



**2016/0403(COD)**

6.11.2017

# **AMENDMENTS**

## **16 - 104**

**Draft opinion**

**Marian Harkin**

(PE606.170v01-00)

on the proposal for a regulation of the European Parliament and of the Council introducing a European services e-card and related administrative facilities

Proposal for a regulation

(COM(2016)0824 – C8-0014/2017 – 2016/0403(COD))



## **Amendment 16**

**Rina Ronja Kari, Paloma López Bermejo, Gabriele Zimmer**

### **Proposal for a regulation**

—

*Proposal for a rejection*

***The Committee on Employment and Social Affairs calls on the Committee on Internal Market and Consumer Protection, as the committee responsible, to propose rejection of the Commission proposal.***

Or. en

*Justification*

*The proposal should be withdrawn as it does not adequately address the challenges facing the service sector. The proposal seeks to improve the movement of cross border services in the EU. However, the main challenges in sectors such as the construction sector is not a lack of free movement for service providers. Rather it is the clear lack of control of service providers which consequently has exacerbated the problem of social dumping. National authorities need instruments to conduct much better and thorough control and supervision of service providers that do not live up to the rules and regulations of the host member state. This consequence of this proposal would prevent Member State authorities from enforcing existing rules and control measures.*

## **Amendment 17**

**Evelyn Regner, Jutta Steinruck, Guillaume Balas, Ole Christensen, Edouard Martin, Joachim Schuster, Sergio Gutiérrez Prieto, Maria Arena, Birgit Sippel, Georgi Pirinski, Brando Benifei, Javi López, Agnes Jongerius**

### **Proposal for a regulation**

—

*Proposal for a rejection*

***The Committee on Employment and Social Affairs calls on the Committee on Internal Market and Consumer Protection, as the committee responsible, to propose rejection of the Commission proposal.***

Or. en

## Justification

*The legislative proposals introduce the country of origin principle through the backdoor, make it easier for dishonest companies and bogus self-employed persons to engage in cross-border activities, facilitate the circumvention of social and labour standards and undermine control measures. The Commission should rather focus on the implementation of the Services Directive, the creation of the European Labour Authority and a European Social Security number in order to enhance the internal market.*

### **Amendment 18**

**Rina Ronja Kari, Paloma López Bermejo**

#### **Proposal for a regulation**

##### **Recital 3**

###### *Text proposed by the Commission*

(3) Directive 2006/123/EC requires Member States to put in place and keep constantly updated Points of Single Contacts where a service provider wishing to establish or to provide services can find all relevant information about requirements to be complied with and e-procedures in respect of all formalities, authorisations and notifications to go through. ***However, costly information challenges and difficulties complying with national procedures at a distance remain to date for service providers, namely for sector-related requirements. Cooperation between the administrations of different Member States should in principle take place via the Internal Market Information System (IMI), an IT-platform offered for cross-border exchange of information and mutual assistance between authorities in different Member States under that Directive. Despite the fact that authorities sometimes have doubts with regard to the legal establishment of a provider in another Member State, the possibilities for cooperation currently provided in IMI are not exploited to their full potential.***

###### *Amendment*

(3) Directive 2006/123/EC requires Member States to put in place and keep constantly updated Points of Single Contacts where a service provider wishing to establish or to provide services can find all relevant information about requirements to be complied with and e-procedures in respect of all formalities, authorisations and notifications to go through.

Or. en

**Amendment 19**  
**Jeroen Lenaers**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) Directive 2006/123/EC requires Member States to put in place and keep constantly updated Points of Single Contacts where a service provider wishing to establish or to provide services can find all relevant information about requirements to be complied with and e-procedures in respect of all formalities, authorisations and notifications to go through. However, costly information challenges and difficulties complying with national procedures at a distance remain to date for service providers, namely for sector-related requirements. Cooperation between the administrations of different Member States should in principle take place via the Internal Market Information System (IMI), an IT-platform offered for cross-border exchange of information and mutual assistance between authorities in different Member States under that Directive. Despite the fact that authorities sometimes have doubts with regard to the legal establishment of a provider in another Member State, the possibilities for cooperation currently provided in IMI are not exploited to their full potential.

*Amendment*

(3) Directive 2006/123/EC requires Member States to put in place and keep constantly updated Points of Single Contacts where a service provider wishing to establish or to provide services can find all relevant information about requirements to be complied with and e-procedures in respect of all formalities, authorisations and notifications to go through. ***The Points of Single Contacts need to be upgraded in line with the proposal for a Regulation of the European Parliament and of the Council on establishing a single digital gateway to provide information, procedures, assistance and problem solving services and amending Regulation (EU) No 1024/2012<sup>1a</sup>.*** However, costly information challenges and difficulties complying with national procedures at a distance remain to date for service providers, namely for sector-related requirements. Cooperation between the administrations of different Member States should in principle take place via the Internal Market Information System (IMI), an IT-platform offered for cross-border exchange of information and mutual assistance between authorities in different Member States under that Directive. Despite the fact that authorities sometimes have doubts with regard to the legal establishment of a provider in another Member State, the possibilities for cooperation currently provided in IMI are not exploited to their full potential.

Or. nl

**Amendment 20**  
**Anne Sander**

**Proposal for a regulation**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**(3a) In order to create the correct conditions for the introduction of the European services e-card, the Internal Market Information System (IMI) needs to be thoroughly recast to make it more user-friendly and accessible. This should go hand in hand with training the coordinating authorities in the use of this new computer tool, and with the roll-out of digital technology, throughout Europe.**

Or. fr

**Amendment 21**  
**Jeroen Lenaers**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

(4) Requirements remain in place which make expansion of service providers' operations across the internal market burdensome and unappealing, such as multiple and disparate authorisation schemes before different authorities and, which, regarding establishment, fail to achieve mutual recognition of conditions previously complied with in other Member States or, regarding temporary cross-border provision of services apply disproportionate or unjustified restrictions. As a consequence, service providers face multiple and disproportionate compliance costs when going cross-border.

(4) Requirements remain in place which **can** make expansion of service providers' operations across the internal market burdensome and unappealing, such as multiple and disparate authorisation schemes before different authorities and, which, regarding establishment, fail to achieve mutual recognition of conditions previously complied with in other Member States or, regarding temporary cross-border provision of services **sometimes** apply disproportionate or unjustified restrictions. As a consequence, **in some cases** service providers **may** face multiple and disproportionate compliance costs when going cross-border.

Or. nl

**Amendment 22**  
**Heinz K. Becker**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

(6) Cross-border trade and cross-border investment in certain business ***and construction services*** are particularly low showing a potential for better integration of services markets with significant negative repercussions for the remaining part of the economy. This underperformance leads to situations where the potential for more growth and jobs in the Single Market has not been fully exploited.

*Amendment*

(6) Cross-border trade and cross-border investment in certain business are particularly low showing a potential for better integration of services markets with significant negative repercussions for the remaining part of the economy. This underperformance leads to situations where the potential for more growth and jobs in the Single Market has not been fully exploited.

Or. en

**Amendment 23**  
**Ádám Kósa**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) This Regulation aims to facilitate the freedom of establishment and the free movement of services within the single market in areas already covered by Directive 2006/123/EC through the adoption of further measures on approximation of provisions which have as their object the establishment and functioning of the internal market. It should be based on Article 114 of the TFUE.

*Amendment*

(8) This Regulation aims to facilitate the freedom of establishment and the free movement of services within the single market in areas already covered by Directive 2006/123/EC through the adoption of further measures on approximation of provisions which have as their object the establishment and functioning of the internal market. It should be based on Article 114 of the TFUE. ***During the e-card procedure for secondary establishment, a separate mechanism for suspending/withdrawing the e-card and the possibility of case-by-case derogations must be ensured.***

**Amendment 24**  
**Jeroen Lenaers**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) This Regulation aims to facilitate the freedom of establishment and the free movement of services within the single market in areas already covered by Directive 2006/123/EC through the adoption of further measures on approximation of provisions which have as their object the establishment and functioning of the internal market. It should be based on Article 114 of the **TFUE**.

