of gathering, generating and managing data for SMEs, to exempting SMEs from any fees, regardless of the quantity of data provided, and to ensuring proper working conditions for workers responsible for providing and managing data.

1.8. The ESAP should ensure a clear distinction between, and give the same level of importance to, financial and non-financial data, and offer the possibility, on a voluntary basis, of publishing social data regarding the activity of each company, its management and its employees, based on specific criteria.

1.9. The EESC considers that a dedicated helpdesk is needed to assist with submitting the information in the correct format and ensuring that it is technically usable, and that training in financial and digital literacy are also required. A minimum set of economic Key Performance Indicators (KPIs), defined at EU level with common methodology, could be inserted into the ESAP to ensure better and broader usage.

2. Background

2.1. The European Commission is launching a single access point that will provide centralised electronic access to information relevant to capital markets and financial services (including sustainability-related information) that must be made public under EU legislation, but also to other types of information relevant to capital markets and financial services that companies voluntarily decide to publish. The ESAP is part of the Capital Markets Union (CMU) action plan ⁽¹⁾.

2.2. The information will be collected through various collection bodies that have a responsibility to, among other things, perform automated validations and provide technical assistance to entities that have submitted the information. The Commission declared its intention to make more data available for use in the economy and society, including the rollout of European data spaces. It aims to make more high-quality public sector data available for re-use, including company data, making these data sets available more easily and for free ⁽²⁾. The ESAP legislative initiative by the Commission is therefore both timely and highly relevant.

2.3. The ESAP will ensure non-discriminatory access to information free of charge, with the possibility of introducing fees for specific services e.g. when a large amount of data is being published. Automated validation to verify that the information submitted by the collection bodies complies with requirements will be carried out based on a technical framework established and approved by the Commission. The ESAP will be available for at least 95 % of the time each month.

2.4. The ESAP will not store information pertaining to personal data, with some exceptions, and will be monitored, taking into account indicators such as:

- the number of visitors and searches;
- the percentage of searches that lead to a view or a download;
- the number and percentage of machine-readable information accessible on the ESAP;
- the number and percentage of machine-readable views and downloads;
- the proportion of notifications according to the automated validations.

⁽¹⁾ Action 1, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *A capital markets union for people and businesses-new action plan*, 24.9.2020, COM(2020) 590 final.

⁽²⁾ Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).

2.5. The ESAP will provide functionalities such as a user-friendly interface in all EU languages, a search function, a downloading service, an innovative approach to providing translation services and a notification service informing users of any new information available. The ESAP will be evaluated based on the accessibility, quality and usability of the information, as well as end-user satisfaction and the ability of users to meet their objectives. For the implementation of the ESAP, several directives and regulations are being modified.

3. General comments

3.1. The EESC supports the Commission initiative to establish the ESAP. Making the economy fit for the digital future, strengthening digital sovereignty, increasing the speed of information flow and setting common standards, with a focus on data, technology and infrastructure, are key priorities for the EU. The ESAP promotes data-driven finance and considerably improves companies', businesses' and financial institutions' access to data and entities' information. The ESAP will contribute to creating a more sustainable, digital and inclusive economy as well as to better integration of capital markets. In its opinion *A Capital Markets Union for people and businesses (new action plan)*, the EESC states that a European single access point is a priority in order to improve the efficiency of the Capital Markets Union ⁽³⁾.

3.2. The EESC agrees with the fact that the ESAP does not generate new reporting obligations and that it uses existing disclosure requirements under EU legislation. The ESAP is a tool that will make it possible to better assess how European entities contribute to sustainability and climate targets. Sustainability-related information is key in order to redirect investments towards projects that will support the green transition, as highlighted by stakeholders in the consultation on the renewed sustainable finance strategy ⁽⁴⁾.

3.3. The ESAP ensures access to information for a period of time, including past information, which is important in order to ensure proper decision-making processes in capital markets. European finance is problematic, because it results in an uneven playing-field: the financing costs that companies face depend to a great extent on their country of incorporation, collateral-constrained start-ups find it hard to get any funding at all, and consumption is not shielded from local economic shocks ⁽⁵⁾. Tracking economic and sustainability performance will be crucial for capital markets and future investment decisions.

