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# The nebulous effectiveness, efficiency and fairness of the European e-Justice Portal vis-à-vis Corporate Social Responsibility<sup>1</sup>

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**Abstract:** The EU's current ten-year strategy, Europe 2020, is influenced by the drive for sustainable development and corporate responsibility, i.e. by the concept of Corporate Social Responsibility (CSR), and by increasing digital demand. This has led to the creation of the European e-Justice Portal, which is conceived as an electronic one-stop-shop in the area of justice, and which includes access to business registers at both European and national levels. The available data on CSR and free e-access to such data are intended as a valuable contribution to awareness and transparency, and to assist, at the ultimate stakeholder level, the Europe 2020 triad of priorities. The objective of this paper is to assess how this works in reality, and the hypothesis is that the operation of this Portal remains behind expectations. A cross-disciplinary and multi-jurisdictional study is made using both primary data, especially a field search and direct operation testing, and secondary data, especially well-recognized academic sources, and yields interesting results. A holistic meta-analysis is used to process this data and to explore the CSR definition and framework associated with the Portal, and reveals configurational and operational problems that impair effectiveness, efficiency and fairness. Thus, the hypothesis concerning the problematic operation of the Portal is confirmed, and suggestions for corrections and improvements are offered.

**Keywords:** business register, electronic access, EU, sustainability

**JEL:** K22, M14, M48, Q01

## Introduction

Six decades ago, the modern concept of sustainability with a focus on the ratio between available resources and the increasing world population emerged in the USA [Meadows et al., 1972]. As a result of the related discussions, sustainable development was linked to the balancing of resources and increased

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<sup>1</sup> This contribution was supported by GA ČR No. 17-11867S "Comparison of the interaction between the law against unfair competition and intellectual property law, and its consequences in the central European context".

population needs [Jindřichovská, Purcarea, 2011] and the famous Brundtland Commission prepared a report *Our Common Future – A global Agenda for Change* aka Brundtland Report 1987, which was published as the UN Annex to document A/42/427 in 1987. Resolutions of the UN General Assembly as well as Agenda 21 followed and further developed the idea of sustainability on the international level. The EU and EU member states have matched this trend and progressively the focus aimed not only at international law subjects but also national law subjects, such as businesses, regardless of whether having the form of a natural person or legal entity. The concept of sustainability as a rather systematic and visionary tool governed by soft law and self-regulation of businesses and the concept of corporate responsibility as a rather normative and moral tool regulated by the national law have progressively merged in the currently omnipresent Corporate Social Responsibility (“CSR”) [Bansal & Song, 2017]. Hence the CSR is a hallmark of a current relationship between business and society, which is only partially covered by the law [Bansal & Song, 2017] and makes businesses, which compete on the market, accountable to a large spectrum of stakeholders and their needs [Jindřichovská, Purcarea, 2011].

The single internal market of the EU is a perfect arena to observe this. In addition, the competition on the single internal market is a reality of our global, post-modern stakes and massively digitalized era. Indeed, the electronization and the commercial use of the Internet has led to the exponential growth of e-business and to the EU concern regarding the digital agenda and digital market.

The importance of the above described phenomena, i.e. CSR and digitalization, in the context of the set of crises at the end of the 1<sup>st</sup> decade of the 21<sup>st</sup> century has prompted the Barroso Commission to issue the current one decade strategy for the period 2010-2020 (“Europe 2020”) and labeled as a “wake-up call” [MacGregor Pelikánová, Beneš, 2017]. Naturally, the primary concern of Europe 2020 is the smart, sustainable and inclusive growth in the context of the single internal market. This inevitably leads to the recognition of CSR and digitalization demands and needs. A pilot project in this respect is the creation of the European e-Justice platform (“Portal”) which, among other things, should allow a smooth e-access to data about the CSR of businesses in the EU and to so support transparency and competitiveness. It sounds very reasonable and promising it and is worthwhile to explore how effective, efficient and fair it is in the setting and in the operation.

