



2016/0402(COD)

19.2.2018

COMPROMISE AMENDMENTS

1 - 9

Draft opinion
Michaela Šojdrová
(PE606.462v01-00)

Directive of the European parliament and of the Council on the legal and operational framework of the European services e-card introduced by Regulation[ESC regulation]....

Proposal for a directive
(COM(2016)0823 – C8-0013/2017 – 2016/0402(COD))

Amendment 1
Michaela Šojdrová

Compromise amendment replacing Amendments: 25, 27, 28

Proposal for a directive
Recital 12

Text proposed by the Commission

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

Amendment

(12) The main purpose of the European services e-card is to introduce a **voluntary**, uniform and simplified procedure for service providers wishing to expand provision of services across internal market borders. The e-card represents an electronic certificate stating that a service provider is legally established in a Member State (the home Member State). Host Member States where a service provider is interested in expanding to should furthermore not apply, to holders of an e-card, their prior authorisation or notifications schemes put in place under national law to control access to or **exercice** of service activities, which is already the object of control before issue of a European services e-card **in the same host Member State. This shall be without prejudice to the possibility of the host Member State to apply such schemes prior to the issuance of the e-card.**

Or. en

Amendment 2
Michaela Šojdrová

Compromise amendment replacing Amendment: 32

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) In order to concentrate actions and decisions within a Member State and

Amendment

(20) In order to concentrate actions and decisions within a Member State and

facilitate cooperation between different competent authorities in home and host Member States, a coordinating authority in the home Member State and in the host Member State should ultimately be responsible for handling issues related to the European services e-card, thus coordinating the input from the different competent national authorities and acting as a contact point with its counterparts in other Member States. The application for a European services e-card should thus be submitted to the coordinating authority of the home Member State.

facilitate cooperation between different competent authorities in home and host Member States, a coordinating authority in the home Member State and in the host Member State should ultimately be responsible for handling issues related to the European services e-card, thus coordinating the input from the different competent national authorities and acting as a contact point with its counterparts in other Member States. The application for a European services e-card should thus be submitted to the coordinating authority of the home Member State. ***Member States may select an authority of their choice to act as the coordinating authority. They can introduce a new authority or designate an existing one, including the authority responsible for the national Point of single contact.***

Or. en

Amendment 3 **Michaela Šojdrová**

Compromise amendment replacing Amendments: 46, 47

Proposal for a directive **Recital 35**

Text proposed by the Commission

(35) The host Member State should no longer control whether the applicant for a European services e-card is legally established in another Member State. Nor should it put into question the veracity and validity of the data and documents included in an application, once validated by the coordinating authority of the home Member State. Conversely, the coordinating authority of the home Member State should not assess whether it issues a European services e-card for temporary cross-border provisions of services based on compliance by the

Amendment

(35) The host Member State should no longer control whether the applicant for a European services e-card is legally established in another Member State. Nor should it put into question the veracity and validity of the data and documents included in an application, once validated by the coordinating authority of the home Member State, ***unless there are reasonable doubts. In such a case the host Member State can request the home Member State to verify the authenticity and content of documents. The home Member State should re-examine the document and***

provider of host Member State requirements, rather it should only assess of whether the applicant is legally established *in its* territory for the provision of the service in question at the time the decision to issue is made.

reason its reassessment and suspend where necessary. Conversely, the coordinating authority of the home Member State should not assess whether it issues a European services e-card for temporary cross-border provisions of services based on compliance by the provider of host Member State requirements, rather it should only assess of whether the applicant is legally established *in its* territory for the provision of the service in question at the time the decision to issue is made.

Or. en

Amendment 4 **Michaela Šojdrová**

Compromise amendment replacing Amendments: 54, 55

Proposal for a directive **Recital 40**

Text proposed by the Commission

(40) A European services e-card should allow for provision of services throughout the territory of the host Member State. A service provider, once established in a Member State in the form of a branch, agency or office, should not, in principle, need to apply for another e-card in order to expand provision of services already covered by the existing e-card domestically through additional branches, agencies or offices there, as the case may be. However, as Directive 2006/123/EC expressly provides for, authorisations for each individual branch, agency or office may be justified by overriding reasons of public interest. In that case, service providers should continue to have the choice of expanding operations domestically by obtaining those authorisations under national law or applying for additional European services e-cards, for each

Amendment

(40) A European services e-card should allow for provision of services throughout the territory of the host Member State, *as long as there are no divergent regulations issued by subsidiary administrative units. If the holder of the e-card later decides to extend his activities to the territory of other subsidiary administrative units, he should be exempt from proving the requirements identical to those of the previously issued e-card.* A service provider, once established in a Member State in the form of a branch, agency or office, should not, in principle, need to apply for another e-card in order to expand provision of services already covered by the existing e-card domestically through additional branches, agencies or offices there, as the case may be. *However, as Directive 2006/123/EC expressly provides for, authorisations for each individual*

additional branch, agency of office, as the case may be.

branch, agency or office may be justified by overriding reasons of public interest. In that case, service providers should continue to have the choice of expanding operations domestically by obtaining those authorisations under national law or applying for additional European services e-cards, for each additional branch, agency of office, as the case may be.

