



2016/0402(COD)

11.9.2017

DRAFT OPINION

of the Committee on Employment and Social Affairs

for the Committee on the Internal Market and Consumer Protection

on the proposal for a directive of the European Parliament and of the Council
on the legal and operational framework of the European services e-card
introduced by Regulation[ESC regulation]....
(COM(2016)0823 – C8-0013/2017 – 2016/0402(COD))

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PA_Legam

AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) The main purpose of the European services e-card is to introduce a uniform and simplified procedure for service providers wishing to expand provision of services across internal market borders. The e-card represents an electronic certificate stating that a service provider is legally established in a Member State (the home Member State). Host Member States where a service provider is interested in expanding to should furthermore not apply, to holders of an e-card, their prior authorisation or notifications schemes put in place under national law to control access to or exercise of service activities, which is already the object of control before issue of a European services e-card.

Amendment

(12) The main purpose of the European services e-card, ***which is designed to be voluntary***, is to introduce a uniform and simplified procedure for service providers wishing to expand provision of services across internal market borders. The e-card represents an electronic certificate stating that a service provider is legally established in a Member State (the home Member State). Host Member States where a service provider is interested in expanding to should furthermore not apply, to holders of an e-card, their prior authorisation or notifications schemes put in place under national law to control access to or exercise of service activities, which is already the object of control before issue of a European services e-card.

Or. en

Amendment 2

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) A European services e-card should be valid for an indefinite ***period in time***, without prejudice to, in relation to temporary cross-border services, the effects of case-by-case derogations in accordance

Amendment

(42) A European services e-card should be valid for ***24 months and renewed automatically for the same period*** an indefinite ***number of times***, without prejudice to, in relation to temporary cross-border services, the effects of case-by-case

with Directive 2006/123/EC.

derogations in accordance with Directive 2006/123/EC. ***The renewal process should include a check of the validity of information relating to the service provider.***

Or. en

Justification

E-card should be limited in time and renewable - it is the best mechanism for effective oversight on service providers and the information they provide on themselves.

Amendment 3

Proposal for a directive Recital 43

Text proposed by the Commission

(43) A European services e-card should however be suspended by the issuing coordinating authority if, temporarily, the service provider is banned from providing the services in question. The suspension should last as long as the ban is in place. A European services e-card should be revoked by the issuing coordinating authority if the conditions for issuing it or for it to remain valid, as a testament of legality of service provision in the host Member State, are no longer met. A final decision establishing that an e-card holder misrepresented him or herself as a service provider and that, under national law of either home or host Member State he or she is considered to be a worker, should lead to the revocation of the European services e-cards in question. Similarly, cases of fraudulent, inaccurate or falsified information or documents used in the context of issuing a European services e-card should impact the validity of the e-card.

Amendment

(43) A European services e-card should however be suspended by the issuing coordinating authority if, temporarily, the service provider is banned from providing the services in question. The suspension should last as long as the ban is in place. A European services e-card should be revoked by the issuing coordinating authority if the conditions for issuing it or for it to remain valid, as a testament of legality of service provision in the host Member State, are no longer met. A final decision establishing that an e-card holder misrepresented him or herself as a service provider and that, under national law of either home or host Member State he or she is considered to be a worker, should lead to the revocation of the European services e-cards in question. Similarly, cases of fraudulent, inaccurate or falsified information or documents used in the context of issuing a European services e-card should impact the validity of the e-card. ***In order to prevent the existence of inaccurate or fraudulent information, the service provider should be obliged to update the information on the card regularly. Providing false information on***

the e-card should be subject to a fine established by the Member States.

Or. en

Justification

Penalisation in case of providing false information is a necessary requirement for better prevention of fraudulent behaviour.

Amendment 4

**Proposal for a directive
Article 5 – paragraph 1**

Text proposed by the Commission

1. A host Member State shall not impose any prior authorisation scheme, prior notification scheme or an establishment requirement on the holder of a *previously issued* European services e-card for temporary cross-border provision of services as a condition for such provision of services in its territory.

Amendment

1. A host Member State shall not impose any prior authorisation scheme, prior notification scheme or an establishment requirement on the holder of a European services e-card for temporary cross-border provision of services as a condition for such provision of services in its territory.

Or. en

Justification

Deleting redundant formulation.

Amendment 5

**Proposal for a directive
Article 5 – paragraph 2**

Text proposed by the Commission

2. A host Member State shall not impose any prior authorisation scheme or prior notification scheme on the holder of a *previously issued* European services e-card for establishment as a condition for establishment in its territory through a branch, agency or office located in its territory.

Amendment

2. A host Member State shall not impose any prior authorisation scheme or prior notification scheme on the holder of a European services e-card for establishment as a condition for establishment in its territory through a branch, agency or office located in its territory.

Amendment 6

Proposal for a directive Article 5 – paragraph 3

Text proposed by the Commission

3. A host Member State shall refrain from imposing on holders of a ***previously issued*** European services e-card requirements other than those referred to in paragraphs 1 and 2 the compliance of which has been or is deemed to have been verified under Articles 11 to 13.

Amendment

3. A host Member State shall refrain from imposing on holders of a European services e-card requirements other than those referred to in paragraphs 1 and 2 the compliance of which has been or is deemed to have been verified under Articles 11 to 13.