## **Methods and Statistical Materials**

The appreciation of the content, operation and access to the European e-Justice platform, Portal, vis-à-vis the CSR in the EU in the context of Europe 2020 requires a scientific and academic scrutiny of static aspects of the definition

and frameworks, and also dynamic aspects of their daily function, especially from the perspective of the ultimate stakeholders and beneficiaries, EU subjects [Melecký & Staníčková, 2014]. Thus, firstly, the CSR, its determination and framework in the EU context needs to be addressed, followed by the same about the Portal. Secondly, the data included in the Portal is to be researched and assessed, while playing close attention to the CSR. This entails many tools and processes going from a critical and partially descriptive analysis of the legislative acts and secondary academic sources from various jurisdictions to a field and case study closely related to the Portal. The cross-disciplinary and multi-jurisdictional nature of the exploration requires holistic processing of the data yielded by the indicated search by Meta-Analysis [Silverman, 2013], including the field and case study of the Portal in re to the CSR. The interplay of economic, legal and technical aspects shapes the focus targeting both qualitative and quantitative data, entailing deductive and inductive aspects of legal thinking [Matejka, 2013]. Thus, the quantitative research and data is complemented by qualitative research, along with critical closing and commenting, refreshed by socratic questioning [Areeda, 1996].

Since the objective is to assess how the Portal works for the CSR information and awareness, the hypothesis to be tested is that the operation of this Portal remains behind these particular expectations. The above indicated holistic Meta-Analysis continues previous studies about other aspects of the Portal [MacGregor Pelikánová, MacGregor, 2017], reveals both setting and operational problems of this Portal vis-à-vis the CSR and the implied impairs the effectiveness, efficiency and fairness. More interesting yet, the mentioned data and methods allows one to partially lift the veil, find causes for these deficiencies and see that not all are due to the EU and EU law. This offers an interesting potential to offer suggestions for improvements on both the EU and national levels, which are truly needed by Europe 2020, the EU and even Europeans, especially those wanting to do effective, efficient and fair business.

## **Current perception and framework of the Corporate Social Responsibility in the EU**

The modern European integration is inseparably linked to the single internal market with the famous four freedoms [Cvik & MacGregor Pelikánová, 2016a] and is the top strategic priority [MacGregor Pelikánová, 2017]. The application of a proper understanding of and compliance with the principle of CSR in companies in the area or country contribute to the sustainable development [Pakšiová, 2016]. In the new millennium, both the CSR and digitalization [MacGregor Pelikánová, 2013] became truly significant and were at least partially reflected by the EU strategy for 2000-2010 (“Lisbon strategy”). Ambitiously, the Lisbon strategy declared as its goal to make the EU the most competitive

knowledge-based economy in the world by 2010. This aspiration of political and economic elites of the EU failed on many fronts [Balcerzak, 2015] due, among other reasons, to the insufficiencies in financial regulation and management responsibilities in corporate governance [Bavoso, 2013], especially because of the split between the centralized corporate governance managed by executives [Cvik & MacGregor Pelikánová, 2016b] from “equity owners” – associates and shareholders [Cvik & MacGregor Pelikánová, 2017]. The increasing interest in sustainability, in particular in CSR, has been growing in this context, on various levels and ultimately started to be accompanied by regulatory efforts attempting to set minimal standards and the publication duty [Albu et al., 2013].

In 2010, the failed Lisbon Strategy was replaced by a new one decade strategy, Europe 2020, which attempts to perceive the CSR as a dialogue and interaction between corporations and their stakeholders, which enjoys a full EU endorsement. More specifically, pursuant to the Europe 2020, the corporate reporting to be done and made public includes both financial and non-financial AKA CSR reporting [Matuszak & Róžańska, 2017].