*Amendment*

(8) This Regulation aims to facilitate the freedom of establishment and the free movement of services within the single market in **certain** areas already covered by Directive 2006/123/EC through the adoption of further measures on approximation of provisions which have as their object the establishment and functioning of the internal market. It should be based on Article 114 of the **TFEU**.

Or. nl

**Amendment 25**  
**Jeroen Lenaers**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) In so doing, this Regulation specifically targets business **and construction service** sectors included in scope of Directive ...[ESC Directive]... which face some of the most stringent regulatory and administrative barriers to cross-border expansion and consequently have an unexploited potential for internal market integration.

*Amendment*

(10) In so doing, this Regulation specifically targets business sectors included in scope of Directive ...[ESC Directive]... which face some of the most stringent regulatory and administrative barriers to cross-border expansion and consequently have an unexploited potential for internal market integration.

Or. nl





**Amendment 28**  
**Jeroen Lenaers**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) The European services e-card should be fully electronic, rely *almost* exclusively on data provided by reliable sources, limit the use of documents to the minimum necessary and allow for multilingual processing to avoid translation costs. In order to make the procedure fully electronic and allow for administrative cooperation between home and host Member States. The Internal Market Information system set up by Regulation (EU) No 1024/2012 of the European Parliament and of the Council<sup>22</sup> should be used under this Regulation. A specific electronic platform should be developed for the purpose of issuing, updating, suspending, revoking or cancelling European services e-cards, as well as to make valid European services e-cards electronically available to their holders and to competent authorities.

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<sup>22</sup> Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ( ‘the IMI Regulation’ ) (OJ L 316, 14.11.2012, p. 1)

*Amendment*

(14) The European services e-card should be fully electronic, rely exclusively on *valid and authentic* data *verified by the home and host Member States* and provided by reliable sources, limit the use of documents to the minimum necessary and allow for multilingual processing to avoid translation costs. In order to make the procedure fully electronic and allow for administrative cooperation between home and host Member States. The Internal Market Information system set up by Regulation (EU) No 1024/2012 of the European Parliament and of the Council<sup>22</sup> should be used under this Regulation. A specific electronic platform should be developed for the purpose of issuing, updating, suspending, revoking or cancelling European services e-cards, as well as to make valid European services e-cards electronically available to their holders and to competent authorities.

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<sup>22</sup> Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ( ‘the IMI Regulation’ ) (OJ L 316, 14.11.2012, p. 1)

Or. nl

**Amendment 29**  
**Tatjana Ždanoka**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) The European services e-card should be fully electronic, rely almost exclusively on data provided by reliable sources, limit the use of documents to the minimum necessary and allow for multilingual processing to avoid translation costs. In order to make the procedure fully electronic and allow for administrative cooperation between home and host Member States. The Internal Market Information system set up by Regulation (EU) No 1024/2012 of the European Parliament and of the Council<sup>22</sup> should be used under this Regulation. A specific electronic platform should be developed for the purpose of issuing, updating, suspending, revoking or cancelling European services e-cards, as well as to make valid European services e-cards electronically available to their holders and to competent authorities.

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<sup>22</sup> Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ( ‘the IMI Regulation’ ) (OJ L 316, 14.11.2012, p. 1)

*Amendment*

(14) The European services e-card should be fully electronic, rely almost exclusively on data provided by *home Member State and other* reliable sources, limit the use of documents to the minimum necessary and allow for multilingual processing to avoid translation costs. In order to make the procedure fully electronic and allow for administrative cooperation between home and host Member States. The Internal Market Information system set up by Regulation (EU) No 1024/2012 of the European Parliament and of the Council<sup>22</sup> should be used under this Regulation. A specific electronic platform should be developed for the purpose of issuing, updating, suspending, revoking or cancelling European services e-cards, as well as to make valid European services e-cards electronically available to their holders and to competent authorities.

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<sup>22</sup> Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ( ‘the IMI Regulation’ ) (OJ L 316, 14.11.2012, p. 1)

Or. en

**Amendment 30**  
**Heinz K. Becker**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) The European services e-card should be fully electronic, rely almost exclusively on **data** provided by reliable sources, limit the use of documents to the minimum necessary and allow for multilingual processing to avoid translation costs. In order to make the procedure fully electronic and allow for administrative cooperation between home and host Member States. The Internal Market Information system set up by Regulation (EU) No 1024/2012 of the European Parliament and of the Council<sup>22</sup> should be used under this Regulation. A specific electronic platform should be developed for the purpose of issuing, updating, suspending, revoking or cancelling European services e-cards, as well as to make valid European services e-cards electronically available to their holders and to competent authorities.

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*Amendment*

(14) The European services e-card should be fully electronic, rely almost exclusively on **valid and authentic data verified by the home Member State and** provided by reliable sources, limit the use of documents to the minimum necessary and allow for multilingual processing to avoid translation costs. In order to make the procedure fully electronic and allow for administrative cooperation between home and host Member States. The Internal Market Information system set up by Regulation (EU) No 1024/2012 of the European Parliament and of the Council<sup>22</sup> should be used under this Regulation. A specific electronic platform should be developed for the purpose of issuing, updating, suspending, revoking or cancelling European services e-cards, as well as to make valid European services e-cards electronically available to their holders and to competent authorities.

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<sup>22</sup> Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ( ‘the IMI Regulation’ ) (OJ L 316, 14.11.2012, p. 1)

Or. en

**Amendment 31**

**Anne Sander**

**Proposal for a regulation**

**Recital 15**

*Text proposed by the Commission*

(15) In order to submit an application

PE612.184v02-00

*Amendment*

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for a European services e-card, a harmonised multilingual form should be made available ensuring that the elements necessary for identification of the provider and of the services for which the e-card is requested, as well as for the assessment of specific requirements applicable to the services at stake, such as those regarding proof of its establishment in the home Member State, good repute or insurance coverage, are included and thus made available to coordinating authorities in **both home and** host Member States.

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Or. fr

## Amendment 32

Dieter-Lebrecht Koch, Theodoros Zagorakis, Heinz K. Becker, Marek Plura

### Proposal for a regulation

#### Recital 15

##### *Text proposed by the Commission*

(15) In order to submit an application for a European services e-card, a harmonised multilingual form should be made available ensuring that the elements necessary for identification of the provider and of the services for which the e-card is requested, as well as for the assessment of specific requirements applicable to the services at stake, such as those regarding proof of its establishment in the home Member State, good repute or insurance coverage, are included and thus made available to coordinating authorities in both home and host Member States.

##### *Amendment*

(15) In order to submit an application for a European services e-card, a harmonised multilingual form should be made available ensuring that the elements necessary for identification of the provider and of the services for which the e-card is requested, as well as for the assessment of specific requirements applicable to the services at stake, such as those regarding proof of its establishment in the home Member State, good repute or insurance coverage, are included and thus made available to coordinating authorities in both home and host Member States. ***The application for a European services e-card should be submitted to the coordinating authority of the home Member State, where the applicant has its previous legal establishment, to be checked by that same home Member State during its assessment of the application.***

*As in the context of Directive 2006/123/EC, in case of several places of establishment for the services concerned, the location of the provider's centre of activities relating to the particular service in question should be that place of establishment. The determination that the home Member State in relation to one or more e-cards is not where the centre of activities of its holder is located should determine the revocation of those e-cards.*

Or. en

*Justification*

*Regarding prevention of forum shopping.*

**Amendment 33**

**Anne Sander**

**Proposal for a regulation**

**Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

*(16a) The Commission should specify as soon as possible all the categories which will appear in the type application form and the list of supporting documents to be attached.*

Or. fr

**Amendment 34**

**Dieter-Lebrecht Koch, Theodoros Zagorakis, Heinz K. Becker, Marek Plura**

**Proposal for a regulation**

**Recital 17**

*Text proposed by the Commission*

*Amendment*

(17) During the implementation of this Regulation, Member States should inform and update the Commission of procedures

(17) During the implementation of this Regulation, Member States should inform and update the Commission of procedures

imposed under national law on incoming cross-border providers wishing to provide services temporarily or through a branch, agency or office, including the information and documents to which those procedures pertain, to allow for the preparation of application forms. In order to ensure uniform implementation concerning the necessary information to be provided for the application of the European service e-card, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>23</sup>.

imposed under national law on incoming cross-border providers wishing to provide services temporarily or through a branch, agency or office, including the information and documents to which those procedures pertain, to allow for the preparation of application forms. In order to ensure uniform implementation concerning the necessary information to be provided for the application of the European service e-card, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>23</sup>.

