

EUROPEAN PARLIAMENT

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Committee on Legal Affairs

2006/2049(INI)

27.6.2007

OPINION

of the Committee on Legal Affairs

for the Committee on the Internal Market and Consumer Protection

on obligations of cross-border service providers
(2006/2049(INI))

Draftswoman: Piia-Noora Kauppi

PA_NonLeg

SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Encourages the development of measures that complete the internal market for services;
2. Expresses its reservations, nonetheless, pending full implementation of Directive 2006/123/EC on services in the internal market, as regards far-reaching, new horizontal tools in this respect;
3. Notes that there are several pending legislative initiatives aimed at ensuring legal certainty as regards the rights and especially the obligations of cross-border service providers, i.e. the proposal for a regulation on the law applicable to contractual obligations (Rome I), the proposal for a regulation on the law applicable to non-contractual obligations (Rome II) and the Commission's Green Paper on the review of the Consumer Acquis;
4. Points out that Article 5 of the proposed regulation on the law applicable to contractual obligations is essential in order to determine whether the consumer protection legislation of the country of origin (of the service provider) or of the client (customer of the service) applies; stresses that it is important to await the outcome of this legislative procedure;
5. Regrets that the present mix of legislative instruments between conflict-of-law rules and internal market instruments and the failure clearly to determine their interaction, mean that neither the consumer nor the service provider is always able to determine with clarity which legal regime is applicable to each aspect of their activities, that is to say, whether the civil law of the host or home country applies, or whether the regulatory regime of the host or home country applies;
6. Recalls that, as stated in the General Agreement on Trade in Services, cross-border services are provided in many different ways (such as selling online, travelling to another country for the service, or the service provider visiting the customer's home country), which should be taken into consideration;
7. Is convinced that the establishment of an internal market for services the legal framework of which is based on the country-of-origin principle depends on the relevant measures being clear from both a legal and a practical perspective.

PROCEDURE

Title	Obligations of cross-border service providers
Procedure number	2006/2049(INI)
Committee responsible	IMCO
Opinion by Date announced in plenary	JURI 16.3.2006
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Piia-Noora Kauppi 30.5.2006
Previous drafts(wo)man	
Discussed in committee	13.7.2006 20.3.2007
Date adopted	25.6.2007
Result of final vote	+: 17 –: 0 0: 0
Members present for the final vote	Bert Doorn, Cristian Dumitrescu, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Othmar Karas, Piia-Noora Kauppi, Klaus-Heiner Lehne, Manuel Medina Ortega, Hartmut Nassauer, Francesco Enrico Speroni
Substitute(s) present for the final vote	Sharon Bowles, Luis de Grandes Pascual, Kurt Lechner, Marie Panayotopoulos-Cassiotou, Gabriele Stauner, József Szájer, Jacques Toubon
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	