The related EU legislation made sure that these concepts made their way even into national laws of the EU member states. Namely, two EU directives expressly deal with CSR reporting – (1) Directive 2013/34/EU of 26 June 2013 on annual financial statements, consolidated financial statements and related reports of certain types of undertakings as amended by Directive 2014/95/EU and Council Directive 2014/102/EU (“Directive 2013”) and (1) Directive (EU) 2017/1132 of 14 June 2017 relating to certain aspects of company law (“Directive 2017”). Directive 2013 provides that public-interest entities with over 500 employees must issue the CSR which satisfies the set minimum requirements. Directive 2017 specifies that reporting needs to be published electronically and that these e-reports are to be made available via the system of interconnection of registers and the access fees must not exceed administrative costs. Therefore, the CSR reports are perceived almost as information in the public sphere, i.e. public good, which leads neither to rivalry nor to excludability [Czyżewski et al., 2016], and hence its free publication in a platform is a right move. However, these public goods differ significantly, i.e. despite the general increase in sustainability reporting in the EU, important differences with regard to individual member states remain [Horváth et al., 2017].

## **Setting and framework of the European e-Justice platform – Europe 2020 great Portal?**

Europe 2020 is a strategy for smart, sustainable and inclusive growth and has five main targets – (1) to raise the employment rate to 75%, (2) to invest 3% GDP in R&D, (3) to reduce greenhouse gas emission by 20%, (4) to increase the share of the population with the tertiary education to 40% and

(5) to reduce the number of Europeans below poverty by 25% [Turečková & Nevima, 2016]. These targets translate into seven flagship initiatives of which at least five are related to the e-reporting of CSR – (1) Innovation Union, (2) Digital agenda for Europe with the high speed Internet and the Digital single market, (3) Resource efficient Europe, (4) Industrial policy for the globalization era and (5) Agenda for new skills and jobs. Manifestly these targets and flagship initiatives litigate towards enhancement of the awareness and of the importance of the CSR and towards the need to do e-reporting about the CSR.

Consequently, the above indicated “reporting” Directive 2013 and Directive 2017 are complemented by the Regulation (EU) 2015/884 of 8th June 2015 establishing technical specifications and procedures required for the system of interconnection of registers (“Regulation 2015”). By the choice of a regulation, as opposed to a directive, the above indicated system of interconnected registers is made strictly compulsory and becomes the so called BRIS, which uses the European e-Justice platform, Portal, located on Internet domain “e-justice.europa.eu” and allowing (allegedly) a free, maximum for the administrative cost, search both on business registers at a European level and national business registers. However, Regulation 2015 provides neither a clear list of financial and non-financial data which must be made available on this Portal nor clear sanctions for violations. Hence, the eternal dilemma between the neoclassical equalization of levels of development between jurisdictions of the EU and the process of EU member states internal divergences [Czyżewski & Polcyn, 2016] re-emerge. Hence these matters, including e-reporting about CSR are partially shifted to the Directive 2013, Directive 2017 and other directives and partially omitted. This leads to the burning issue – is there a real unrestricted e-access to financial and especially non-financial, CSR, data of European businesses. Boldly, is the Portal an effective, efficient and fair platform for transparent information about the CSR of European businesses?

### **The accessibility and extent of the CSR data in the European e-Justice platform – effective, efficient and fair?**

The Portal is easily accessible via URL <https://e-justice.europa.eu/home.do> and offers a language Website version in all official EU languages. The next Webpage of this Portal provides a rather large selection in re information and options, including the link to “Registers”, i.e. Business, Land and Insolvency Registers. Naturally, the search for the CSR data prompts a click on the “Business Register”, leading to the Webpage ambitiously introduced by the statement “The EU single market has resulted in the number of companies expanding beyond their national borders. As of June, 2017, the business registers of all EU countries have been interconnected and become searchable” while referring to the Directive 2009/101/EC. Here, first effectiveness issues emerge – the

mentioned Directive from 2009 is no longer in force and the interconnection of registers is not perfect. Namely, each user needs to choose if he will search via “Business registers at European level” or via “national business registers”.