***The application form should be based only on legitimate requirements, notification and authorization schemes in line with the Services Directive. The inclusion of data-fields in the application forms to be filled-in with relevance for national requirements, prior notification and prior authorization schemes of the host Member State is without prejudice to the Commission's powers under the Treaties and the Member States' obligation to comply with the provisions on Union law.***

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<sup>23</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)

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<sup>23</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)

Or. en

#### *Justification*

*Regarding clarification that the application forms are tailored to the individual member state requirements.*

**Amendment 35**  
**Jeroen Lenaers**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) Description of the terms of coverage of a mandatory or voluntary insurance included in written contracts might be difficult to find. Insurance distributors, as well as bodies appointed by a Member State to provide compulsory insurance, should therefore provide a description of the core elements of coverage to their client in the format of an insurance certificate. This certificate should be annexed to the application form.  
***In order to ensure uniform implementation of this part of the Regulation, implementing powers should be conferred on the Commission to adopt a harmonised format for the certificates. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.***

*Amendment*

(18) Description of the terms of coverage of a mandatory or voluntary insurance included in written contracts might be difficult to find. Insurance distributors, as well as bodies appointed by a Member State to provide compulsory insurance, should therefore provide a description of the core elements of coverage to their client in the format of an insurance certificate. This certificate should be annexed to the application form.

Or. nl

**Amendment 36**  
**Ulrike Trebesius**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) Description of the terms of coverage of a mandatory or voluntary insurance included in written contracts might be difficult to find. Insurance distributors, ***as well as bodies appointed by a Member State to provide compulsory insurance***, should therefore provide a description of the core elements of

*Amendment*

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coverage to their client in the format of an insurance certificate. This certificate should be annexed to the application form. In order to ensure uniform implementation of this part of the Regulation, implementing powers should be conferred on the Commission to adopt a harmonised format for the certificates. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.

should be annexed to the application form. In order to ensure uniform implementation of this part of the Regulation, implementing powers should be conferred on the Commission to adopt a harmonised format for the certificates. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.

Or. de

### **Amendment 37**

**Dieter-Lebrecht Koch, Ádám Kósa, Theodoros Zagorakis, Heinz K. Becker, Danuta Jazłowiecka**

#### **Proposal for a regulation**

##### **Recital 19**

###### *Text proposed by the Commission*

(19) Holders of a European services e-card may want to second staff into the territory of the host Member State. When doing so, service providers may be subject to requirements, such as *prior* declarations addressed to the host Member State, necessary for the protection of posted workers. The European Services e-card will in no way affect the content of such declarations and the responsibilities by the host Member State in that regard.

###### *Amendment*

(19) Holders of a European services e-card may want to second staff into the territory of the host Member State. When doing so, service providers may be subject to requirements, such as declarations addressed to the host Member State, necessary for the protection of posted workers. The European Services e-card will in no way affect the content of such declarations and the responsibilities by the host Member State in that regard.

Or. en

###### *Justification*

*Article 9 of Directive 2014/67/EU states an obligation for a services provider established in another Member State to make a simple declaration to the responsible national competent authorities at the latest at the commencement of service provisions.*

### **Amendment 38**

**Dieter-Lebrecht Koch, Danuta Jazłowiecka, Heinz K. Becker, Theodoros Zagorakis,**

**Ádám Kósa**

**Proposal for a regulation**

**Recital 21**

*Text proposed by the Commission*

(21) As regards the *prior* declaration that may be required under Article 9 of Directive 2014/67/EU of the European Parliament and of the Council<sup>25</sup>, the electronic platform connected to IMI should direct holders of a European services e-card to electronic national procedures put in place in the host Member State where the workers will be posted, wherever such national procedures allow for the electronic submission of the above-mentioned *prior* declaration.

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<sup>25</sup> Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11)

*Amendment*

(21) As regards the declaration that may be required under Article 9 of Directive 2014/67/EU of the European Parliament and of the Council<sup>25</sup>, the electronic platform connected to IMI should direct holders of a European services e-card to electronic national procedures put in place in the host Member State where the workers will be posted, wherever such national procedures allow for the electronic submission of the above-mentioned declaration.

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<sup>25</sup> Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 159, 28.5.2014, p. 11)

Or. en

*Justification*

*Article 9 of Directive 2014/67/EU states an obligation for a services provider established in another Member State to make a simple declaration to the responsible national competent authorities at the latest at the commencement of service provisions.*

**Amendment 39**

**Danuta Jazłowiecka**

**Proposal for a regulation**

**Recital 21**



to workers posted in their territory, holders of a European services e-card shall be able to submit a declaration as referred to in Article 9 of Directive 2014/67/EU directly to the competent authority in the host Member State as defined in Article 2(a) of Directive 2014/67/EU, through the electronic platform connected to IMI. To that end, a host Member State should provide all the elements required in accordance with point a) of paragraph 1 and paragraph 2 of Article 9 of Directive 2014/67/EU as the basis for a multi-lingual form to be submitted for the declaration of posted workers on its territory. The Commission should publish this form in the Official Journal and make it available in the electronic platform connected to IMI. The relevant information with regard to the elements required should be available for the host Member State concerned in full compliance with the language requirements set out in Article 9(1)(a) of Directive 2014/67/EU. The experience of these Member States with the use of the electronic platform connected to IMI should be part of the assessment foreseen in the second subparagraph of Article 19 of this Regulation.

workers posted in their territory, holders of a European services e-card shall be able to submit a declaration as referred to in Article 9 of Directive 2014/67/EU directly to the competent authority in the host Member State as defined in Article 2(a) of Directive 2014/67/EU, through the electronic platform connected to IMI. To that end, a host Member State should provide all the elements required in accordance with point a) of paragraph 1 and paragraph 2 of Article 9 of Directive 2014/67/EU as the basis for a multi-lingual form to be submitted for the declaration of posted workers on its territory. The Commission should publish this form in the Official Journal and make it available in the electronic platform connected to IMI. The relevant information with regard to the elements required should be available for the host Member State concerned in full compliance with the language requirements set out in Article 9(1)(a) of Directive 2014/67/EU. The experience of these Member States with the use of the electronic platform connected to IMI should be part of the assessment foreseen in the second subparagraph of Article 19 of this Regulation.

Or. en

#### *Justification*

*Article 9 of Directive 2014/67/EU states an obligation for a services provider established in another Member State to make a simple declaration to the responsible national competent authorities at the latest at the commencement of service provisions.*

**Amendment 41**  
**Heinz K. Becker**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) Procedures for issuing, updating, suspending or revoking a European services e-card should make use of documents ***only in exceptional circumstances***, when more detailed information is absolutely essential. In any case, ***all of such*** documents should be ***used and*** accepted ***in simple form***.

*Amendment*

(25) Procedures for issuing, updating, suspending or revoking a European services e-card should make use of documents when more detailed information is absolutely essential. In any case, ***only certified*** documents should be accepted.

