



2015/2233(INI)

20.10.2015

AMENDMENTS

1 - 98

Draft opinion

Thomas Händel

(PE567.760v01-00)

on Recommendations to the European Commission on the negotiations for the
Trade in Services Agreement (TiSA)
(2015/2233(INI))

Amendment 1

Amjad Bashir, Anthea McIntyre, Jana Žitňanská

Draft opinion

Paragraph 1

Draft opinion

1. Calls for all ILO core labour standards to be a compulsory element of EU trade agreements such as TiSA from the outset;

deleted

Amendment

Or. en

Amendment 2

Elisabeth Morin-Chartier

Draft opinion

Paragraph 1

Draft opinion

1. Calls for all ILO core labour standards to be a compulsory element of EU trade agreements such as TiSA from the outset;

Amendment

1. Calls for all ILO core labour standards to be ratified by the TiSA signatories; expects the European Union to play a leading role in reaching this objective;

Or. fr

Amendment 3

Joëlle Mélin, Dominique Martin, Mylène Troszczynski

Draft opinion

Paragraph 1

Draft opinion

1. Calls for all ILO core labour standards to be a compulsory element of EU trade agreements such as TiSA from the outset;

Amendment

1. Calls for all core physical, psychological and ergonomic standards imposed by legislation on all European workers, such as those set out in the subsidiarity rules of each Member State, to be a compulsory element of EU trade agreements such as TiSA from the outset;

Amendment 4
Monika Vana

Draft opinion
Paragraph 1

Draft opinion

1. Calls for *all* ILO core labour standards to be a compulsory element of EU trade agreements such as TiSA *from the outset*;

Amendment

1. Calls for *the ratification and effective implementation of* ILO core labour standards to be a compulsory element of EU trade agreements such as TiSA; *calls for provisions to make these standards enforceable including through impartial dispute settlement mechanisms which take account of the findings of the ILO supervisory system*;

Or. en

Amendment 5
Marita Ulvskog, Georgi Pirinski, Maria Arena, Siôn Simon, Joachim Schuster, Brando Benifei, Sergio Gutiérrez Prieto, Javi López, Elena Gentile, Guillaume Balas, Edouard Martin

Draft opinion
Paragraph 1

Draft opinion

1. Calls *for* all ILO core labour standards to be a compulsory element of EU trade agreements such as TiSA from the outset;

Amendment

1. Calls *as a minimum, for the ratification and implementation of* all ILO core labour standards *as well as other relevant ILO conventions such as ILO 94, and for them* to be a compulsory *and enforceable* element of EU trade agreements, such as TiSA from the outset;

Or. en

Amendment 6
Jutta Steinruck

Draft opinion
Paragraph 1

Draft opinion

1. Calls for all ILO core labour standards to be a compulsory element of EU trade agreements such as TiSA from the outset;

Amendment

1. Calls for all ILO core labour standards to be a compulsory ***and enforceable*** element of EU trade agreements such as TiSA from the outset;

Or. de

Amendment 7
Tiziana Beghin, Laura Agea

Draft opinion
Paragraph 1

Draft opinion

1. Calls for all ILO core labour standards to be a compulsory element of EU trade agreements such as TiSA from the outset;

Amendment

1. Calls for all ILO core labour standards to be a compulsory element of EU trade agreements such as TiSA from the outset ***and stresses the need to ensure that TiSA includes comprehensive provisions aiming at the effective ratification, implementation and enforcement of the core conventions of the ILO and the Decent Work Agenda, with a commitment to promote higher levels of protection of labour and environmental standards and to combat all forms of social dumping;***

Or. en

Amendment 8
Thomas Mann

Draft opinion
Paragraph 1

Draft opinion

1. Calls for all ILO core labour standards to be a compulsory element of EU trade agreements such as TiSA from the outset;

Amendment

1. Calls for all ILO core labour standards to be a compulsory element of EU trade agreements such as TiSA from the outset ***and for the ILO Decent Work Agenda to be complied with;***

Or. de

Amendment 9
Aldo Patriciello

Draft opinion
Paragraph 1

Draft opinion

1. Calls for all ILO core labour standards to be a compulsory element of EU trade agreements such as TiSA from the outset;

Amendment

1. Calls for all ILO core labour standards to be a compulsory element of EU trade agreements such as TiSA from the outset, ***in addition to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), to ensure that the prohibition of discrimination is complied with;***

Or. it

Amendment 10
Elisabeth Morin-Chartier

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Recalls the essential role played by the services sector in the creation of skilled jobs in the European Union;

Or. fr

Amendment 11
Elisabeth Morin-Chartier

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1b. Stresses that the signing of a balanced agreement would create strong potential for growth and for the creation of new skilled jobs;

Or. fr

Amendment 12
Elisabeth Morin-Chartier

Draft opinion
Paragraph 1 c (new)

Draft opinion

Amendment

1c. Stresses that the opportunities represented by TiSA for the internationalisation of European companies must be accompanied by genuine policies to help workers adapt to the new environment; underlines that the European Union has put financing mechanisms in place that could accompany these steps, such as the European Social Fund;

Or. fr

Amendment 13
Thomas Mann

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Calls for safeguards to ensure that the promotion of trade in services is not brought about by watering down labour law provisions applying in the EU;

Or. de

**Amendment 14
Thomas Mann**

**Draft opinion
Paragraph 1 b (new)**

Draft opinion

Amendment

1b. Calls for safeguards to ensure, in every TiSA chapter, that the agreement will not, under any circumstances, serve to weaken, circumvent, or invalidate Member States' or EU standards in the following areas: workers' rights, working conditions, social security, social inclusion, and social protection, health and safety at work, vocational training, professional qualifications, free movement of workers and pensioners, social dialogue, and anti-discrimination provisions at the workplace and on the labour market;

Or. de

**Amendment 15
Thomas Mann**

**Draft opinion
Paragraph 1 c (new)**

Draft opinion

Amendment

1c. Calls for the Parliament committee responsible for employment and social

affairs to be informed without delay, so as to allow an opportunity for discussion and decision-taking, should any provisions of the final TiSA Agreement be such as to jeopardise, or conflict with, standards in the above areas;

