

## Le "compromis" PSE-PPE

Accord intervenu le 8 février 2006 entre les équipes de négociation PSE et PPE.

### PROPOSAL ELABORATED BY THE NEGOTIATION GROUPS

#### Article 16

##### Freedom to provide services

	<p><i>Article 16 - Freedom to provide services</i></p> <p><i>1. Member states shall respect services providers' rights to provide a service in another Member state than where they are established.</i></p> <p><i>The Member state into which the service is provided shall ensure free access to and free exercise of a service activity within its territory.</i></p> <p><i>Member States shall not make access to or exercise of a service activity in their territory subject to compliance with any requirements which do not respect the following principles:</i></p> <p><i>(a) non-discrimination: the requirement must be neither directly nor indirectly discriminatory with regard to nationality or, with regard to legal persons, to the Member state where they are established,</i></p> <p><i>(b) necessity: the requirement must be justified for reasons of public policy or public security or for the protection of the health and the environment,</i></p> <p><i>(c) proportionality: the requirements must be suitable for securing the attainment of the objective pursued, and must not go beyond what is necessary to attain this objective,</i></p> <p><i>2. Member States may not restrict the freedom to provide services in the case of a provider established in another Member State, in particular, by imposing any of the following requirements:</i></p> <p><i>(a) an obligation on the provider to have an establishment in their territory ;</i></p> <p><i>(b) an obligation on the provider to obtain an authorisation from, their competent authorities,</i></p>
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*including entry in a register or registration with a professional body or association in their territory, except in cases provided for in this Directive or other instruments of Community law;*

*(c) a ban the provider setting up a certain infrastructure in their territory, including an office or chambers, which the provider needs to supply the services in question ;*

*(d) the application of specific contractual arrangements between the provider and the recipient which prevent or restrict service provision by the self-employed;*

*(g) an obligation on the provider to possess an identity document issued by its competent authorities specific to the exercise of a service activity;*

*(h) requirements, unless those necessary for health and safety at work, which affect the use of equipment and material which is an integral part of the service provided;*

*(i) restrictions on the freedom to provide the services referred to in Article 20;*

*3. These provisions do not prevent the Member state into which the service provider moves from applying the requirements with regard to the provision of a service activity, where they are justified for reasons of public policy, public security, social policy, consumer protection, environmental protection and public health, nor do these prevent Member states to apply, in conformity with Community law, their rules on employment conditions, including those laid down in collective agreements.*

*4. By five years after the entry into force of this Directive at the latest, the Commission shall, after consultation of the Member States and the Social Partners at European level, submit to the European Parliament and the Council a report on the application of this article, in which it shall consider the need for proposing harmonization measures regarding service activities covered by this Directive.*