Or. en

**Amendment 42**  
**Jeroen Lenaers**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) Procedures for issuing, updating, suspending or revoking a European services e-card should make use of documents ***only in exceptional circumstances***, when more detailed information is absolutely essential. In any case, all of such documents should be used and accepted in simple form.

*Amendment*

(25) Procedures for issuing, updating, suspending or revoking a European services e-card should make use of documents when more detailed information is absolutely essential. In any case, all of such documents should be used and accepted in simple form.

Or. nl

**Amendment 43**  
**Jeroen Lenaers**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

(30) Service providers obliged to acquire professional liability insurance in Member States where they have not been active often have difficulty demonstrating

*Amendment*

(30) Service providers obliged to acquire professional liability insurance in Member States where they have not been active often have difficulty demonstrating

their claims history regarding cover obtained elsewhere. Claims histories are an essential element to insurance distributors in ascertaining and assessing the risk profile of a potential client. Demonstration is difficult due to poor communication between insurance distributors across internal market borders but also to disparities in describing the track-record of an insured party, even within the same Member State. ***Insurance distributors and bodies appointed by a Member State to provide compulsory insurance cover should therefore be obliged to issue a statement relating to the third party liability claims which can then be used across borders and even domestically, should a service provider change insurance distributor.***

their claims history regarding cover obtained elsewhere. Claims histories are an essential element to insurance distributors in ascertaining and assessing the risk profile of a potential client. Demonstration is difficult due to poor communication between insurance distributors across internal market borders but also to disparities in describing the track-record of an insured party, even within the same Member State.

Or. nl

**Amendment 44**  
**Heinz K. Becker**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

(30) Service providers obliged to acquire professional liability insurance in Member States where they have not been active often have difficulty demonstrating their claims history regarding cover obtained elsewhere. Claims histories are an essential element to insurance distributors in ascertaining and assessing the risk profile of a potential client. ***Demonstration is difficult due to poor communication between insurance distributors across internal market borders but also to disparities in describing the track-record of an insured party, even within the same Member State.*** Insurance distributors and bodies appointed by a Member State to provide compulsory insurance cover

*Amendment*

(30) Service providers obliged to acquire professional liability insurance in Member States where they have not been active often have difficulty demonstrating their claims history regarding cover obtained elsewhere. Claims histories are an essential element to insurance distributors in ascertaining and assessing the risk profile of a potential client. Insurance distributors and bodies appointed by a Member State to provide compulsory insurance cover should therefore be obliged to issue a statement relating to the third party liability claims which can then be used across borders and even domestically, should a service provider

should therefore be obliged to issue a statement relating to the third party liability claims which can then be used across borders and even domestically, should a service provider change insurance distributor.

change insurance distributor.

Or. en

**Amendment 45**  
**Jeroen Lenaers**

**Proposal for a regulation**  
**Recital 31**

*Text proposed by the Commission*

*Amendment*

**(31) In order to ensure uniform implementation of this Regulation in relation to the presentation of the description of liabilities, implementing powers to adopt rules on the standardised presentation format of that statement should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.**

*deleted*

Or. nl

**Amendment 46**  
**Rina Ronja Kari, Paloma López Bermejo**

**Proposal for a regulation**  
**Recital 31**

*Text proposed by the Commission*

*Amendment*

**(31) In order to ensure uniform implementation of this Regulation in relation to the presentation of the description of liabilities, implementing powers to adopt rules on the standardised presentation format of that statement**

*deleted*

*should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.*

Or. en

**Amendment 47**  
**Ulrike Trebesius**

**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

(32) A statement relating to claims history should be instrumental in ***allowing insurance distributors and bodies appointed by a Member State to provide compulsory indemnity insurance to ban discriminatory practices towards cross-border providers of which information is more scarce and difficult to obtain. The same non-discrimination principle should apply to professional organisations who offer group cover to their members or other service providers.***

*Amendment*

(32) A statement relating to claims history should be instrumental in ***making it easier for insurance distributors to provide voluntary insurance cover. The taking-out of insurance cover shall be governed by the market.*** Professional organisations ***which*** offer group cover to their members or other service providers ***should also be able to offer insurance cover to foreign workers.***

Or. de

**Amendment 48**  
**Ulrike Trebesius**

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

(33) ***A single coordinating authority should be designated by each Member State to carry out the tasks provided for in this Regulation, without prejudice to the competences set out in applicable national legislation. Such*** authorities should be

*Amendment*

(33) To carry out the tasks provided for in this Regulation, ***use should be made of the ‘Points of Single Contact’ (PSCs) established in the Services Directive. It would not be proportionate to set up new*** authorities. ***PSCs*** should be registered as a



registered as a competent authority in the Internal Market Information system for the purposes of Regulation (EU) 1024/2012 and communicated to the Commission.

competent authority in the Internal Market Information system for the purposes of Regulation (EU) 1024/2012 and communicated to the Commission.

Or. de

## Amendment 49

Dieter-Lebrecht Koch, Theodoros Zagorakis, Heinz K. Becker, Marek Plura

### Proposal for a regulation

#### Recital 33

##### *Text proposed by the Commission*

(33) A single coordinating authority should be designated by each Member State ***to carry out the tasks provided for in this Regulation***, without prejudice to the competences set out in applicable national legislation. ***Such*** authorities should be registered as a competent authority in the Internal Market Information system for the purposes of Regulation (EU) 1024/2012 and communicated to the Commission.

##### *Amendment*

(33) A single coordinating authority should be designated by each Member State ***as focal points for all cross-border exchanges of information between competent authorities of home and host Member States, which do not take place automatically through interconnection of registers as well as sole intermediaries of all exchanges of information between competent authorities and applicants or holders of European services e-cards***, without prejudice to the competences set out in applicable national legislation: ***assessment of applications for e-cards requests for information and decisions whether to issue an e-card or whether to suspend or revoke it should all be fulfilled in substance by the competent authorities in charge already today of controlling service providers expanding operations across-borders. Apart from the e-card applicants or holders, the coordinating authorities should remain the sole actors for the purposes of progressing the procedural workflow in the electronic platform developed for the European services e-card. Such coordinating*** authorities should be registered as a competent authority in the Internal Market Information system for the purposes of Regulation (EU) 1024/2012 and

communicated to the Commission.

Or. en

### *Justification*

*Regarding clarification that the new coordinating authority only coordinates the administrative procedure and that the competent authorities in charge already today do not lose their current responsibilities.*

## **Amendment 50** **Tatjana Ždanoka**

### **Proposal for a regulation** **Recital 34**

#### *Text proposed by the Commission*

(34) The application of this Regulation should be monitored and assessed in order to determine its impact on the costs of expanding operations cross-border, increased transparency about cross-border providers, competition, prices and quality of the services provided. The effects of this Regulation and the practical functioning of the cooperation between coordinating authorities should be evaluated **regularly**. This monitoring will happen in cooperation with Member States, social partners and other relevant stakeholders.

#### *Amendment*

(34) The application of this Regulation should be **regularly** monitored and assessed in order to determine its impact on the costs of expanding operations cross-border, increased transparency about cross-border providers, competition, prices and quality of the services provided. The effects of this Regulation and the practical functioning of the cooperation between coordinating authorities should be evaluated **at least once in two years**. This monitoring will happen in cooperation with Member States, social partners and other relevant stakeholders.