Or. de

Amendment 16
Enrique Calvet Chambon

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. To ensure that TiSA will contribute fair and significantly to jobs creation and set ambitious trade in service standards which covers the main 21st century issues, notably the persisting jobs crisis, the growing inequalities, the youth unemployment and other social challenges as it happens normally when trade barriers fall and markets are open;

Or. en

Amendment 17
Enrique Calvet Chambon

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1b. To strengthen the strategic importance of trade in services - at the present time the sector accounts for three-quarters of EU gross domestic product (GDP) and of jobs - is essential that this agreement works as a first step to break the deadlock in the Doha Round; TiSA negotiations are an opportunity to focus on markets

that the EU will not in a foreseeable future open bilateral negotiations and to reorient the European Trade Policy, enhancing labour mobility between countries and widening the multiplier effect; Nevertheless, negotiations should prevail at multilateral level rather than bilateral level;

Or. en

Amendment 18

Marita Ulvskog, Georgi Pirinski, Jutta Steinruck, Maria Arena, Siôn Simon, Joachim Schuster, Brando Benifei, Sergio Gutiérrez Prieto, Javi López, Elena Gentile, Guillaume Balas, Edouard Martin

Draft opinion

Paragraph 1 a (new)

Draft opinion

Amendment

Ia. Stresses that increasing mobility must be accompanied by high and binding social and labour standards so as to ensure that workers are protected against exploitation and social dumping; stresses furthermore in this regard the importance of sufficient control and enforcement mechanisms;

Or. en

Amendment 19

Marita Ulvskog, Georgi Pirinski, Jutta Steinruck, Maria Arena, Siôn Simon, Joachim Schuster, Brando Benifei, Sergio Gutiérrez Prieto, Javi López, Elena Gentile, Guillaume Balas, Edouard Martin

Draft opinion

Paragraph 1 b (new)

Draft opinion

Amendment

Ib. Considers that any future agreement on trade in services must include a clause on control and enforcement mechanisms

so as to deter and prevent companies from infringing labour and social rights, including collective agreements; is particularly concerned about the effects of complex cross-border subcontracting chains through which it becomes very difficult to ensure and monitor compliance; calls therefore on the Commission to propose EU legislation ensuring liability in sub-contracting chains, and considers that such liability must also apply and be enforceable on companies from third-countries; points out in this regard that the principle of equal remuneration for equal work at the same workplace should be enshrined in EU law and underlines that labour inspectorates and trade unions have a vital role to play in the prevention and monitoring of abuse and also help to enhance expertise and information provision at company level; urges the Member States to increase the staffing levels of, and the resources available to, their labour inspectorates and to meet the target of one inspector for every 10 000 workers, as recommended by the ILO, as well as to impose more severe penalties on firms that fail to comply with their obligations concerning fundamental rights (including remuneration, working hours and OHS); considers that the penalties in such cases must be effective, proportionate and dissuasive;

Or. en

Amendment 20

Marita Ulvskog, Georgi Pirinski, Jutta Steinruck, Maria Arena, Siôn Simon, Joachim Schuster, Brando Benifei, Elena Gentile, Guillaume Balas, Edouard Martin

Draft opinion

Paragraph 1 c (new)

Ic. Deplores the decline in funding for labour inspection and the inadequacy of cross-border access to data within the EU; is concerned about the consequences this inadequacy and decline might have with regards to further liberalisation of the trade in services through TiSA; highlights that labour inspections in particular face challenges in monitoring companies where migrant workers and posted workers from the EU and third countries are employed; stresses that, for labour inspections to be effective, it is important that they are sufficiently aware of situations with a high risk of non-compliance; points out that national-level electronic systems for the compulsory advance registration of foreign workers by employers could substantially facilitate the task of labour inspection;

Or. en

Amendment 21

Amjad Bashir, Anthea McIntyre, Jana Žitňanská, Zdzisław Krasnodębski

Draft opinion

Paragraph 1 a (new)

Ia. Notes the significant role that the service sector plays in the EU economy, making up for 70% of economic activity and providing 90% of new jobs; recognises at the same time that 90% of global growth is occurring outside the EU and underlines, therefore, the crucial importance of securing new market access opportunities for EU employers and securing fair, non-discriminatory and equitable treatment for EU service providers;

Amendment 22

Amjad Bashir, Anthea McIntyre, Jana Žitňanská

Draft opinion

Paragraph 1 b (new)

Draft opinion

Amendment

1b. Stresses the importance of ensuring that the agreement delivers on its potential to boost job creation in the EU, by ensuring that established standards are reinforced and improved with a view to establishing them more at the multilateral level;

Or. en

Amendment 23

Amjad Bashir, Anthea McIntyre, Jana Žitňanská, Zdzisław Krasnodębski

Draft opinion

Paragraph 1 c (new)

Draft opinion

Amendment

1c. Calls on the Commission to continue its efforts to complete the negotiations for the Trade in Services Agreement which will deliver considerable job opportunities for the EU; recognises that while the Commission cannot unilaterally set global standards, calls for ILO labour standards to be respected and promoted in order to ensure that existing standards are safeguarded;

Or. en

Amendment 24

Amjad Bashir, Anthea McIntyre, Jana Žitňanská

Draft opinion
Paragraph 2

Draft opinion

2. Calls furthermore, in negotiations on international trade in services, for mandatory working conditions to be secured in accordance with the respective laws on labour and social affairs and collective agreements, as well as for a ban on the dismantling of workers' rights and social standards when services are liberalised;

Amendment

deleted

Or. en

Amendment 25
Elisabeth Morin-Chartier

Draft opinion
Paragraph 2

Draft opinion

2. Calls furthermore, in negotiations on international trade in services, for mandatory working conditions to be secured in accordance with the respective laws on labour and social affairs, and for mandatory conclusion of collective agreements to be provided for, as well as a ban on the dismantling of workers' rights and social standards when services are liberalised;