If the European level is chosen, the user gets to the BRIS search panel requiring the company name and/or registration number. Hence the pre-condition of the search is to know the company name or its registration number and so a search based on the location, specialization or names of the CEO or directors is impossible. The system was tested by indicating “Coca-Cola” and led to identification of 193 Coca-Cola companies in the EU, none of them from the Czech Republic. However, the search within the national Czech Register reveals two Coca-Cola companies. Regarding these 193, the information provided included only the registered office, registration number, company type, Business registers and EUID. More exploration confirmed that European level BRIS does not offer information about the management of a company, registered capital or field of business, nor allows free and immediate access to corporate documents, including financial and non-financial reports, i.e. final accounts with CSR information. From the viewpoint of practical business information, the effectiveness of this system is reduced and for CSR is basically futile. Plus, it seems that only data from certain EU member states was migrated, i.e. BRIS is definitely not complete regarding e.g. Czech Business registers. This lack can lead to errors, wrong decisions and unfairness.

This prompts using the 2<sup>nd</sup> option, national level, i.e. to take the provided list of all EU member states, pick one and be redirected to the Website of the pertinent national business register, along with the same basic legal and factual information. Here, dramatic fragmentation occurs, namely each national business register has a different setting and openness to provide more than the strict BRIS information. Often the search cannot be done at all in English or for free. In just a few cases is the unrestricted and free search of management + capital data and CSR data available, see table 1.

**Table 1. Free access and availability of management + capital data and CSR data in Portal (national level search)**

	National Business Register - URL/www	English	Management + capital data	e-Access to CSR data
<b>BE</b>	<a href="http://kbopub.economie.fgov.be/kbopub/zoeknummerform.html?lang=en">http://kbopub.economie.fgov.be/kbopub/zoeknummerform.html?lang=en</a>	Yes	Yes	Should be, but not too many filings in “Central des bilans”
<b>BG</b>	<a href="http://www.brra.bg/">http://www.brra.bg/</a>	Yes	No	One-time or subscription fee of BGN 30 000 and still probably not access to financial statements

	National Business Register - URL/www	English	Management + capital data	e-Access to CSR data
<b>CZ</b>	<a href="http://www.justice.cz/Justice2/Uvod/uvod.aspx">http://www.justice.cz/Justice2/Uvod/uvod.aspx</a>	No	Yes	Yes, free of charge
<b>DK</b>	<a href="https://datacvr.virk.dk/data/">https://datacvr.virk.dk/data/</a>	Yes	Yes	Yes, free of charge
<b>DE</b>	<a href="https://www.handelsregister.de/rp_web/welcome.do">https://www.handelsregister.de/rp_web/welcome.do</a>	Yes	No	Partially, necessary to register and pay a fee of EUR 2-5
<b>EE</b>	<a href="http://www.rik.ee/">http://www.rik.ee/</a>	Yes	Partially	Yes, for a fee of EUR 2
<b>IE</b>	<a href="https://www.cro.ie/">https://www.cro.ie/</a>	Yes	Yes	Yes, for a fee of EUR 2-4
<b>EL</b>	<a href="https://www.businessregistry.gr/Publicity.aspx">https://www.businessregistry.gr/Publicity.aspx</a>	No	No	“Αν συμπληρωθούν πάνω από ένα κριτήρια, θα πρέπει να ικανοποιούνται...” (impossible to make a search when using the English language and/or latin alphabet, as all information that is accepted and provided is in Greek only)
<b>ES</b>	<a href="https://www.registradores.org/registroonline/home.seam">https://www.registradores.org/registroonline/home.seam</a>	No	No	Partially, for a fee of EUR 1-24
<b>FR</b>	<a href="http://www.registradores.org/">http://www.registradores.org/</a>	Yes	Partially	Yes, for a fee of EUR 3-10
<b>HR</b>	<a href="https://www.infogreffe.fr/">https://www.infogreffe.fr/</a>	No	No	Yes, free of charge
<b>IT</b>	<a href="https://sudreg.pravosudje.hr/registar/f?p=150:1">https://sudreg.pravosudje.hr/registar/f?p=150:1</a>	Yes	Partially	No, upon a request and for a fee of EUR 3 to 10 only a company profile or registration report or dossier
<b>CY</b>	<a href="http://www.registroimprese.it/home">http://www.registroimprese.it/home</a>	Yes	No	Allegedly for a fee.
<b>LV</b>	<a href="https://efiling.drcor.mcit.gov.cy/DrcorPublic/SearchForm.aspx?sc=1&amp;cultureInfo=en-AU">https://efiling.drcor.mcit.gov.cy/DrcorPublic/SearchForm.aspx?sc=1&amp;cultureInfo=en-AU</a>	No	No	Probably no, and if – then EUR 5-9.
<b>LT</b>	<a href="http://www.ur.gov.lv/">http://www.ur.gov.lv/</a>	Yes	Partially	Yes, for a fee (membership needed).
<b>LU</b>	<a href="http://www.registrucentras.lt/en/">http://www.registrucentras.lt/en/</a>	Yes	No	Allegedly for a fee.