Or. en

## **Amendment 51** **Ulrike Trebesius**

### **Proposal for a regulation** **Recital 36**

#### *Text proposed by the Commission*

(36) *Since the objectives of this Regulation cannot be sufficiently*

#### *Amendment*

*deleted*

*achieved by the Member States in view of the risk of complexity and inconsistency of regulatory approaches of certain services across Member States but can rather, by reason of enhanced administrative coordination and harmonisation across the Union, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.*

Or. de

**Amendment 52**  
**Ulrike Trebesius**

**Proposal for a regulation**  
**Recital 37**

*Text proposed by the Commission*

(37) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Regulation, through the introduction of the European services e-card and related administrative facilities and procedures, seeks to promote the rights of establishment and the right to provide services in any Member State, preventing any discrimination on grounds of nationality **and ensuring impartial, fair and reasonably speed procedure**, in accordance with Articles 15, 21 and 41 of the Charter of Fundamental Rights of the European Union, while ensuring full respect **of** the protection of personal data, including in accordance with Regulation (EC) No 45/2001 of the European

*Amendment*

(37) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Regulation, through the introduction of the European services e-card and related administrative facilities and procedures, seeks to promote the rights of establishment and the right to provide services in any Member State, preventing any discrimination on grounds of nationality. **At the same time, this Regulation must not restrict the leeway available to Member States and lower-tier regional units. In addition**, in accordance with Articles 15, 21 and 41 of the Charter of Fundamental Rights of the European Union, **there must be an impartial, fair and reasonably speedy procedure** while

Parliament and of the Council<sup>28</sup>, and giving due consideration to the risk of abuse of rights provided for respectively in Articles 8 and 54 of that Charter.

ensuring full respect *for* the protection of personal data, including in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>28</sup>, and giving due consideration to the risk of abuse of rights provided for respectively in Articles 8 and 54 of that Charter.

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Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the institutions and bodies of the Community and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

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Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the institutions and bodies of the Community and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

Or. de

**Amendment 53**  
**Ulrike Trebesius**

**Proposal for a regulation**  
**Article 2 – paragraph 2 – subparagraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***This Regulation shall not apply to the area regulated by Directive 2005/36/EC.***

Or. de

**Amendment 54**  
**Ulrike Trebesius**

**Proposal for a regulation**  
**Article 2 – paragraph 2 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***This Regulation shall not apply to the area covered by the Professional Qualifications Recognition Directive (2005/36/EC).***

**Amendment 55**

**Rina Ronja Kari, Paloma López Bermejo**

**Proposal for a regulation**

**Article 2 – paragraph 3 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***This Regulation shall be without prejudice to the different labour market models of the Member States, including labour markets regulated by collective agreements.***

Or. en

**Amendment 56**

**Dieter-Lebrecht Koch, Theodoros Zagorakis, Heinz K. Becker, Georges Bach, Marek Plura**

**Proposal for a regulation**

**Article 2 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. This Regulation is without prejudice to other Union acts related to social security and labour law, including any legal or contractual provision concerning employment conditions, working conditions, in particular health and safety at work and the relationship between employers and workers.***

Or. en

*Justification*

*This regulation does not touch upon existing legislation on social issues.*

**Amendment 57**

**Dieter-Lebrecht Koch, Ádám Kósa, Theodoros Zagorakis, Heinz K. Becker**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point -1 (new)**

*Text proposed by the Commission*

*Amendment*

**-1 "European services e-card":**  
**means an electronic tool, resulting from a harmonised procedure, proving that its holder is a service provider legally established in the home Member State, entitled, in that territory, to provide the service activities in question, as well as stipulating the right of its holder to start provision of the services in question in the host Member State, without establishing there or through a branch, an agency or office located therein, as the case may be, and to continue such provision, for as long as it remains valid;**

Or. en

*Justification*

*For the purpose of clarity, it is necessary to provide a definition of the European services e-card.*

**Amendment 58**  
**Anne Sander**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 14**

*Text proposed by the Commission*

*Amendment*

14. 'home Member State' means:  
**"home Member State" means the Member State to which a provider addressed the application for a European services e-card;**

14. 'home Member State' means: ***in order to reduce the risk of cascading applications making certain fraudulent companies impossible to trace, it is important to specify that the home Member State is the place of establishment of the provider from which he carries on a regular activity;***

Or. fr

## Amendment 59

Dominique Martin, Joëlle Mélin, Mara Bizzotto

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 17

*Text proposed by the Commission*

17. ‘coordinating authority’ means an authority *designated* in accordance with Article 17;

*Amendment*

17. ‘coordinating authority’ means an authority *conferred* in accordance with Article 17 *on an existing state body without the need to create a new authority, in order to achieve savings in the EU budget;*

Or. fr

## Amendment 60

Tatjana Ždanoka

### Proposal for a regulation

#### Article 4 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

Providers may choose to apply for a European services e-card.

*Amendment*

Providers may *voluntarily* choose to apply for a European services e-card.

Or. en

## Amendment 61

Tatjana Ždanoka

### Proposal for a regulation

#### Article 4 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

Any applications for a European services e-card shall be submitted in an electronic platform connected to IMI using a multilingual standard form.

*Amendment*

Any applications for a European services e-card shall be submitted in an electronic platform connected to IMI using a multilingual standard form, *which shall be available in all the languages of*

**Amendment 62**  
**Tatjana Ždanoka**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – subparagraph 3 – point a**

*Text proposed by the Commission*

(a) identification of the provider, including, *where applicable*, registration numbers in central, commercial or company registers and for tax and social security purposes;

*Amendment*

(a) identification of the provider, including registration numbers in central, commercial or company registers and for tax and social security purposes *in the home Member State*;

**Amendment 63**  
**Dieter-Lebrecht Koch, Theodoros Zagorakis, Heinz K. Becker**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – subparagraph 3 – point d**

*Text proposed by the Commission*

(d) information *pertaining to* establishment of the provider in the home Member State in relation to the service activity identified in accordance with (b), including the date of initial establishment and identification of other Member States of establishment;

*Amendment*

(d) information *describing the circumstances of* establishment of the provider in the home Member State in relation to the service activity identified in accordance with (b), *with consideration for the host Member State in question*, including the date of initial establishment and identification of other Member States of establishment;

*Justification*

*Regarding clarification that the application forms are tailored to the individual member state requirements.*



**Amendment 64**  
**Dominique Martin, Joëlle Mélin, Mara Bizzotto**

**Proposal for a regulation**  
**Article 4 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Information on service providers deemed to be their personal data must be protected and accessible only to authorised persons. Such information must comply with the rules on the protection of personal data contained in Directive 95/46/EC, Regulation (EU) 2016/679, and national legislation.***

Or. fr

**Amendment 65**  
**Rina Ronja Kari, Paloma López Bermejo**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

***The Commission shall specify how the information referred to in points (a) to (h) above is to be presented in the standard form and lay down the technical details of the standard form throughout the European Union, by way of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).***

***deleted***

Or. en

*Justification*

*Many articles in this directive are unclear. Allowing the European Commission to simply deal with this at a later stage by granting itself far reaching powers via implementing acts is not acceptable.*

**Amendment 66**  
**Rina Ronja Kari, Paloma López Bermejo**

**Proposal for a regulation**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. The Commission is empowered to adopt delegated acts in accordance with Article 15 in order to further specify:**

*deleted*

**a) details of the information elements of the standard form listed to in letters paragraph 1, points (a) to (h), which shall be contained in the standard form;**

**b) further documents or categories of documents that are exceptionally required to be included as supporting evidence.;**

Or. en

**Amendment 67**  
**Dieter-Lebrecht Koch, Theodoros Zagorakis, Heinz K. Becker**

**Proposal for a regulation**  
**Article 4 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. Member States shall provide to the Commission with all information on the procedural steps related to requirements imposed on providers for the provision of services through a branch, agency or office and for temporary cross-border provision of service activities falling under Directive ...[ESC Directive]....., necessary for the development of the standard application forms, describing the information and documents the presentation of which is required under national law of the provider in relation to all applicable requirements, through IMI by [9 months after entry into force of this**

**4. Member States shall provide to the Commission with all information on the procedural steps related to requirements imposed on providers for the provision of services through a branch, agency or office and for temporary cross-border provision of service activities falling under Directive ...[ESC Directive]....., necessary for the development of the standard application forms, describing the information and documents the presentation of which is required under national law of the provider in relation to all applicable requirements, through IMI by [9 months after entry into force of this**

Regulation] to the extent that the information was not contained in the notification of the requirement itself already submitted under Articles 15(7) and 39(5) of Directive 2006/123/EC.