Amendment

2. Urges the Commission to pursue the social objective that it set for itself during TiSA negotiations in the form of the 'labour clause'; recalls that the provisions of social and employment legislation at both European and national levels, as well as collective agreements, must be guaranteed under TiSA;

Or. fr

Amendment 26
Zdzisław Krasnodebski

Draft opinion
Paragraph 2

Draft opinion

2. *Calls* furthermore, in negotiations on international trade in services, **for mandatory working conditions to be secured in accordance with the respective laws on labour and social affairs, and for mandatory conclusion of collective agreements to be provided for, as well as a ban on the dismantling of workers' rights and social standards when services are liberalised;**

Amendment

2. **Considers, furthermore, that** in negotiations on international trade in services the laws on labour and social affairs and collective agreements **in force in a given Member State must be taken into account and that the liberalisation of services must not lead to the dismantling of workers' rights or to restrictions on Member States' formulation of policy in this area in accordance with the will of their electorate;**

Or. pl

Amendment 27

Enrique Calvet Chambon

Draft opinion

Paragraph 2

Draft opinion

2. Calls furthermore, in negotiations on international trade in services, for mandatory working conditions to be secured in accordance with the respective laws on labour and social affairs and collective agreements, **as well as for a ban on the dismantling of workers' rights and social standards when services are liberalised;**

Amendment

2. Calls furthermore, in negotiations on international trade in services, for mandatory working conditions to be secured in accordance with the respective laws on labour and social affairs and collective agreements **and respect the workers' rights and social standards when services are liberalised and assure that quality of services and labour conditions are not negatively affected;**

Or. en

Amendment 28

Monika Vana

Draft opinion

Paragraph 2

Draft opinion

2. Calls furthermore, in negotiations on international trade in services, for mandatory working conditions to be secured in accordance with the respective **laws on labour and social affairs and collective agreements, as well as** for a ban on the dismantling of workers' rights and social standards when services are liberalised;

Amendment

2. Calls furthermore, in negotiations on international trade in services, for mandatory working conditions to be secured in accordance with the respective labour and social **legislation of the country where the service and therefore the work is provided, including the definition of who is a worker and for mandatory application of** collective agreements **to be provided for; this is without prejudice to more favourable provisions in legislation or agreements applicable in the sending country; calls** for a ban on the dismantling of workers' rights and social standards when services are liberalised; **calls for reliable safeguards to tackle the use of false self-employment as a way to bypass labour and social legislation;**

Or. en

Amendment 29

Joëlle Mélin, Dominique Martin, Mylène Troszczynski

**Draft opinion
Paragraph 2**

Draft opinion

2. Calls furthermore, in negotiations on international trade in services, for mandatory working conditions to be secured in accordance with the respective laws on **labour and** social affairs, and for mandatory conclusion of collective agreements to be provided for, as well as a ban on the dismantling of workers' rights and social standards when services are liberalised;

Amendment

2. Calls furthermore, in negotiations on international trade in services, for mandatory working conditions to be secured in accordance with the respective **national** laws on social affairs, and for mandatory conclusion of collective agreements to be provided for, as well as a ban on the dismantling of workers' rights and social standards when services are liberalised;

Or. fr

Amendment 30
Maria Arena

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Calls, where disputes arise regarding labour provisions, for those disputes to be subject to a dispute settlement mechanism, including the possibility of imposing trade sanctions, taking into account the ILO supervisory bodies;

Or. en

Amendment 31
Maria Arena

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2b. Calls, in this regard, to exclude from the concepts of non-tariff barriers or technical barriers to trade the labour standards, and to include the Social Partners in the process of regulatory cooperation in a balanced representation, to ensure that regulatory cooperation does not restrict the right of governments and the European Parliament to legislate in the public interest and does not lead to regulatory chill or to the weakening of labour standards, including health and safety standards;

Or. en

Amendment 32
Jutta Steinruck

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Calls for the positive list principle to be applied both to market access and to national treatment;

Or. de

Amendment 33
Jutta Steinruck

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2b. Maintains in addition that neither ratchet nor standstill clauses should be applicable to market access or national treatment obligations;

Or. de

Amendment 34
Monika Vana

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Insists that any inclusion in trade agreements of ‘Mode IV’ on temporary movement of labour should be made subject to compliance with core labour standards, including rules concerning period of stay, minimum wages and collective wage agreements, national labour standards, and collective agreements in partner countries; calls on the Commission to include such provisions into the main body of the

Amendment 35

Marita Ulvskog, Georgi Pirinski, Jutta Steinruck, Maria Arena, Siôn Simon, Joachim Schuster, Brando Benifei, Sergio Gutiérrez Prieto, Javi López, Elena Gentile, Guillaume Balas, Edouard Martin

Draft opinion

Paragraph 2 a (new)

Draft opinion

Amendment

2a. Stresses, in order to avoid unfair competition, social dumping and exploitation of workers, that the principle of equal remuneration for equal work is enshrined in EU law and respected in all of the trade agreements signed by the EU; underlines that all workers, irrespective of their home country must, as a minimum, enjoy the same rights, conditions of employment and salaries as nationals in the place of work; stresses that this principle be included through a protection clause for deployed workers in any future agreement on trade in services;

Amendment 36

Marita Ulvskog, Georgi Pirinski, Maria Arena, Siôn Simon, Joachim Schuster, Brando Benifei, Jutta Steinruck, Elena Gentile, Guillaume Balas, Edouard Martin

Draft opinion

Paragraph 2 b (new)

Draft opinion

Amendment

2b. Considers that any future agreement on trade in services must include a clause preventing companies from circumventing or undermining the right to take industrial action, through the use of

workers from third countries during negotiations on collective agreements and labour disputes;

Or. en

Amendment 37

Amjad Bashir, Anthea McIntyre, Jana Žitňanská, Zdzisław Krasnodębski

Draft opinion

Paragraph 3

Draft opinion

3. *Considers that the* right of the State to organise and regulate the provision of services, *taking account of social and environmental criteria as well as the public interest, must be retained in full, and calls for services of general interest to be excluded from the agreement, irrespective of whether they are provided privately or publicly;*