	National Business Register - URL/www	English	Management + capital data	e-Access to CSR data
<b>HU</b>	<a href="https://www.rcsl.lu/mjrscs/jsp/IndexActionNotSecured.action?FROM_LANGUAGE_CHANGE=true&amp;loop=2&amp;time=1503480445028">https://www.rcsl.lu/mjrscs/jsp/IndexActionNotSecured.action?FROM_LANGUAGE_CHANGE=true&amp;loop=2&amp;time=1503480445028</a>	No	No	Allegedly for a fee.
<b>MT</b>	<a href="http://www.e-cegjegyzek.hu/">http://www.e-cegjegyzek.hu/</a>	Yes	No	Allegedly for a fee.
<b>NL</b>	<a href="https://registry.mfsa.com.mt/ROC/">https://registry.mfsa.com.mt/ROC/</a>	No	No	Yes, for a fee of EUR 3-5.
<b>AT</b>	<a href="http://rocsupport.mfsa.com.mt/pages/Publications.aspx">http://rocsupport.mfsa.com.mt/pages/Publications.aspx</a>	No		The entire access is for a fee and perhaps it is possible to get as well financial statements.
<b>PL</b>	<a href="https://www.kvk.nl/">https://www.kvk.nl/</a>	No	Partially	Probably no.
<b>PT</b>	<a href="https://www.justiz.gv.at/web2013/html/default/8a-b4a8a422985de30122a90fc-2ca620b.de.html">https://www.justiz.gv.at/web2013/html/default/8a-b4a8a422985de30122a90fc-2ca620b.de.html</a>	Yes	Partially	Yes, the subscription costs EUR 25.
<b>RO</b>	<a href="http://bip.ms.gov.pl/">http://bip.ms.gov.pl/</a>	No	No	Probably no. Anyway, the registration of the user and payment are necessary.
<b>SI</b>	<a href="https://ems.ms.gov.pl/krs/danepodmiotu">https://ems.ms.gov.pl/krs/danepodmiotu</a>	Yes	No	Probably yes and even free of charge, but necessary to login.
<b>SK</b>	<a href="http://ms.gov.pl/en/national-registers/national-court-register/electronic-access-to-the-national-court-register/">http://ms.gov.pl/en/national-registers/national-court-register/electronic-access-to-the-national-court-register/</a>	Yes	Yes	No.
<b>FI</b>	<a href="https://bde.portaldocidadao.pt/evo/Templates/GeralEO.aspx?NRNODEGUID={0AB-79FDE-92FE-4BEF-84CE-962D954F4D59}">https://bde.portaldocidadao.pt/evo/Templates/GeralEO.aspx?NRNODEGUID={0AB-79FDE-92FE-4BEF-84CE-962D954F4D59}</a>	Yes	Partially	Yes, for a fee of EUR 5-10.
<b>SE</b>	<a href="https://portal.onrc.ro/ONRCPortalWeb/ONRCPortal.portal">https://portal.onrc.ro/ONRCPortalWeb/ONRCPortal.portal</a>	Yes	Partially	Yes, for a fee of SEK 50 + registration.
<b>UK</b>	<a href="https://www.ajpes.si/prs/Default.asp?language=english">https://www.ajpes.si/prs/Default.asp?language=english</a>	Yes	Yes	Yes, free of charge.