Regulation] to the extent that the information was not contained in the notification of the requirement itself already submitted under Articles 15(7) and 39(5) of Directive 2006/123/EC. ***The inclusion of fields of data in the application form to be filled-in in the context of a procedure to issue a European services e-card corresponds to the national requirements, prior notification and prior authorization schemes under host Member States law and is without prejudice to the Commission's power under the Treaties and the Member States' obligations to comply with the provisions of Union law.***

Or. en

#### *Justification*

*Regarding clarification that the application forms are tailored to the individual member state requirements.*

#### **Amendment 68** **Ulrike Trebesius**

#### **Proposal for a regulation** **Article 5 – paragraph 1 – subparagraph 2**

##### *Text proposed by the Commission*

The insurance distributor ***or the body appointed by a Member State to provide compulsory insurance*** shall provide the certificate to the applicant upon request.

##### *Amendment*

The insurance distributor shall provide the certificate to the applicant upon request.

Or. de

#### **Amendment 69** **Rina Ronja Kari, Paloma López Bermejo**

#### **Proposal for a regulation** **Article 5 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.** *The Commission may adopt a harmonised format for the insurance certificate as referred to in the second subparagraph of paragraph 1 by means of an implementing act.* **deleted**

*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).*

Or. en

*Justification*

*Many articles in this directive are unclear. Allowing the European Commission to simply deal with this at a later stage by granting itself far reaching powers via implementing acts is not acceptable.*

#### **Amendment 70**

**Jeroen Lenaers**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.** *The Commission may adopt a harmonised format for the insurance certificate as referred to in the second subparagraph of paragraph 1 by means of an implementing act.* **deleted**

*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).*

Or. nl

#### **Amendment 71**

**Anne Sander**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

***The Commission may adopt a harmonised format for the insurance certificate as referred to in the second subparagraph of paragraph 1 by means of an implementing act.***

***deleted***

Or. fr

**Amendment 72**  
**Tatjana Ždanoka**

**Proposal for a regulation**  
**Article 5 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The Commission *may* adopt a harmonised format for the insurance certificate as referred to in the second subparagraph of paragraph 1 by means of an implementing act.

The Commission *shall* adopt a harmonised format for the insurance certificate as referred to in the second subparagraph of paragraph 1 by means of an implementing act.

Or. en

**Amendment 73**  
**Rina Ronja Kari, Paloma López Bermejo**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

***Providers who hold a European services e-card may submit a declaration in advance as referred to in Article 7 of Directive 2005/36/EC in relation to the professional qualifications of the staff they intend to second to the host Member State, in connection with the service activity for which the e-card applies, to the competent authority in the host Member State as defined in point (ii) of***

***deleted***

*Article 3(18) of this Regulation, through an electronic platform connected to IMI.*

Or. en

**Amendment 74**  
**Ulrike Trebesius**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Such declaration shall be renewed once a year if the service provider intends to provide temporary or occasional services in the host Member State during that year. The service provider may supply the declaration by any means.*

Or. de

**Amendment 75**  
**Dieter-Lebrecht Koch, Theodoros Zagorakis, Heinz K. Becker**

**Proposal for a regulation**  
**Article 6 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Providers who hold a European services e-card and intend to post workers in connection with the service activity in question *to a host Member State* shall submit *any declaration pursuant to Article 9 of Directive 2014/67/EU* following the procedures established by Member States to that effect.

*In case any declaration pursuant to Article 9 of Directive 2014/67/EU is requested by the host Member States*, providers, who hold a European services e-card and intend to post workers in connection with the service activity in question shall submit *requested declarations* following the procedures established by Member States to that effect.

Or. en

Linguistic amendment

**Amendment 76**

**Rina Ronja Kari, Paloma López Bermejo**

**Proposal for a regulation**

**Article 6 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Providers who hold a European services e-card may also submit a declaration pursuant to Article 9 of Directive 2014/67/EU, relating to the workers that they intend to post to the host Member State in connection with the service activity for which the card applies, to the competent authority in the host Member State as defined in Article 2(a) of Directive 2014/67/EU through the electronic platform connected to IMI referred to in paragraph 1 where a host Member State has communicated to the Commission that this possibility should apply for the posting of workers in its territory.** *deleted*

*To make use of the possibility provided for in the first subparagraph, a host Member State shall provide all the elements required in accordance with point a) of paragraph 1 and paragraph 2 of Article 9 of Directive 2014/67/EU as the basis for a multi-lingual form to be submitted for the declaration of posted workers on its territory. The Commission shall publish this form in the Official Journal and make it available in the electronic platform connected to the IMI. The relevant information with regard to the elements required shall be available for the host Member State concerned in full compliance with the language requirements set out in Article 9(1)(a) of Directive 2014/67/EU.*

*A declaration communicated in accordance with the first and second subparagraph shall constitute a valid declaration for the purpose of point a) of paragraph 1 and of paragraph 2 of Article 9 of Directive 2014/67/EU, without prejudice to other administrative requirements or control measures imposed by the host Member State in accordance with Article 9 of that Directive.*

*A host Member State may notify the Commission that it does no longer wish to apply the possibility provided for in the first subparagraph.*

Or. en

*Justification*

*This proposal is highly inappropriate as the revision of the Posting of Workers Directive is still under way and far from its adoption.*

**Amendment 77**  
**Tatjana Ždanoka**

**Proposal for a regulation**  
**Article 6 – paragraph 3 – subparagraph 4**

*Text proposed by the Commission*

*Amendment*

*A host Member State may notify the Commission that it does no longer wish to apply the possibility provided for in the first subparagraph.*

*deleted*

Or. en

**Amendment 78**  
**Rina Ronja Kari, Paloma López Bermejo**

**Proposal for a regulation**  
**Article 6 – paragraph 4**



*Text proposed by the Commission*

*Amendment*

**4. The Commission is empowered to adopt technical rules by means of implementing acts concerning the design of the multilingual form referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 16(2).** **deleted**

Or. en

*Justification*

*Many articles in this directive are unclear. Allowing the European Commission to simply deal with this at a later stage by granting itself far reaching powers via implementing acts is not acceptable.*

**Amendment 79**  
**Ulrike Trebesius**

**Proposal for a regulation**  
**Article 7 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

Regarding declarations in advance in relation to the professional qualifications of the provider, the attestations referred to in points b) and d) of Article 7(2) of Directive 2005/36/EC shall **be replaced** by the completed application form for a European services e-card, communicated to the host Member State in accordance with Article 11 of Directive [ESC Directive]....., proving establishment of the provider.

Regarding declarations in advance in relation to the professional qualifications of the provider, the attestations referred to in points b) and d) of Article 7(2) of Directive 2005/36/EC shall **continue to apply. The host Member State may waive that requirement and replace them** by the completed application form for a European services e-card, communicated to the host Member State in accordance with Article 11 of Directive [ESC Directive]....., proving establishment of the provider.

Or. de

**Amendment 80**  
**Dominique Martin, Joëlle Mélin, Mara Bizzotto**

**Proposal for a regulation**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

3. The coordinating authorities of Member States shall inform the public about the functioning ***and the value added*** of the European services e-card and the formalities for secondment of staff and movement of self-employed in accordance with Articles 6(1) and 7.

*Amendment*

3. The coordinating authorities of Member States shall inform the public about the functioning of the European services e-card and the formalities for secondment of staff and movement of self-employed in accordance with Articles 6(1) and 7.