Amendment

3. *Highlights the* right of the State to organise and regulate the provision of services, *considers that the need to maintain the freedom of the Member States to regulate at all levels and to provide, commission and fund public services in accordance with the Treaties should be reflected within this agreement as already provided for with other EU FTAs;*

Or. en

Amendment 38

Monika Vana

Draft opinion

Paragraph 3

Draft opinion

3. *Considers that the right of the State to organise and regulate the provision of services,* taking account of social and environmental criteria as well as the public interest, *must be retained in full, and calls for services of general interest to be excluded from the agreement, irrespective of whether they are provided privately or publicly;*

Amendment

3. *Recalls that, in accordance with art 14 TFEU and protocol 26 of the TEU and taking account of social and environmental criteria as well as the public interest, the competence of the State and public authorities to provide, commission, organise, and fund, as well as the right to regulate current and new services of general interest and services of general economic interest must prevail over the*

commitments in the agreement; exception clauses on services of general interest and services of general economic interest should be foreseen in provisions on investment protection, if they are included;

Or. en

Amendment 39
Elisabeth Morin-Chartier

Draft opinion
Paragraph 3

Draft opinion

3. Considers that the right of the State to organise and regulate the provision of services, taking account of social and environmental criteria as well as the public interest, must be retained in full, and calls for services of general interest to be excluded from *the agreement, irrespective of whether they are provided privately or publicly;*

Amendment

3. Considers that the right of the State to organise and regulate the provision of services, taking account of social and environmental criteria as well as the public interest, must be retained in full, and calls for services of general interest, *as well as services of general economic interest, such as social services and social security systems,* to be excluded from *TiSA negotiations;*

Or. fr

Amendment 40
Marita Ulvskog, Georgi Pirinski, Maria Arena, Siôn Simon, Joachim Schuster, Brando Benifei, Sergio Gutiérrez Prieto, Javi López, Elena Gentile, Guillaume Balas, Edouard Martin

Draft opinion
Paragraph 3

Draft opinion

3. Considers that the right of the State to organise and regulate the provision of services, taking account of social and environmental criteria as well as the public interest, must be retained in full, *and* calls

Amendment

3. Considers that the right of the State to organise and regulate the provision of services, taking account of social and environmental criteria as well as the public interest, must be retained in full;

for services of general interest to be excluded from the agreement, irrespective of whether they are provided privately or publicly;

underlines in this regard the duties and the role of public authorities to serve the society and our citizens through ensuring availability, accessibility, acceptability, affordability and quality of public services; calls for services of general interest, services of general economic interest as well as social services of general interest^{1 a} to be excluded from the scope of the agreement, irrespective of whether they are provided privately or publicly;

^{1 a} European Parliament Report, 22 June 2011, A7-0239/2011 "on the future of social services of general interest": <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2011-0239&language=EN>

Or. en

Amendment 41
Tiziana Beghin, Laura Agea

Draft opinion
Paragraph 3

Draft opinion

3. Considers that the right of the State to organise and regulate the provision of services, taking account of social and environmental criteria as well as the public interest, must be retained in full, and calls for services of general interest to be excluded from the agreement, irrespective of whether they are provided privately or publicly;

Amendment

3. Considers that the right of the State to organise and regulate the provision of services, taking account of social and environmental criteria as well as the public interest, must be ***defined in details by the agreement and*** retained in full, ***advocates for a positive list approach to be followed both for market access and national treatment,*** and calls for services of general interest ***including, but not limited to, education, health, water supply, energy and social security*** to be excluded from the agreement, irrespective of whether they are provided ***or funded*** privately or publicly, ***in part or entirely;***

Amendment 42

Joëlle Mélin, Dominique Martin, Mylène Troszczynski

Draft opinion**Paragraph 3***Draft opinion*

3. Considers that the right of the State to organise and regulate the provision of services, taking account of social and environmental criteria as well as the public interest, must be retained in full, and calls for services of general interest to be excluded from the agreement, irrespective of whether they are provided privately or publicly;

Amendment

3. Considers that the right of the State to organise and regulate the provision of services, taking account of social and environmental criteria as well as the public interest, must be retained in full, and calls for services of general interest – ***namely public services, and particularly national education and public health*** – to be excluded from the agreement, irrespective of whether they are provided privately or publicly;

Or. fr

Amendment 43

Maria Arena

Draft opinion**Paragraph 3***Draft opinion*

3. Considers that the right of the State to organise and regulate the provision of services, taking account of social and environmental criteria as well as the public interest, must be retained in full, and calls for services of general interest to be excluded from the agreement, irrespective of whether they are provided privately or publicly;

Amendment

3. Considers that the right of the State to organise and regulate the provision of services (***such as water, health, social security systems and education among others***), taking account of social and environmental criteria as well as the public interest, must be retained in full, and calls for services of general interest to be excluded from the agreement, irrespective of whether they are provided privately or publicly, ***adopting a ‘positive listing’ approach, whereby services that are to be opened up for foreign companies are***

explicitly mentioned and new services are excluded;

Or. en

Amendment 44
Jutta Steinruck

Draft opinion
Paragraph 3

Draft opinion

3. Considers that the right of the State to organise and regulate the provision of services, taking account of social and environmental criteria as well as the public interest, must be retained in full, and calls for services of general interest to be excluded from the agreement, irrespective of whether they are provided privately or publicly;

Amendment

3. Considers that the right of the State to organise and regulate the provision of services, taking account of social and environmental criteria as well as the public interest, must be retained in full, and calls for services of general interest to be excluded from the agreement, irrespective of whether they are provided privately or publicly, *on the understanding that each party should itself determine which services are to be defined as services of general interest; believes that, within the EU, the definitions should be determined by each Member State individually, in cooperation with subnational authorities;*

Or. de

Amendment 45
Enrique Calvet Chambon

Draft opinion
Paragraph 3

Draft opinion

3. Considers that the right of the State to organise and regulate the provision of services, taking account of social and environmental criteria as well as the public interest, must be retained in full, and calls for services of general interest to be

