

Question for written answer E-001137/2026
to the Commission
Rule 144
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Subject: 28th regime

It is anticipated that the Commission will propose an optional '28th regime' for EU businesses, allowing 'EU Inc.' companies to operate across Member States and be established through a streamlined digital process. However, a number of the initiative's features have drawn criticism. Concerns have been raised specifically regarding the selection of Article 114 of the Treaty on the Functioning of the European Union as the legal foundation for a piece of business legislation, since prior court rulings have suggested that this clause might not be suitable for some company law initiatives.

Additionally, the proposal calls for the establishment of a centralised EU interface for company registration and data interchange with national authorities, leaving some matters, such as social security, taxation and dispute resolution, primarily to national legislation. This calls into doubt the adequacy of safeguards against the potential misuse of simplified company formation procedures.

Given this, how does the Commission justify the choice of Article 114 of the Treaty on the Functioning of the European Union as the legal basis for the proposed regime, and what measures does it intend to take to ensure legal certainty, effective coordination with national systems, and adequate safeguards to prevent abuse while protecting employees' rights and other stakeholder interests?

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