

AMENDMENT 320

by Francis Wurtz, Bairbre de Brún, Ilda Figueiredo, Ole Krarup, Kartika Tamara Liotard, Helmuth Markov, Erik Meijer, Willy Meyer Pleite, Roberto Musacchio, Dimitrios Papadimoulis, Miguel Portas, Miloslav Ransdorf, Marco Rizzo, Esko Seppänen, Jonas Sjöstedt, Kyriacos Triantaphyllides, Sahra Wagenknecht, on behalf of the GUE/NGL Group

Report**A6-0409/2005****Evelyne Gebhardt**

Services in the internal market

Proposal for a directive (COM(2004)0002 – C5-0069/2004 – 2004/0001(COD))

The European Parliament rejects the Commission proposal.

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Justification

The draft directive is extremely unbalanced. The country-of-origin principle would undermine the unitary law of the Member States, thus setting up competition among the Member States' legal systems for low quality labour, social, consumer protection and environmental standards. It offers no social regulation of the internal market in services, and would render any effective enforcement of current EU and Member State legislation on posting of workers impossible. It would make effective oversight of businesses and companies more difficult.

AMENDMENT 321

by Francis Wurtz, Bairbre de Brún, Ole Krarup, Kartika Tamara Liotard, Diamanto Manolakou, Helmuth Markov, Jiří Maštálka, Erik Meijer, Willy Meyer Pleite, Roberto Musacchio, Dimitrios Papadimoulis, Miguel Portas, Marco Rizzo, Esko Seppänen, Jonas Sjöstedt, Kyriacos Triantaphyllides, Sahra Wagenknecht, on behalf of the GUE/NGL Group

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Proposal for a directive (COM(2004)0002 – C5-0069/2004 – 2004/0001(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 321
Article 16

Country of origin principle

(1) Member States shall ensure that providers are subject **only to the national provisions of their Member State of origin which fall within the coordinated field.**

(2) Paragraph 1 shall cover national provisions relating to access to and the exercise of a service activity, in particular those requirements governing the behaviour of the provider, the quality or content of the service, advertising, contracts and the provider's liability.

(3) The Member State of origin shall be responsible for supervising the provider and the services provided by him, including services provided by him in another Member State.

(4) Member States may not, for reasons falling within the coordinated field, restrict the freedom to provide services in the case of a provider established in another Member State, in particular, by imposing any of the following requirements:

Country of destination principle

Member States shall ensure that providers are subject **to the laws, regulations and collective agreements of the Member State of destination with regard to access to and the exercise of a service activity.**

(a) an obligation on the provider to have an establishment in their territory;

(b) an obligation on the provider to make a declaration or notification to, or to obtain an authorisation from, their competent authorities, including entry in a register or registration with a professional body or association in their territory;

(c) an obligation on the provider to have an address or representative in their territory or to have an address for service at the address of a person authorised in that territory;

(d) a ban on the provider setting up a certain infrastructure in their territory, including an office or chambers, which the provider needs to supply the services in question;

(e) an obligation on the provider to comply with requirements, relating to the exercise of a service activity, applicable in their territory;

(f) the application of specific contractual arrangements between the provider and the recipient which prevent or restrict service provision by the self-employed;

(g) an obligation on the provider to possess an identity document issued by its competent authorities specific to the exercise of a service activity;

(h) requirements which affect the use of equipment which is an integral part of the service provided;

(i) restrictions on the freedom to provide the services referred to in Article 20, the first subparagraph of Article 23(1) or Article 25(1).