3.4. The ESAP is being set up at a moment in which the EU financial sector is facing a profound transformation due to the two major transitions, namely the digital and climate transitions. Jobs will be lost, new skills must be acquired, employees' responsibilities are changing, and layoffs or new organisational models of work will be implemented. The ESAP could be a tool to positively manage some of the challenging effects of the EU financial transformation processes.

3.5. The ESAP has the potential to be a factor for development and investments. SMEs that want to increase their visibility could be encouraged to publish their data to attract future investments and markets. The EESC suggests that the role of software intermediaries must be taken into account, because some companies, mostly SMEs, will work with these types of entities in order to reduce the administrative burden linked to data management and storage. The ESAP is contributing to making the investment decision process less costly and to increasing visibility for SMEs.

3.6. The ESAP should allow efficient interoperability with Eurostat and national registers. The dynamics of public or market interests regarding transparency and data should be integrated by making it possible to add new categories of data in the future. The ESAP should be built as a data instrument that is flexible vis-à-vis the various sectors and European initiatives. Communication between different technologies is important. The cost of adding new data should be evaluated from the perspective of its impact on capital markets and from the data management point of view.

3.7. Ensuring adequate internet connectivity across the entire European Union is important so that all companies have access to the ESAP and in order to prevent discrimination. It is crucial to invest in reducing 'white zones' and to ensure that all citizens and capital market stakeholders have access to the ESAP.

⁽³⁾ OJ C 155, 30.4.2021, p. 20.

⁽⁴⁾ International Organization of Securities Commissions (2020), Report on Sustainable Finance and the Role of Securities Regulators and IOSCO.

⁽⁵⁾ <https://blogs.imf.org/2019/09/10/a-capital-market-union-for-europe-why-its-needed-and-how-to-get-there>

3.8. The ESAP should ensure data integrity and the credibility of the source of the information submitted to the collection bodies. Automated evaluation of the information should be simple and user-friendly. Granting access to valid and appropriate information and protecting consumers must remain ongoing priorities. Collection bodies should also be properly monitored and data protection should also be an ongoing priority.

3.9. Better funding opportunities for companies will create new opportunities for the EU market and new job opportunities. The ESAP should take into account all types of investments and market actors, including in the field of the social economy or crowdfunding, which have a positive impact on the general interest, especially for vulnerable people. The ESAP should allow functionalities to enable persons with disabilities to benefit from proper accessibility.

3.10. The EESC supports the fact that using the ESAP, and the disclosure of some information, will be free of charge. Nevertheless, the cost of licenses or of gathering, generating and managing data could be high. Fiscal incentives and subsidies for SMEs should be introduced in order to reduce the costs of providing data, especially for mandatory reports. Investments in software and hardware equipment for companies and other capital market stakeholders must be supported by EU funds in order to enable the proper usage of and interaction with the ESAP. More involvement at the Member State level is required in this regard. SMEs should be exempt from any fees, no matter how much information is being published. The level of fees, when they are applied, should be transparent and should be established in direct link with the costs of data management.

3.11. The ESAP should treat listed and non-listed companies alike, regardless of size or geographic location. The ESAP should become an instrument that generates added value by bringing more efficiency in reporting, transparency and data management.

3.12. The governance of the ESAP should be based on the involvement of civil society and should include two levels of governance structure, as follows:

- an advisory board, which should include civil society and the social partners, based on a transparent selection process and which will decide about the future of the ESAP and strategic changes;
- an executive board ensuring technical standards and the proper functioning of the ESAP.

3.13. In a context in which banks' exposure is high, investor confidence and the decision to invest in companies using capital markets depends on the easy availability, quality and comparability of information. To create an efficient and comprehensive relation between issuers and investors, the EESC affirms that standard procedures are crucial. Standardisation must include the same deadlines for disclosure and methodologies for data published according to the principle of 'same activity, same risk, same rules'.

3.14. The COVID-19 crisis and the need for a sustainable and inclusive recovery that leaves no one behind has increased the pressure to speed up the implementation of the CMU action plan. Companies' need for funds and investments is at its highest ever level.

4. Specific comments

4.1. For the EESC, it is clear that the CMU is not a voluntary exercise for the benefit of the few, but needs to become a reality in all EU Member States. Proper financial and human resources must be allocated to ensure efficient and effective usage of the ESAP. Involving and supporting the Member States and national supervisors in order to ensure recognition of the ESAP as being an important European data instrument for companies, investors and financial intermediaries should be a priority. The ESAP should be promoted in all Member States, alongside the advantages and the importance of this instrument. Social media could be used to this end.