Amendment

3. Considers that the right of the State to organise and regulate the provision of services, taking account of social and environmental criteria as well as the public interest, must be retained in full, and calls for services of general interest to be

excluded from the agreement, irrespective of whether they are provided privately or publicly;

excluded from the agreement, irrespective of whether they are provided privately or publicly ***in order that universal access is guaranteed;***

Or. en

Amendment 46
Monika Vana

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Reiterates that the provision of and access to affordable and quality services of general interest and services of general economic interest, including but not limited to water, health, social services, social security systems and education, has to be guaranteed at all times and calls for these services to be excluded from the agreement, irrespective of whether they are privately or publicly provided and funded or if they receive state support in any form; therefore calls for a comprehensive and unequivocal carve out of these services in the core text of the agreement;

Or. en

Amendment 47
Monika Vana

Draft opinion
Paragraph 3 b (new)

Draft opinion

Amendment

3b. Requests to base negotiations on a positive list approach in relation to both the market access and the national treatment; requests to not apply ratchet

and standstill clauses to both market access and national treatment;

Or. en

Amendment 48
Monika Vana

Draft opinion
Paragraph 3 c (new)

Draft opinion

Amendment

3c. Asks the Commission to guarantee that ecological and social criteria, including gender equality criteria, can be applied in awarding public procurement contracts; insists that trade agreements should under no circumstances affect the provisions of the Public Procurement Directive that ensure enforcement of labour law and allow contracting authorities to use the specific provisions concerning social, health and other services directly provided to the person; reminds the Commission on the strong sensitivities in regard to the regulation of service concessions and the need to preserve the policy space to respond to failed Public-Private-Partnerships models;

Or. en

Amendment 49
Elisabeth Morin-Chartier

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Rejects negotiations on the further liberalisation of services provided across EU borders so long as no EU-wide

deleted

cooperation exists to maintain working conditions in accordance with the respective laws on labour and social affairs and collective agreements;

Or. fr

Amendment 50

Amjad Bashir, Anthea McIntyre, Jana Žitňanská

Draft opinion

Paragraph 4

Draft opinion

Amendment

4. *Rejects negotiations on the further liberalisation of services provided across EU borders so long as no EU-wide cooperation exists to maintain working conditions in accordance with the respective laws on labour and social affairs and collective agreements;*

deleted

Or. en

Amendment 51

Zdzisław Krasnodębski

Draft opinion

Paragraph 4

Draft opinion

Amendment

4. *Rejects* negotiations on the further liberalisation of services provided across EU borders *so long as no EU-wide cooperation exists to maintain working conditions in accordance with the respective* laws on labour and social affairs and collective agreements;

4. *Supports* negotiations on the further liberalisation of services provided across EU borders *and considers that the* laws on labour and social affairs and collective agreements *in force in a given Member State must be binding on entities from those countries;*

Or. pl

Amendment 52
Joëlle Mélin, Dominique Martin, Mylène Troszczynski

Draft opinion
Paragraph 4

Draft opinion

4. Rejects negotiations on the further liberalisation of services provided across EU borders *so long as no EU-wide cooperation exists to maintain working conditions in accordance with the respective laws on labour and social affairs and collective agreements;*

Amendment

4. Rejects negotiations on the further liberalisation of services provided across EU borders *since it represents the beginning of a loss of sovereignty and subsidiarity in fundamental areas such as social protection and employment; feels that it would in fact encourage social dumping and make it impossible to have a clear national employment strategy;*

Or. fr

Amendment 53
Enrique Calvet Chambon

Draft opinion
Paragraph 4

Draft opinion

4. *Rejects negotiations* on the further liberalisation of services provided across EU borders *so long as no EU-wide cooperation exists* to maintain working conditions in accordance with the respective laws on labour and social affairs and collective agreements;

Amendment

4. *Negotiations* on the further liberalisation of services provided across EU borders *should bear in mind the need for a EU-wide cooperation in order* to maintain working conditions in accordance with the respective laws on labour and social affairs and collective agreements *in the EU;*

Or. en

Amendment 54
Monika Vana

Draft opinion
Paragraph 4

Draft opinion

4. Rejects negotiations on the further liberalisation of services provided across EU borders so long as no EU-wide cooperation exists to maintain working conditions in accordance with the respective *laws on* labour and social *affairs* and collective agreements;

Amendment

4. Rejects negotiations on the further liberalisation of services provided across EU borders so long as no EU-wide cooperation exists to maintain working conditions in accordance with the respective labour and social *legislation* and collective agreements *of the country where the service and therefore the work is provided; this is without prejudice to more favourable provisions in legislation or agreements applicable in the sending country;*

Or. en

Amendment 55

Tiziana Beghin, Laura Agea

Draft opinion

Paragraph 4

Draft opinion

4. Rejects negotiations on the further liberalisation of services provided across EU borders so long as no EU-wide cooperation *exists* to maintain working conditions in accordance with the respective laws on labour and social affairs and collective agreements;

Amendment

4. Rejects negotiations on the further liberalisation of services provided across EU borders so long as no *EU minimum income scheme and* EU-wide cooperation *exist* to maintain working conditions in accordance with the respective laws on labour and social affairs and collective agreements;

Or. en

Amendment 56

Maria Arena

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4a. Considers that governments capacity to adopt socially and ecologically responsible services procurement policies, addressing societal and environmental needs, must not be undermined, and subsequently for any agreement to respect the ILO Convention 94 regarding labour clauses in public contracts;

Or. en

Amendment 57

Monika Vana

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4a. Calls on the European institutions to launch independent thorough social impact assessment studies that focus on the possible impact of TiSA on the social and employment situation in the EU and the other Parties of the agreement, including the availability, affordability, quality, accessibility and non-discriminatory equal access to services of general interest and services of general economic interest;

Or. en

Amendment 58

Marita Ulvskog, Georgi Pirinski, Jutta Steinruck, Maria Arena, Siôn Simon, Joachim Schuster, Elena Gentile

