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A6-0409/398

AMENDMENT 398

by Marianne Thyssen and Malcolm Harbour, on behalf of the PPE-DE 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))

Text proposed by the Commission

Amendment by Parliament

Amendment 398

Article 2, paragraph 2, point (c a) (new)

(ca) social services aimed at providing social housing as well as childcare services and services aimed at supporting families and young people.

Or. en

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A6-0409/2005

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Services in the internal market

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

Text proposed by the Commission

Amendment by Parliament

Amendment 399
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:

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

Freedom to provide services

1. Member States shall respect service providers' rights to provide a service in a Member State other than where they are established.

The Member State in which the service is provided shall ensure free access to and the free exercise of a service activity within its territory.

Member States shall not make access to or the exercise of a service activity in their territory subject to compliance with any requirements that do not respect the following principles:

(a) non-discrimination: the requirements must be neither directly nor indirectly discriminatory with regard to nationality or, legal persons, with regard to the Member State in which they are established;

(b) as regards necessity: the requirements must be justified on grounds of public policy or public security or for the protection of the health or the

(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).

environment;

(c) proportionality: the requirements must be suitable for securing the attainment of the objective pursued, and must not go beyond what is necessary to attain this objective.

2. Member States may not restrict the freedom to provide services in the case of a provider established in another Member State by imposing any of the following requirements:

(a) an obligation on the provider to have an establishment in the Member State's territory;

(b) an obligation on the provider to obtain an authorisation from the Member State's competent authorities, including entry in a register or registration with a professional body or association in its territory, except in cases provided for in this Directive or in other instruments of Community law;

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

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

(e) an obligation on the provider to possess an identify document issued by the Member State's competent authorities specific to the exercise of a service activity;

(f) requirements, save for those necessary to protect health and safety at work, which affect the use of equipment and material which is an integral part of the service provided; or

(g) restrictions on the freedom to provide the services referred to in Article 20;

3. The provisions in this Article do not prevent the Member State into which the service provider moves from applying the requirements with regard to the provision of a service activity, where they are justified for reasons of public policy, public security, social security, or for the protection of health or the environment. In addition, these provisions do not prevent Member States from applying, in conformity with Community law, their domestic rules relating to employment conditions, including those laid down in collective agreements.

4. No later than five years after the entry into force of this Directive the Commission shall, after consulting the Member States and the Social Partners at European level, submit to the European Parliament and the Council a report on the application of this Article, in which it shall consider the need for proposing harmonisation measures regarding service activities covered by this Directive.

Or. en

AMENDMENT 400

by Marianne Thyssen and Malcolm Harbour, on behalf of the PPE-DE Group

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Services in the internal market

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

Text proposed by the Commission

Amendment by Parliament

Amendment 400

Article 17, title and paragraphs 1-4

General derogations *from the country of origin principle*

General derogations

Article 16 shall not apply to the following:

Article 16 shall not apply to the following:

(1) postal services *within the meaning of point (1) of Article 2 of* Directive 97/67/EC of the European parliament and of the Council;

(1) *Services of general economic interest which are provided in another Member State, inter alia:*

(a) *postal services covered by* Directive 97/67/EC of the European parliament and of the Council;

(b) *electricity transmission, distribution and supply services within the meaning of point (5) of Article 2 of Directive 2003/54/EC of the European Parliament and of the Council;*

(c) *gas transmission, distribution, supply and storage services within the meaning of point (5) of Article 2 of Directive 2003/55/EC of the European Parliament and of the Council;*

(d) *water distribution and supply services and waste water services;*

(e) *the treatment of waste*

(2) *electricity distribution services within the meaning of point (5) of Article 2 of Directive 2003/54/EC of the European*

Parliament and of the Council;

(3) gas distribution services within the meaning of point (5) of Article 2 of Directive 2003/55/EC of the European Parliament and of the Council;

(4) water distribution services;

Or. en