4.2. The EESC supports the fact that the Commission is willing to bring more transparency, make more data available ⁽⁶⁾ and support the digital transformation of finance in the coming years, as mentioned in the Digital Finance Strategy ⁽⁷⁾. The possibility of aggregating data and generating reports should be integrated into the ESAP ⁽⁸⁾. Comparison and newsletter functionalities should exist. The ESAP could include a stakeholder forum for discussions, explanations and the sharing of best practices.

⁽⁶⁾ COM(2020) 66 final.

⁽⁷⁾ COM(2020) 591 final.

⁽⁸⁾ Similar to European Open Science Cloud.

4.3. The EESC suggests that a dedicated helpdesk should be provided to assist with submitting the information in the correct format and ensuring that it is technically usable. The assistance provided should include common procedures and a framework for consistency, comparability and usability of data. Finally, to ensure a cost-effective process, the ESAP should work with the most common file formats, such as XBRL, PDF, XML, HTML, CSV, TXT and XLS.

4.4. The EESC considers that digitalisation and centralised data will have a positive impact on reporting. It will lead to improvements in different stress tests and climate analyses as well as better identification and monitoring of the portfolios of financial institutions with respect to the targets of the Paris Agreement on Climate Change. The ESAP will be a tool that contributes to identifying potential risks and generating opportunities for companies. The ESAP can also be a tool to help boost SME research at European level.

4.5. The EESC suggests that the same level of importance in terms of visibility and footing should be ensured between financial and non-financial data. Non-financial information should include — on a voluntarily basis — social data regarding the activity of each company and its employees. Data concerning the company's management and staff should, on a voluntary basis, not be excluded (number of employees, gender, etc.). Specific criteria for social information could be established in this regard.

4.6. The EESC considers that the ESAP should be more ambitious. Specifically, additional objectives should be added, going beyond gathering raw data, and more added value should be created by processing the information instead of ESAP being only an information tool with a single access point. The EESC welcomes the fact that the ESAP will be available in all official EU languages. The role and importance of the ESAP are crucial in order to ensure that researchers, the social partners, NGOs, academics and analysts have greater, proper, fair, equal and immediate access to information. The ESAP could support the emergence of new private information processing platforms; however, the cost of using them and access to capital markets will remain a problem, especially for small investors, as private individuals.

4.7. Enabling big data, machine learning and artificial intelligence will bring more efficiency in using information to create more integrated capital markets and will make the EU economy more resilient. Sectorial, territorial reports and analyses should be options for future users of the ESAP. Checking and ensuring the validity of data should remain a constant concern. Overlapping data reporting and management must be carefully monitored. Nevertheless, the EESC considers that delivering raw information is less ambitious and insufficient for new investors who are unfamiliar with capital markets who are considering investing in them.

4.8. The ESAP must be launched to achieve not only the capital market objective, but also complementary policy objectives, such as the contribution of companies to the UN SDG indicators. Giving third countries access to data could contribute to ensuring supplementary investment for EU companies in the future. The ESAP should follow the example of the InvestEU portal and could support the successful implementation of the CMU ⁽⁹⁾.

4.9. The EESC considers that financial (Action 7 of the CMU action plan) and digital literacy should be delivered. A guidebook for financial literacy and data is also needed. Dedicated guidelines for understanding the importance of data and for using and sharing data could be produced and promoted. ESF+ funds could be used in this regard. Proper and adequate working conditions for workers involved in collecting and managing data from various companies or stakeholders should be an ongoing concern.

4.10. The EESC suggests that a minimum set of economic KPIs, defined at EU level, and a common methodology could be inserted into the ESAP to ensure better and broader usage. A clear synergy with Article 8 of the EU Taxonomy on sustainability ⁽¹⁰⁾ must be ensured since the ESAP includes sustainability data. The ESAP should include a dedicated space for Green Deal statistics and the contribution of companies to Green Deal indicators.

⁽⁹⁾ OJ C 155, 30.4.2021, p. 20.

⁽¹⁰⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020R0852&from=EN>

4.11. Finally, the EESC would like the European Commission to assess the merits of proper and proportionate regulation and supervision of financial and ESG data providers, as they will continue to play a key role, upstream and downstream, when the ESAP becomes operational.

Brussels, 23 March 2022.

The President
of the European Economic and Social Committee
Christa SCHWENG