Or. fr

**Amendment 81**  
**Anne Sander**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. In the context of procedures to issue, update, suspend or revoke a European services e-card competent authorities of Member States ***shall accept documents in a simple copy form and shall not request that documents submitted to them are subject to legalisation, apostille formalities, certification or authentication.***

*Amendment*

1. In the context of procedures to issue, update, suspend or revoke a European services e-card competent authorities of Member States ***must have access to reliable supporting documents.***

Or. fr

**Amendment 82**  
**Heinz K. Becker**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. In the context of procedures to issue, update, suspend or revoke a

*Amendment*

1. In the context of procedures to issue, update, suspend or revoke a

European services e-card competent authorities of Member States shall accept documents *in a simple copy form and shall not request that documents submitted to them are subject to legalisation, apostille formalities, certification or authentication.*

European services e-card competent authorities of Member States shall *only* accept *certified* documents.

Or. en

**Amendment 83**  
**Rina Ronja Kari, Paloma López Bermejo**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. In the context of procedures to issue, update, suspend or revoke a European services e-card competent authorities of Member States *shall accept documents in a simple copy form and shall not* request that documents submitted to them are subject to legalisation, apostille formalities, certification or authentication.

*Amendment*

1. In the context of procedures to issue, update, suspend or revoke a European services e-card competent authorities of Member States *may* request that documents submitted to them are subject to legalisation, apostille formalities, certification or authentication.

Or. en

**Amendment 84**  
**Dominique Martin**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. In the context of procedures to issue, update, suspend or revoke a European services e-card competent authorities of Member States shall *accept documents in a simple copy form and shall not request that documents submitted to them are subject to* legalisation, apostille formalities,

*Amendment*

1. In the context of procedures to issue, update, suspend or revoke a European services e-card competent authorities of Member States shall *be entitled to require a level equivalent to that required within the Member State, including* legalisation, apostille formalities, certification or authentication.

certification or authentication.

Or. fr

**Amendment 85**  
**Ulrike Trebesius**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. In the context of procedures to issue, update, suspend or revoke a European services e-card competent authorities of Member States shall accept documents in a simple copy form **and shall not request that documents submitted to them are subject to legalisation, apostille formalities, certification or authentication.**

*Amendment*

1. In the context of procedures to issue, update, suspend or revoke a European services e-card, competent authorities of Member States shall **normally** accept documents in a simple copy form. **In cases of justified doubt, competent authorities may request originals or certified copies.**

Or. de

**Amendment 86**  
**Tatjana Ždanoka**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

1. In the context of procedures to issue, update, suspend or revoke a European services e-card competent authorities of Member States shall accept documents in a simple copy form and shall not request that documents submitted to them **are subject to legalisation**, apostille formalities, certification or authentication.

*Amendment*

1. In the context of procedures to issue, update, suspend or revoke a European services e-card competent authorities of Member States shall accept documents in a simple copy form and shall not request that documents submitted to them **have** apostille formalities, certification or authentication.

Or. en

**Amendment 87**  
**Heinz K. Becker**

**Proposal for a regulation**  
**Article 9 – paragraph 3**

*Text proposed by the Commission*

3. A certified translation shall **not** be requested for documents used in the context of procedures to issue, update, suspend or revoke a European services e-card or in the context of formalities for secondment of staff and movement of self-employed in accordance with Articles 6 (1) and 7. ***This shall not affect the right of Member States to require non-certified translations of documents in one of their official languages, in accordance with EU law.***

*Amendment*

3. A certified translation shall be requested ***in one of their official languages*** for documents used in the context of procedures to issue, update, suspend or revoke a European services e-card or in the context of formalities for secondment of staff and movement of self-employed in accordance with Articles 6 (1) and 7.

Or. en

**Amendment 88**  
**Rina Ronja Kari, Paloma López Bermejo**

**Proposal for a regulation**  
**Article 9 – paragraph 4**

*Text proposed by the Commission*

4. ***The Commission shall adopt technical rules for automatic translation of information and documents in the context of procedures to issue, update, suspend or revoke a European services e-card or in the context of formalities for secondment of staff and movement of self-employed in accordance with Articles 6(1) and 7 by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination referred to in Article 16(2).***

*Amendment*

*deleted*

Or. en

## *Justification*

*Many articles in this directive are unclear. Allowing the European Commission to simply deal with this at a later stage by granting itself far reaching powers via implementing acts is not acceptable.*

### **Amendment 89**

**Ádám Kósa**

#### **Proposal for a regulation**

##### **Article 11 – paragraph 1**

*Text proposed by the Commission*

(1) *An* insurance distributor shall issue, within 15 days of receiving a request to this effect from the policyholder, a statement concerning the third party liability claims related to his activities covered by the contract of professional liability insurance, during the preceding years of the contractual relationship up to a maximum of 5 years, or to the absence of such claims, describing the liabilities arising from provision of the services in question which were the object of a claim.

*Amendment*

(1) ***In the event of there being a central register, an*** insurance distributor shall issue, within 15 days of receiving a request to this effect from the policyholder, a statement concerning the third party liability claims related to his activities covered by the contract of professional liability insurance, during the preceding years of the contractual relationship up to a maximum of 5 years, or to the absence of such claims, describing the liabilities arising from provision of the services in question which were the object of a claim.

Or. hu

### **Amendment 90**

**Jeroen Lenaers**

#### **Proposal for a regulation**

##### **Article 11 – paragraph 2**

*Text proposed by the Commission*

2. *The Commission may adopt rules on the standardised presentation format of the statement referred to in paragraph 1 by means of implementing acts.*

*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).*

*Amendment*

*deleted*

Or. nl

**Amendment 91**  
**Rina Ronja Kari, Paloma López Bermejo**

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

*Text proposed by the Commission*

*Amendment*

2. *The Commission may adopt rules on the standardised presentation format of the statement referred to in paragraph 1 by means of implementing acts.* **deleted**

*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).*

Or. en

*Justification*

*Many articles in this directive are unclear. Allowing the European Commission to simply deal with this at a later stage by granting itself far reaching powers via implementing acts is not acceptable.*

**Amendment 92**  
**Tatjana Ždanoka**

**Proposal for a regulation**  
**Article 11 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The Commission *may* adopt rules on the standardised presentation format of the statement referred to in paragraph 1 by means of implementing acts.

The Commission *shall* adopt rules on the standardised presentation format of the statement referred to in paragraph 1 by means of implementing acts.

Or. en

**Amendment 93**  
**Heinz K. Becker**

**Proposal for a regulation**  
**Article 12**

*Text proposed by the Commission*

*Amendment*

**Article 12**

*deleted*

***Obligations for insurance distributors***

***Insurance distributors and bodies appointed by a Member State to provide compulsory insurance shall duly take into account in the acceptance policy and in the calculation of premiums, in a non-discriminatory manner, the experience of the provider as reflected in the claims statement issued in accordance with Article 11, as presented by the provider.***

Or. en

**Amendment 94**  
**Ulrike Trebesius**

**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Insurance distributors and ***bodies appointed by a Member State to provide compulsory insurance*** shall duly take into account in the acceptance policy and in the calculation of premiums, in a non-discriminatory manner, the experience of the provider as reflected in the claims statement issued in accordance with Article 11, as presented by the provider.

Insurance distributors ***may freely choose their contractors and need not disclose the grounds for their choice. They should*** duly take into account in the acceptance policy and in the calculation of premiums, in a non-discriminatory manner, the experience of the provider as reflected in the claims statement issued in accordance with Article 11, as presented by the provider.

Or. de

**Amendment 95**  
**Ulrike Trebesius**



**Proposal for a regulation**  
**Article 13 – paragraph 1**

*Text proposed by the Commission*

Professional organisations, including competent authorities as defined in points (i) and (ii) of Article 3(18), which offer group cover related to professional liability insurance to their members or to providers of services under specific conditions, **shall** ensure access to such cover, **under the same conditions in a non-discriminatory manner**, to providers of services from other Member States which express an interest in benefiting from such group cover.

*Amendment*

Professional organisations, including competent authorities as defined in points (i) and (ii) of Article 3(18), which offer group cover related to professional liability insurance to their members or to providers of services under specific conditions **may** ensure access to such cover to providers of services from other Member States which express an interest in benefiting from such group cover.