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4a. Considers that the EU should make very limited commitments as to any future provisions through the current Mode 1 of the GATS, so as not to undermine the high working standards and conditions in the EU through the provisions of services being supplied from third countries, particularly concerning the ICT sector;

Or. en

Amendment 59

Joëlle Mélin, Dominique Martin, Mylène Troszczynski

Draft opinion

Paragraph 5

Draft opinion

5. Considers furthermore that the EU-wide posting of workers should not be regulated in trade agreements;

Amendment

5. Calls for an end to the Posted Workers Directive since it represents an intolerable example of social dumping; feels that the harmonisation of social security contributions according to this model would not bring security to individual workers, as they are calculated on the basis of the lowest bidder;

Or. fr

Amendment 60

Amjad Bashir, Anthea McIntyre, Jana Žitňanská

Draft opinion

Paragraph 5

Draft opinion

5. Considers furthermore that the EU-wide posting of workers should not be regulated in trade agreements;

Amendment

5. Considers it important to ensure that TiSA will not prevent the EU and the Member States from safeguarding existing employment standards including

for example the agreed standards on the posting of workers;

Or. en

Amendment 61
Monika Vana

Draft opinion
Paragraph 5

Draft opinion

5. Considers furthermore that the EU-wide posting of workers should not be regulated in trade agreements;

Amendment

5. Stresses that 3rd country national workers being posted into the EU under Mode IV are also covered by EU legislation on posting of workers; notably directives 96/71/EC and 2014/67/EC; repeats its position that trade agreements must by all means refrain from regulating or setting rules affecting workers' rights;

Or. en

Amendment 62
Elisabeth Morin-Chartier

Draft opinion
Paragraph 5

Draft opinion

5. Considers furthermore that the EU-wide posting of workers should not be regulated in trade agreements;

Amendment

5. Recalls that the mobility of highly qualified workers could be advantageous not only for European companies, but also for European workers; insists, however, that the EU-wide posting of workers should not be regulated in trade agreements; stresses the importance of defining the precise criteria for providing a service under TiSA, such as the limited duration of the service and the anticipated level of competences, and of ensuring that these elements are clearly set out in the service contract;

Amendment 63
Enrique Calvet Chambon

Draft opinion
Paragraph 5

Draft opinion

5. Considers furthermore that the EU-wide posting of workers should not be regulated in trade agreements;

Amendment

5. Considers furthermore that the EU-wide posting of workers should not be regulated in trade agreements ***but countries should have the right to establish quantitative conditions***;

Or. en

Amendment 64
Marita Ulvskog, Georgi Pirinski, Jutta Steinruck, Siôn Simon, Joachim Schuster, Elena Gentile

Draft opinion
Paragraph 5

Draft opinion

5. Considers furthermore that the EU-wide posting of workers should not be regulated in trade agreements;

Amendment

5. Considers furthermore that the EU-wide posting of workers should not be regulated in trade agreements; ***considers however that, as a minimum, the Directive 96/71/EC on the posting of workers, together with other national and EU labour and social legislation as well as collective agreements, should be applicable to contractual service suppliers and business sellers accessing the EU, today and in the future, through the Mode 4 provisions in GATS***;

Or. en

Amendment 65

Maria Arena

Draft opinion

Paragraph 5 a (new)

Draft opinion

Amendment

5a. Considers that the expected "mod 4" provisions represent a global widening of the EU legislations on posting of workers and services liberalization, that have been detrimental for workers protection, social cohesion and Member States' social protection financing; considers therefore that revisions of the Posting of Workers and Social Security Systems coordination legislations to overcome these problems must be adopted before any commercial agreement containing "mod 4" provisions, and that these provisions must be built along the lines of those newly revised legislations;

Or. en

Amendment 66

Elisabeth Morin-Chartier

Draft opinion

Paragraph 5 a (new)

Draft opinion

Amendment

5a. Recalls that the clauses of TiSA relating to the transport sector should not harm European workers in that sector; urges the Commission to establish clear restrictions on cabotage in order to prevent social dumping;

Or. fr

Amendment 67

Marita Ulvskog, Georgi Pirinski, Siôn Simon, Joachim Schuster, Elena Gentile, Maria

Arena, Sergio Gutiérrez Prieto, Javi López, Guillaume Balas, Edouard Martin

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Stresses the importance of the social partners and their expertise, and calls on the Commission and the Member States to involve and closely cooperate with them throughout the negotiations on TiSA, especially regarding the possible effects any trade agreement in services have on the labour market;

Or. en

Amendment 68
Tiziana Beghin, Laura Agea

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Asks for a clear definition of the workers included under the annex on Mode 4;

Or. en

Amendment 69
Tiziana Beghin, Laura Agea

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5b. Expects the agreement, and especially the Annex on Mode 4, to contain provisions aimed at preventing exploitative labour relations for foreign workers and a safety clause allowing

TiSA members to apply the necessary safeguards should pressure be put on domestic wages or should the rights of domestic workers be endangered;

Or. en

Amendment 70

Amjad Bashir, Anthea McIntyre, Jana Žitňanská

Draft opinion

Paragraph 6

Draft opinion

Amendment

6. Expects the agreement to include a clause making it possible to revise the liberalisation of services, particularly in the event of infringements of labour and social standards;

deleted

Or. en

Amendment 71

Elisabeth Morin-Chartier

Draft opinion

Paragraph 6

Draft opinion

Amendment

6. Expects the agreement to include a clause making it possible to revise the liberalisation of services, particularly in the event of infringements of labour and social standards;

6. Calls on the Commission to be proactive in its negotiations, with a view to ensuring that a mechanism for the settling of disputes between signatory states is established so that proportionate penalties may be imposed on stakeholders who fail to uphold the social clauses of TiSA;

Or. fr

Amendment 72

Joëlle Mélin, Dominique Martin, Mylène Troszczynski

Draft opinion

Paragraph 6

Draft opinion

6. Expects the agreement to include a clause ***making it possible to revise*** the liberalisation of services, particularly in the event of infringements of labour and social standards;