Or. en

Amendment 5

Michaela Šojdrová

Compromise amendment replacing Amendments: 2, 58, 59, 62, 64

Proposal for a directive

Recital 42

Text proposed by the Commission

(42) A European services e-card should be valid for an indefinite period in time, ***without prejudice to, in relation to temporary cross-border services, the effects of*** case-by-case derogations in accordance with Directive 2006/123/EC.

Amendment

(42) A European services e-card should be valid for ***24 months and renewed for the same period an indefinite number of times unless the host Member State raises reasoned and objective objections to the renewal or invokes*** case-by-case derogations in accordance with Directive 2006/123/EC. ***The renewal process should include a check of the validity of information relating to the service provider.***

Or. en

Amendment 6

Michaela Šojdrová

Compromise amendment replacing Amendments: 7, 88, 89, 90, 91, 92

Proposal for a directive

Article 5 – paragraph 4

Text proposed by the Commission

4. Paragraphs 1, 2 and 3 are without prejudice to:
- i) requirements imposed on providers in the context of selection procedures of candidates for authorisation schemes limited in number in accordance with EU law;
 - ii) requirements and other obligations, prohibitions, conditions or limits imposed on providers in the context of selection procedures of candidates for the provision of services under a public contract, a design contest or a concession;
 - iii) authorisation schemes, notification schemes or requirements concerning conditions specifically related to the site where the service is provided or to the site where the provider is established;
 - iv) requirements regarding recognition of professional qualifications as provided for by **Articles 4 and 4f** of Directive 2005/36/EC;
 - v) disclosure obligations as provided for by Article 2 of Directive 2009/101/EC and Article 2 of Directive 89/666/EEC or obligations, prohibitions, conditions or limits imposed by national rules on registration of branches of companies registered in another Member State under company law.

Amendment

4. Paragraphs 1, 2 and 3 are without prejudice to:
- i) requirements imposed on providers in the context of selection procedures of candidates for authorisation schemes limited in number in accordance with EU law;
 - ii) requirements and other obligations, prohibitions, conditions or limits imposed on providers in the context of selection procedures of candidates for the provision of services under a public contract, a design contest or a concession;
 - iii) authorisation schemes, notification schemes or requirements concerning conditions specifically related to the site where the service is provided or to the site where the provider is established;
 - iv) requirements regarding recognition of professional qualifications as provided for by Directive 2005/36/EC;
 - v) disclosure obligations as provided for by Article 2 of Directive 2009/101/EC and Article 2 of Directive 89/666/EEC or obligations, prohibitions, conditions or limits imposed by national rules on registration of branches of companies registered in another Member State under company law;
- v a) any requirements regarding measures relating to posted workers in accordance with Article 9 of Directive 2014/67/EU as well as the prior notification system established by the same Directive.***

Or. en

Amendment 7
Michaela Šojdrová

Compromise amendment replacing Amendments: 8, 96, 97, 98, 99

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

This shall be without prejudice to measures put in place in accordance with Article 18 of Directive 2006/123/EC.

Amendment

A European services e-card shall be valid for **24 months**, unless suspended, revoked or cancelled, in accordance with Articles 15 to 17.

The e-card may be renewed an indefinite number of times. The renewal process shall be launched by the coordinating authority upon request of the service provider concerned and shall include a check of the validity of the information relating to the service provider. The service provider shall provide updated information if requested to do so by the coordinating authority concerned. The coordinating authority shall carry out checks and inspections, if necessary, in order to ascertain the occurrence of any event that may result in the suspension or revocation of the European services e-card pursuant to Article 15 or 16.

This shall be without prejudice to measures put in place in accordance with Article 18 of Directive 2006/123/EC.

Or. en

Amendment 8

Michaela Šojdrová

Compromise amendment replacing Amendments: 109, 110, 111, 113

Proposal for a directive

Article 11 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

The coordinating authority of the home Member State shall within *one week* of

Amendment

The coordinating authority of the home Member State shall within **four weeks** of

having received an application for a European services e-card:

having received an application for a European services e-card, ***in order to permit efficient scrutiny of the application:***

Or. en

Amendment 9
Michaela Šojdrová

Compromise amendment replacing Amendments: 149, 150

Proposal for a directive
Article 13 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

The host Member State shall ***within two weeks*** inform the applicant and the coordinating authority of the home Member State of the prior authorisation or prior notification scheme in question, the conditions which the applicant is required to comply with and of the necessity and proportionality thereof.

Or. en