Or. de

**Amendment 96**  
**Heinz K. Becker**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Coordinating authorities and competent authorities in different Member States shall exchange information and give each other mutual assistance in the context of a procedure to issue suspend, revoke or cancel a European services e-card as well as in the update of the information contained therein. **This obligation** shall also apply in the context of formalities in accordance with Articles 6 (1) and 7 for secondment of staff and movement of self-employed, in relation to competent authorities as defined in point (ii) of Article 3(19).

*Amendment*

1. Coordinating authorities and competent authorities in different Member States shall exchange information and give each other mutual assistance in the context of a procedure to issue suspend, revoke or cancel a European services e-card as well as in the update of the information contained therein. **Clear lines of responsibility shall be established in respect of updating the information contained in the European services e-card in a timely manner. These obligations** shall also apply in the context of formalities in accordance with Articles 6 (1) and 7 for secondment of staff and movement of self-employed, in relation to competent authorities as defined in point (ii) of Article 3(19).

**Amendment 97**  
**Jeroen Lenaers**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Coordinating authorities and competent authorities in different Member States shall exchange information and give each other mutual assistance in the context of a procedure to issue suspend, revoke or cancel a European services e-card as well as in the update of the information contained therein. ***This obligation*** shall also apply in the context of formalities in accordance with Articles 6 (1) and 7 for secondment of staff and movement of self-employed, in relation to competent authorities as defined in point (ii) of Article 3(19).

*Amendment*

1. Coordinating authorities and competent authorities in different Member States shall exchange information and give each other mutual assistance in the context of a procedure to issue suspend, revoke or cancel a European services e-card as well as in the update of the information contained therein. ***Clear guidelines shall be adopted concerning the annual updating of the information contained in the European services e-card. These obligations*** shall also apply in the context of formalities in accordance with Articles 6(1) and 7 for secondment of staff and movement of self-employed, in relation to competent authorities as defined in point (ii) of Article 3(19).

Or. nl

**Amendment 98**  
**Dominique Martin, Joëlle Mélin, Mara Bizzotto**

**Proposal for a regulation**  
**Article 14 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. A Member State may, for overriding reasons of general interest or to protect sensitive economic data, refuse to allow the interconnection of national registers. The Member States shall inform the European Parliament and the Commission accordingly.***

Or. fr

## Amendment 99

Dieter-Lebrecht Koch, Theodoros Zagorakis, Heinz K. Becker, Marek Plura

### Proposal for a regulation

#### Article 17 – paragraph 1

##### *Text proposed by the Commission*

1. For the purposes of this Regulation, each Member State shall designate one coordinating authority, empowered to ***perform the tasks assigned to them in accordance with this Regulation.***

##### *Amendment*

1. For the purposes of this Regulation ***and Directive [ESC Directive], in the context of procedures to issue, update, suspend, revoke or cancel a European services e-card, as well as in relation to the formalities performed in accordance with Articles 6(1), 6(3) and 7,*** each Member State shall designate one coordinating authority, empowered to ***act as the sole intermediary of all exchanges of information between competent authorities and applicants or holders of European services e-cards, as well as the sole intermediary of all cross-border exchanges of information between competent authorities of home and host Member States, which do not take place automatically through interconnection of registers.***

Or. en

##### *Justification*

*Regarding clarification that the new coordinating authority only coordinates the administrative procedure and that the competent authorities in charge already today do not lose their current responsibilities.*

## Amendment 100

Ulrike Trebesius

### Proposal for a regulation

#### Article 17 – paragraph 1

##### *Text proposed by the Commission*

1. For the purposes of this Regulation,

##### *Amendment*

1. For the purposes of this Regulation,

each Member State shall designate one **coordinating** authority, empowered to perform the tasks assigned to them in accordance with this Regulation.

each Member State, **in accordance with its administrative and organisational set-up**, shall designate one **competent** authority **and/or other bodies** empowered to perform the tasks assigned to them in accordance with this Regulation.

Or. de

#### **Amendment 101**

**Dominique Martin, Joëlle Mélin, Mara Bizzotto**

#### **Proposal for a regulation**

##### **Article 17 – paragraph 1**

###### *Text proposed by the Commission*

1. For the purposes of this Regulation, each Member State shall designate one coordinating authority, empowered to perform the tasks assigned to them in accordance with this Regulation.

###### *Amendment*

1. For the purposes of this Regulation, each Member State shall designate one coordinating authority, empowered to perform the tasks assigned to them in accordance with this Regulation. ***In order to rationalise public expenditure, Member States shall have discretion to require that this authority must be an existing authority.***

Or. fr

#### **Amendment 102**

**Dieter-Lebrecht Koch, Theodoros Zagorakis, Heinz K. Becker**

#### **Proposal for a regulation**

##### **Article 17 – paragraph 3**

###### *Text proposed by the Commission*

3. This Article shall not call into question the allocation of the competences, at local or regional level, of the Member States.

###### *Amendment*

3. This Article shall not call into question the allocation of the competences, at local or regional level, of the Member States. ***Without prejudice to paragraph 1, competent authorities in Member States shall retain all competences allocated to them under national law and act accordingly in the context of procedures to issue, update, suspend, revoke or cancel a European services e-card, as well as in***

*relation to the formalities performed in accordance with Articles 6(1), 6(3) and 7.*

Or. en

*Justification*

*Regarding clarification that the new coordinating authority only coordinates the administrative procedure and that the competent authorities in charge already today do not lose their current responsibilities.*

**Amendment 103**

**Dominique Martin, Joëlle Mélin, Mara Bizzotto**

**Proposal for a regulation**

**Article 18 – paragraph 1**

*Text proposed by the Commission*

The Commission, with Member States, social partners and other relevant stakeholders, will establish monitoring arrangements to monitor the implementation and the impacts of this Regulation, in particular its impacts on the freedom of establishment and freedom to provide services across Member States for the services covered, with regard to costs for providers of expanding operations cross-border, enhancing transparency about cross-border providers, increasing competition and how it impacts prices and quality of those services concerned, considering relevant indicators.

*Amendment*

The Commission, with Member States, social partners and other relevant stakeholders, will establish monitoring arrangements to monitor the implementation and the impacts of this Regulation, in particular its impacts on the freedom of establishment and freedom to provide services across Member States for the services covered, with regard to costs for providers of expanding operations cross-border, enhancing transparency about cross-border providers, increasing competition and how it impacts prices and quality of those services concerned, considering relevant indicators. ***It shall assess, inter alia, the impact on social dumping and additional costs which the e-card might generate. Every three months it shall assess the number of people in bogus self-employment, so as to check that the implementation of the e-card is not encouraging the growth of this phenomenon.***

Or. fr

**Amendment 104**

**Rina Ronja Kari, Paloma López Bermejo**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

By 60 months after entry into force of this Regulation and at the latest every five years thereafter, the Commission shall carry out an evaluation of this Regulation and submit to the European Parliament and the Council a report on its performance, including an analysis of the impact on administrative burden incurred upon by service providers active across borders. This report shall also include an assessment of any practical experience relevant to cooperation between coordinating authorities. ***This report shall contain an assessment of the appropriateness of introducing a European services e-card for other service activities. It shall contain an evaluation of Directive .....[ESC Directive]...in line with its Article 21.***

*Amendment*

By 60 months after entry into force of this Regulation and at the latest every five years thereafter, the Commission shall carry out an evaluation of this Regulation and submit to the European Parliament and the Council a report on its performance, including an analysis of the impact on administrative burden incurred upon by service providers active across borders. This report shall also include an assessment of any practical experience relevant to cooperation between coordinating authorities. ***The E-card shall not in any way replace or integrate with the control measures and national procedures that Member States have established in accordance with Directive 2014/67/EU.***

Or. en