Amendment

6. Expects the agreement, ***if it is not rejected***, to include a ***cut-off*** clause ***as regards*** the liberalisation of services, particularly in the event of infringements of labour and social standards;

Or. fr

Amendment 73

Monika Vana

Draft opinion

Paragraph 6

Draft opinion

6. Expects the agreement to include a clause making it possible to ***revise*** the liberalisation of services, particularly in the event of infringements of labour ***and social*** standards;

Amendment

6. Expects the agreement to include a clause making it possible to ***revoke*** the liberalisation of services, particularly in the event of infringements of labour, ***social and equality*** standards, ***including gender equality; therefore, also calls for the exclusion of ratchet and standstill clauses from the agreement;***

Or. en

Amendment 74

Marita Ulvskog, Georgi Pirinski, Siôn Simon, Joachim Schuster, Elena Gentile, Sergio Gutiérrez Prieto, Javi López, Maria Arena, Guillaume Balas, Edouard Martin

Draft opinion

Paragraph 6

Draft opinion

6. ***Expects*** the agreement ***to*** include a

Amendment

6. ***Considers that*** the agreement ***must***

clause making it possible to *revise* the liberalisation of services, particularly in the event of infringements of labour and social standards;

include a clause making it possible to *unilaterally amend and reverse* the liberalisation of services, particularly in the event of infringements of labour and social standards;

Or. en

Amendment 75
Maria Arena

Draft opinion
Paragraph 6

Draft opinion

6. Expects the agreement to include a clause making it possible to revise the liberalisation of services, particularly in the event of infringements of labour and social standards;

Amendment

6. Expects the agreement to include a clause making it possible to revise the liberalisation of services, *and ensuring the possibility of a re-nationalisation and re-municipalisation of services*, particularly in the event of infringements of labour and social standards;

Or. en

Amendment 76
Tiziana Beghin, Laura Agea

Draft opinion
Paragraph 6

Draft opinion

6. Expects the agreement to include a clause making it possible to revise the liberalisation of services, particularly in the event of infringements of labour and social standards;

Amendment

6. Expects the agreement *not to foresee a standstill clause and* to include a clause making it possible to revise the liberalisation of services, particularly in the event of infringements of labour and social standards;

Or. en

Amendment 77
Aldo Patriciello

Draft opinion
Paragraph 6

Draft opinion

6. Expects the agreement to include a clause making it possible to revise the liberalisation of services, particularly in the event of infringements of labour and social standards;

Amendment

6. Expects the agreement to include a clause making it possible to revise the liberalisation of services, particularly in the event of infringements of labour and social standards; ***calls, moreover, for a monitoring system to be established to prevent any case of infringement;***

Or. it

Amendment 78
Maria Arena

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Calls for the publication of statistical projections, constantly updated, on job losses and gains, by a potential agreement, so that timely intervention can be undertaken by the Commission to support affected regions or Member States, through allocations of Cohesion Policy funds and European Globalization Adjustment fund adapted and budgetary reinforced beforehand any conclusion of the agreement;

Or. en

Amendment 79
Thomas Mann

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Calls for TiSA to ensure that EU SMEs will be able to profit without restriction, an aim to be achieved by creating good economic conditions for the export of services and a favourable, competition-driven, and sustainable business environment;

Or. de

Amendment 80
Tiziana Beghin, Laura Agea

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Calls for an increase in budget and scope of the European Globalisation Fund and for a Union minimum income scheme in order to face the adjustment and long term costs of the liberalisation of services in term of unemployment;

Or. en

Amendment 81
Enrique Calvet Chambon, Amjad Bashir

Draft opinion
Paragraph 6 a (new)

Draft opinion

Amendment

6a. Expects that the particular obstacles faced by SMEs are taken into account specially because they are the biggest jobs creator;

Or. en

Amendment 82
Enrique Calvet Chambon

Draft opinion
Paragraph 6 b (new)

Draft opinion

Amendment

6b. To take further steps to open the public procurement market on all the TiSA negotiators countries; To grant contracts, companies must comply with the core labour and social standards of the ILO; Contracts should not be gained only based on the price, but this measures cannot function as a manner of trade barriers;

Or. en

Amendment 83
Enrique Calvet Chambon

Draft opinion
Paragraph 6 c (new)

Draft opinion

Amendment

6c. Regulatory barriers such as the mandatory skills accreditation should be reduced, guarantying that professional services provided by lawyers, architects or engineers, for instance, are easily set between TiSA negotiators countries in order to enhance mobility and to create more jobs;

Or. en

Amendment 84
Amjad Bashir, Anthea McIntyre, Jana Žitňanská, Zdzisław Krasnodębski

Draft opinion
Paragraph 7

Draft opinion

7. Calls for the immediate publication of all documents relevant to TiSA, and urges that the European social partners be permitted to participate transparently in the negotiating process.

Amendment

7. Calls on the Commission to ensure the highest level of transparency in the negotiations including by allowing access, where appropriate, to relevant texts, as well as organising consultation with the Parliament, citizens, businesses and other relevant stakeholders;

Or. en

Amendment 85
Elisabeth Morin-Chartier

Draft opinion
Paragraph 7

Draft opinion

7. Calls for the immediate publication of all documents relevant to TiSA, and urges that the European social partners be permitted to participate transparently in the negotiating process.

Amendment

7. Highlights the efforts made by the Commission to make the negotiations as transparent as possible; stresses the importance of involving civil society and the social partners in the development of the European Union's position; calls on the Commission to continue in this direction.

Or. fr

Amendment 86
Enrique Calvet Chambon

Draft opinion
Paragraph 7

Draft opinion

7. Calls for the immediate publication of all documents relevant to TiSA, and urges that the European social partners be permitted to participate transparently in

Amendment

7. Calls for a more transparent negotiation on the TiSA; The European social partners and civil society should contribute in a meaningful way in the

the negotiating process.

negotiating process, *in order to promote a more inclusive and relevant agreement and to avoid lack of understanding from public opinion;*

Or. en

Amendment 87
Monika Vana

Draft opinion
Paragraph 7

Draft opinion

7. Calls for the immediate publication of all documents relevant to TiSA, *and* urges *that* the European social partners *be permitted* to participate *transparently* in the negotiating process.