Source: Prepared by authors based on the Portal search [https://e-justice.europa.eu/content\\_business\\_registers\\_in\\_member\\_states-106-hu-en.do?member=1](https://e-justice.europa.eu/content_business_registers_in_member_states-106-hu-en.do?member=1) and their previous study (MacGregor Pelikánová, MacGregor, 2017).



Insight provided by the case study of the Portal and presented in Table 1 is slightly better than results provided by BRIS, yet way below expectations. First, many national business registries do not offer English Websites (Hungary, Romania) this cripples research, especially if a non-latin alphabet is used (Greece). Second, often a free and non-login allowed search brings only the name and identification of the business (France, Italy), i.e. no data about the management and capital, nor CSR information is given. Third, only a few jurisdictions provide unrestricted e-access to the final accounts and annual reports, like a pdf of annual reports and other financial and fundamental documents (Czech Republic). Fourthly, even these “good” jurisdictions offering nationally as well as via Portal freely the pdf of these documents do not go that eagerly for the e-reporting of the CSR, because often less than 50% of businesses provide, in these documents, the minimum quantity and quality about at least one aspect of the CSR [Čevela & Bílková, 2016]. Fifthly, the CSR reporting takes in certain jurisdictions rather a stand-alone form [Horváth et al., 2017] and hence the absence of the CSR data via Portal can be fully compensated by e.g. presentation of independent CSR reports on the Websites of the concerned businesses (Poland, Germany, Romania). In sum, the fundamental requirement of a free (no paid), unrestricted (in English, no login) and full (CSR data) access supporting transparency, digitalization, competitiveness and sustainability is offered only by two national business registers in all the EU – Great Britain and Denmark, thus unless other countries move fast to full digitalization and true commitment to CSR and its recognition and enforcement, the only compliant business register in the EU will be the Danish “virk” available at <https://datacvr.virk.dk/data/?language=en-gb&>, post-Brexit. The situation is even more complex since CSR data is not a compulsory part of annual reports or other compulsory to be filed and made public reports in the entire EU. For example, currently only some Czech businesses satisfy the legal duty to file annual reports, made freely available as a pdf [MacGregor Pelikánová, MacGregor, 2017], but the search for them is possible only in the Czech language and these reports are often only in Czech and with incomplete CSR information.

Well, the effectiveness, efficiency and fairness of free e-access to CSR data via Portal seems problematic if the search is done via mere forwarding to existing national business registers Websites and even more so if the search is done at an EU level search using migrated data in BRIS. In short, even basic data about businesses from certain jurisdictions, like who is representing or managing or signing for the company or what is the registered capital, is not electronically available without restrictions. Thus, certain jurisdictions and their businesses are fully transparent regarding business information, including final accounts and CSR, but others are semi-transparent, some even completely clandestine. So does it matter? Need the EU, EU member states and Europeans worry about it? Should this be left alone or regulated?

## **Is the effectiveness, efficiency and fairness of the CSR reporting via the Portal indispensable?**

The above presented field research, along with a case study confirms recently published economic studies that the penetration, extent, format and form of the CSR varies considerably [Horváth et al., 2017]. Since CSR reporting is neither freely nor similarly nor electronically provided in the EU, one asks whether this matters and is truly required. Well, the strategic statements and wording of Europe 2020 along with Directive 2013, Directive 2017 and Regulation 2015 suggest that the CSR and its e-reporting is perceived by the EU as a critical contribution supporting smart, sustainable growth. CSR, especially environmental and social issues, span many disciplines and has an impact on a large range of issues concerning the life of businesses and even the entire society [Jindřichovská, Purcarea, 2011]. Consequently, businesses are truly co-responsible and need to look at the impact of their production and commerce on the environment, as sustainable and related issues and CSR reporting brings benefit to stakeholders as well to the business itself [Jindřichovská, Purcarea, 2011]. Indeed, in recent years, a growing number of businesses do publish CSR reports or at least include some CSR aspects in their annual or other regular reports [Albu et al., 2013].