Or. en

Amendment 7

Proposal for a directive Article 5 – paragraph 4 – point v a (new)

Text proposed by the Commission

Amendment

v a) any requirements regarding measures relating to posted workers in accordance with the Article 9 of Directive 2014/67/EU.

Or. en

Justification

Clarification of relation to the enforcement directive on posting of workers which is relevant for notifications especially in the constructions industry.

Amendment 8

Proposal for a directive Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A European services e-card shall be valid for an indefinite **duration**, unless suspended, revoked or cancelled, in accordance with Articles 15 to 17.

Amendment

A European services e-card shall be valid for **24 months, and shall be automatically renewable** an indefinite **number of times**, unless suspended, revoked or cancelled, in accordance with Articles 15 to 17. **The renewal process shall be launched by the coordinating authority concerned and shall include a check of the validity of the information relating to the service provider. The service provider shall provide updated information if requested to do so by the coordinating authority concerned. The coordinating authority shall carry out checks and inspections, if necessary, in order to ascertain the occurrence of any event that may result in the suspension or revocation of the European services e-card pursuant to Article 15 or 16.**

Or. en

Amendment 9

**Proposal for a directive
Article 11 – paragraph 2**

Text proposed by the Commission

2. The coordinating authority of the home Member State shall, upon completion of the tasks referred to in paragraph 1, **communicate** without delay the application to the coordinating authority of the host Member State, with information to the applicant.

Amendment

2. The coordinating authority of the home Member State shall, upon completion of the tasks referred to in paragraph 1, **transfer** without delay the application to the coordinating authority of the host Member State, with information to the applicant.

Or. en

Amendment 10

Proposal for a directive

Article 12 – paragraph 3 – subparagraph 1

Text proposed by the Commission

If the host Member State does not object in accordance with paragraph 1, the coordinating authority of the home Member State shall issue the European services e-card without delay upon expiration of the extended time-limit resulting from the application of paragraph 2. ***In the absence of any objection under the second subparagraph of paragraph 1 and failing a decision by the coordinating authority of the home Member State upon expiration of the extended time-limit resulting from the application of paragraph 2, the European services e-card shall be deemed to have been issued by the home Member State in the terms communicated to the host Member State in accordance with Article 11(2).***

Amendment

If the host Member State does not object in accordance with paragraph 1, the coordinating authority of the home Member State shall issue the European services e-card without delay upon expiration of the extended time-limit resulting from the application of paragraph 2.

Or. en

Justification

The e-card is not a compulsory tool for providing services and its absence cannot prevent the service provider from providing the service. Therefore, authorities should have complete control over issuing it while the regime of the card being deemed as issued could be misleading and with risk of abuse.

Amendment 11

Proposal for a directive

Article 13 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The host Member State shall ***immediately*** inform the applicant and the coordinating authority of the home Member State of the prior authorisation or prior notification scheme in question, the conditions which the applicant is required to comply with

Amendment

No later than four weeks after receipt of the application, the host Member State shall inform the applicant and the coordinating authority of the home Member State of the prior authorisation or prior notification scheme in question, the

and of the necessity and proportionality thereof.

conditions which the applicant is required to comply with and of the necessity and proportionality thereof.

Or. en

Justification

For better legal clarity and certainty, it is appropriate to state precise deadline for authorities to act.

Amendment 12

**Proposal for a directive
Article 13 – paragraph 6**

Text proposed by the Commission

Amendment

6. In case the host Member State, upon expiration of the periods for its reaction mentioned in paragraphs , 2 and 4, does not request compliance with any condition under paragraph 1 or does not take the decision to issue the European services e-card under paragraph 4, the European services e-card shall be deemed to have been issued by the host Member State in the terms communicated to the host Member State in accordance with Article 11(2).

deleted

Or. en

Amendment 13

**Proposal for a directive
Article 13 – paragraph 7**

Text proposed by the Commission

Amendment

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 18 in order to specify the procedure for the coordinating authority of the host Member State to request clarifications or additional

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 18 in order to specify the procedure for the coordinating authority of the host Member State to request clarifications or additional

information from the home Member State as referred to in paragraph 5, **and to modify if necessary the time-limits mentioned in paragraphs 1 and 4.**

information from the home Member State as referred to in paragraph 5.

Or. en

Amendment 14

Proposal for a directive

Article 16 – paragraph 3 – introductory part

Text proposed by the Commission

3. Member States shall ensure coordinating authorities who issued a European services e-card revoke all European services e-cards issued for the same provider and service activities in case that provider:

Amendment

3. Member States shall ensure coordinating authorities who issued a European services e-card revoke, **by electronic means, through the IMI system,** all European services e-cards issued for the same provider and service activities in case that provider:

Or. en

Justification

The revocation procedure should be done through the appropriate and recognised system.

Amendment 15

Proposal for a directive

Article 17 – paragraph 6

Text proposed by the Commission

6. The holder of a European services e-card may request the cancellation of **its previously issued** European services e-card to the issuing coordinating authority at any time.

Amendment

6. The holder of a European services e-card may, **by electronic means,** request the cancellation of **the** European services e-card to the issuing coordinating authority at any time.

Or. en

Amendment 16

Proposal for a directive

Article 17 – paragraph 7 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Member States may impose a fine on a service provider that provides information that proves to be incorrect upon inspection.

Or. en