Amendment

7. Calls for *continuing and stepping up, in line with the recommendations of the European Ombudsman on TTIP, ongoing efforts to increase transparency in the negotiations* by the immediate publication of all documents relevant to TiSA, *including negotiation proposals, especially consolidated negotiation texts;* urges *to reinforce continuous and transparent engagement with national Parliaments and all relevant Ministries at Member State level; and to permit that all stakeholders, including the European social partners as well as civil society organisations are allowed* to participate in the negotiating process;

Or. en

Amendment 88
Jutta Steinruck

Draft opinion
Paragraph 7

Draft opinion

7. Calls for the immediate publication of all documents relevant to TiSA, and urges that the European social partners be

Amendment

7. Calls for the immediate publication of all documents relevant to TiSA, and urges that the European social partners *and civil*

permitted to participate transparently in the negotiating process.

society be permitted to participate transparently **and actively** in the negotiating process.

Or. de

Amendment 89
Tiziana Beghin, Laura Agea

Draft opinion
Paragraph 7

Draft opinion

7. Calls for the immediate publication of all documents relevant to TiSA, and urges that the European social partners be permitted to participate transparently in the negotiating process.

Amendment

7. Calls for the immediate publication of all documents relevant to TiSA **in order to improve the transparency of the negotiations**, and urges that the European social partners be permitted to participate transparently in the negotiating process.

Or. en

Amendment 90
Aldo Patriciello

Draft opinion
Paragraph 7

Draft opinion

7. Calls for the immediate publication of all documents relevant to TiSA, and urges that the European social partners be permitted to participate transparently in the negotiating process.

Amendment

7. Calls for the immediate publication of all documents relevant to TiSA, and urges that the European social partners be permitted to participate transparently in the negotiating process; **calls, likewise, for the promotion of ongoing comprehensive information on every stage of the negotiations.**

Or. it

Amendment 91
Monika Vana

Draft opinion
Paragraph 7 a (new)

Draft opinion

Amendment

7a. Encourages all stakeholders to participate actively and to put forward initiatives, concerns, problematic issues and information relevant to the negotiations and urges the Commission to better take into account input from social partners and civil society;

Or. en

Amendment 92
Monika Vana

Draft opinion
Paragraph 7 b (new)

Draft opinion

Amendment

7b. Considers it as necessary to maintain the possibility of countries to apply economic needs tests;

Or. en

Amendment 93
Monika Vana

Draft opinion
Paragraph 7 c (new)

Draft opinion

Amendment

7c. Considers it as crucial that it will be possible to sue the dispute settlement mechanism in case countries do not ensure the compliance with their labour and social legislation, including collective agreements or in case they do not enforce fines imposed for infringements of the latter, as they have committed to do under

the agreement;

Or. en

Amendment 94

Monika Vana

Draft opinion

Paragraph 7 d (new)

Draft opinion

Amendment

7d. Regrets that Parliament was not consulted before the Council adopted the mandate; considers this as a lost opportunity to make the negotiations as democratic as possible and to involve those who might be most affected from TiSA from the beginning on;

Or. en

Amendment 95

Marita Ulvskog, Georgi Pirinski, Siôn Simon, Joachim Schuster, Elena Gentile, Maria Arena

Draft opinion

Paragraph 7 a (new)

Draft opinion

Amendment

7a. Notes the intention of including a chapter in TiSA on the deployment of natural persons; is deeply concerned however about the current non-existence of statistics and data concerning the movement of natural persons (mode 4) under the already existing General Agreement on Trade in Services (GATS); underlines the importance of transparency for this category of service providers so as to monitor and avoid abuse and exploitation of third-country nationals, for example in the form of bogus self-employment; calls on the

Commission to urgently collate and present information on the number and type of service providers, including the duration of their stay, entering the EU through GATS mode 4; calls furthermore for an EU Directive to harmonise and monitor the flow of third-country individual service providers coming into the EU through these provisions in order to establish the conditions of entry and stay of individual service providers;

Or. en

Amendment 96

Marita Ulvskog, Georgi Pirinski, Siôn Simon, Joachim Schuster, Elena Gentile

Draft opinion

Paragraph 7 b (new)

Draft opinion

Amendment

7b. Underlines that any provisions concerning the deployment of natural persons or mode 4 provisions, must only concern highly skilled professionals, i.e. persons holding a University or equivalent Masters degree and employed in a senior managerial role, and the duration of their stay in the EU must be for a specific purpose, for a well determined, limited period of time and under precise conditions; therefore rejects any changes to the current mode 4 rules as defined in the GATS and considers that the current Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer should be revised in order to avoid abuse and social dumping;

Or. en

Amendment 97

Marita Ulvskog, Georgi Pirinski, Siôn Simon, Joachim Schuster, Elena Gentile, Maria

Arena

Draft opinion
Paragraph 7 c (new)

Draft opinion

Amendment

7c. Stresses that Member States must retain their full sovereignty as to whether or not to commit to any future Mode 4 provisions; underlines furthermore that any sectors included in these provisions must be identified together with and in full cooperation with the social partners;

Or. en

Amendment 98

Marita Ulvskog, Georgi Pirinski, Siôn Simon, Joachim Schuster, Elena Gentile, Sergio Gutiérrez Prieto, Javi López, Maria Arena

Draft opinion
Paragraph 7 d (new)

Draft opinion

Amendment

7d. Stresses that before making any new commitments on global trade in services, the Commission must present an extensive impact assessment of the effects on the economy and on the labour market of all current modes of GATS since its entry into force; calls furthermore on the Commission to as soon as possible present an impact assessment of TiSA with regards to working conditions, possible effects as to unfair competition and any eventual decline in certain sectors due to increased competition from third-countries;

Or. en