At the same time, there must be emphasized the definition and nature of the CSR, which basically represents a dialogue and interaction between corporations and their stakeholders, i.e. between European businesses, equity-owners, investors, partners, consumers and state authorities. This dialogue and interaction develops by the bottom-up approach and are not *prima facie* appropriate for a strict legislative setting. In addition, it must be underlined that the EU constitutional law trio sets in a rather clear and explicit manner the exclusive or shared conferred competencies and does not provide direct and strong support for a strict and massive legislation about the CSR reporting. Consequently, the EU ultimately imposed the e-publication duty of the CSR data only for certain (large) businesses and, while indicating just some standards. Finally, one must keep in mind that filing the CSR report with the Business Register is one thing, while making these CSR reports e-published is another. Hence, the idea of a full and free digital access to the CSR data is attractive, but its legitimation is rather precarious. The empirical analysis points out the complexity of convergence in CSR reporting and challenges for a possible regulation [Albu et al., 2013] as well as to the beneficial impact of the CSR reporting for transparency, attractiveness of investment [Horváth et al., 2017] and general business environment. Therefore, the (in)effectiveness of the free e-publication of CSR data is problematic.

However, an even bigger issue is that the EU seems to enter into murky waters of national particularities and this results in totally fragmented outcomes. Boldly, certain businesses open completely their cards (UK, Denmark)

while others not (Spain, Greece). This is definitely not efficient and fair and undermines the entire idea of the Portal and of the single internal market, perhaps even the glorified and ambitious rhetoric of Europe 2020.

This matters and the assessment of the attitude of the EU and EU member states matters even more. The EU claims that all is done, or at least on its way, while EU member states do not answer the clarion call for a big e-sharing of CSR commitments and do not want to push their national Business Registers to extract more data from subjects in their competence and make them freely available in the digital version. In the south of the EU this project appears to be almost sabotaged [MacGregor Pelikánová, MacGregor, 2017], while in the UK and Scandinavia national law and Business register systems go even beyond the EU expectations. In addition, this project does not benefit by standardization [Horváth et al., 2017] and so even the CSR data in the Portal from fully compliant jurisdictions does not sufficiently support the transparency, comparability and smoothness of the business conduct on the single internal market. We have an incomplete, if at all, harmonization and this is totally in contradiction with Europe 2020. Even more painfully, this is a challenge for the internal single market.

## Conclusions

Manifestly, the EU launched Europe 2020 and its European e-Justice platform, Portal, with the goal of contributing to the smart, sustainable and inclusive growth by providing an electronic one-stop-shop in the area of commercial law designed to allow unrestricted e-access to critical business data. This should contribute to the awareness, transparency, legal certainty and competitiveness of European businesses and benefit all European stakeholders. Whether the CSR data is fully covered by this goal is discussable. The EU requires pre-set CSR data to be provided and made public only regarding certain businesses, i.e. basically businesses exceeding the SME format, and further it can be argued that CSR data can be provided electronically as well somewhere else than on the Portal.

