

8.2.2006

A6-0409/401

**AMENDMENT 401**

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

**Report**

**Evelyne Gebhardt**

Services in the internal market

**A6-0409/2005**

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

Text proposed by the Commission

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Amendment by Parliament

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Amendment 401  
Article 17, point 23a (new)

*(23a) Temporary work agencies*

Or. en

**AMENDMENT 402**

by 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 402  
Recital 32a (new)

*(32a) The activities of temporary employment agencies - the hiring out of workers - are particularly sensitive services. Thus, many Member States provide for specific rules for activities of temporary work agencies and conditions governing the employment of temporary workers, including regulations that might be affected by Article 14 and requirements which have to be evaluated pursuant to Article 15. Such rules aim at the protection of temporary workers and the prevention of abuse and are therefore justified by overriding reasons relating to the public interest. The information about national rules for temporary employment agencies to be compiled during the evaluation process will provide a good basis for the work on harmonising instruments relating to temporary work agencies.*

Or. en

*Justification*

*Services of temporary work agencies - the hiring out of workers - are services within the meaning of the EC-treaty and therefore fall within the scope of application of the services proposal. Temporary work agencies could therefore benefit from the services proposal, e.g.*

*from the rules on administrative simplification.*

*The services of temporary work agencies are currently subject to many restrictions such as requirements to have an establishment, authorisation requirements, requirements for guarantees, requirements concerning their legal form, the number of employees, etc. Under the Commission proposal, these requirements which concern the access to and the exercise of the activity of temporary employment agencies would come under the country-of-origin principle. The country-of-origin principle, would, however, not apply to rules and regulations which concern the use of temporary workers (e.g. prohibitions on employing temporary workers in certain sectors) or their protection (e.g. time limits for temporary employment contracts, dismissal protection, remuneration, etc.). These terms and conditions of employment which protect the (temporary) worker, including conditions of hiring-out of workers, are covered by the derogation for the posting of workers directive.*

8.2.2006

A6-0409/403

**AMENDMENT 403**

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

**Report**

**Evelyne Gebhardt**

Services in the internal market

**A6-0409/2005**

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

Text proposed by the Commission

Amendment by Parliament

Amendment 403  
Article 1, paragraph 2a (new)

***2a. This Directive shall not affect public health services and access to public funding by health care providers.***

Or. en

*Justification*

*This Directive fully respects Member States' responsibilities for the organisation and delivery of public health care services. Private health services and privately funded health services should be part of the scope of the Directive. It is therefore important that these health services operate within the legal framework of this Directive and that they are integrated in the system for administrative simplification and cooperation. In particular patients paying for their own non-hospital treatment in other Member States should be entitled to have the cost of that care reimbursed.*

8.2.2006

A6-0409/404

**AMENDMENT 404**

by 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 404  
Article 17, point 8

*(8) as regards professional qualifications, matters covered by Title II of Directive ... on the recognition of professional qualifications, including requirements in the Member States where the service is provided which reserve an activity to a particular profession;*

*(8) the provisions of Directive 2005/36/EC on the recognition of professional qualifications.*

Or. en