However, the holistic Meta-Analysis of the teleological interpretation of the EU law, both hard law and soft law, regardless whether primary, secondary or supplementary, advocates for a harmonization and e-centralization of business data to be provided to the public-at-large. In 2010, the EU was at the intersection and Europe 2020 was moved in one direction. However, further steps seem to be less and less firm and the EU conveys a contradictory message. If the Portal should be here to provide centralized information about businesses in the EU and their key data, including the CSR reporting, then it must be concluded that its setting does not provide a sufficient foundation and, even more seriously, its operation is highly inconsistent. Exactly this is

the biggest problem – the inconsistency vis-à-vis the competition played in the internal single market. In sum, the performed holistic Meta-Analysis and related exploration indicates serious setting and operation problems of the CSR presentation on the Portal. The effectiveness, efficiency and fairness of this system is seriously impaired and national laws and particularities appear to rather increase than decrease the current fragmentation. Unfortunately for the EU, the set grim hypothesis is verified and confirmed. Fortunately for the EU, the situation is not desperate and there are at least two options about how to correct the deplorable status quo and future research should study advantages and disadvantages of these two options in order to allow the EU to make an educated strategic decision. These two options are fully opposed – either the EU should completely retreat from this arena and take a fully neutral attitude, i.e. stay away from any legislation, proclamation or even facilitation of the e-publication of the CSR data and leave it completely to business and their national laws, or the EU should completely get involved in this arena and, based on a dialogue with all stakeholders, bring a regulation (no directive!) about what exactly must be e-published, then via Portal e-publish, e.g. BRIS, exactly that, no more nor less, and strictly sanction any violation. Alternatively, a baby-step and testing the water approaches could be embraced and e.g. the EU should split this large project into various sub-projects, could start with setting CSR reporting guidelines [Albu et al., 2013], monitor the implementation and enforcement, assess it and based on that determine which of the two options is more feasible in the given moment for the EU. The choice is inevitable and offers an opportunity for the EU to show that critical and open-minded dialogue and strategic decision making, supporting local and regional development, can be a reality of the EU in the 2<sup>nd</sup> decade of the 21<sup>st</sup> century. Such a consistent EU, i.e. firmly effective, efficient and fair, deserves to play a key role in the global society and market.

## Acknowledgment

This contribution was supported by GA ČR No. 17-11867S “Comparison of the interaction between the law against unfair competition and intellectual property law, and its consequences in the central European context”.

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### **Analiza skuteczności, wydajności i uczciwości europejskiego portalu „e-Sprawiedliwość” w kontekście społecznej odpowiedzialności biznesu**

**Streszczenie:** Obecna strategia dziesięcioletnia UE, strategia „Europa 2020”, ma wpływ na dążenie do zrównoważonego rozwoju i odpowiedzialności społecznej, tj. poprzez społeczną odpowiedzialność biznesu (CSR) oraz rosnący popyt cyfrowy. Doprowadziło to UE do stworzenia europejskiego portalu „e-Sprawiedliwość”, który jest elektronicznym punktem kompleksowej obsługi w dziedzinie wymiaru sprawiedliwości i obejmuje dostęp do rejestrów przedsiębiorstw, zarówno na poziomie europejskim, jak i krajowym. Zawarte w nim dane na temat CSR i bezpłatny dostęp powinny stanowić cenny wkład w podnoszenie świadomości i przejrzystości prawa. Celem artykułu jest ocena tego, jak działa w rzeczywistości, a hipoteza określa, że działanie tego portalu pozostaje wciąż niedopasowane do oczekiwań odbiorców. Przeprowadzono interdyscyplinarne i obejmujące wiele jurysdykcji badania dotyczące zarówno danych pierwotnych, w szczególności poprzez badania terenowe i bezpośrednie badania operacyjne.

Dodatkowo analiza danych wtórnych, w szczególności uznanych źródeł akademickich, które dostarczają interesujących danych. Holistyczna Meta-Analiza przetwarza te dane, bada determinację i ramy CSR wraz z tym portalem i ujawnia problemy z ustawieniami i działaniami, które osłabiają skuteczność, wydajność i uczciwość. Postawiona hipoteza o problematycznym działaniu portalu jest zweryfikowana i potwierdzona a dodatkowo zaproponowano sugestie dotyczące zmian i ulepszeń.

**Słowa kluczowe:** rejestr przedsiębiorstw, dostęp elektroniczny, UE, zrównoważony rozwój

**JEL:** K22, M14, M48, Q01