

**DRAFT DIRECTIVE ON SERVICES IN THE INTERNAL MARKET**

**GREENS / EFA AMENDMENTS PROPOSALS**

*DISCUSSION PAPER FOR THE MEETING OF JUNE 1ST 2005*

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<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p>Greens / EFA <i>propo sals</i></p>
<p>Citation 1</p> <p>Having regard to the Treaty establishing the European Community, and in particular the first and third sentence of Article 47(2) and <i>Articles 55, 71 and 80(2)</i> thereof,</p> <p><b>Chapter I</b></p> <p><b>General provisions</b></p> <p><i>Article 1</i></p> <p><b>Subject-matter</b></p> <p>This Directive establishes general provisions facilitating exercise of the freedom of establishment for service providers and the free movement of services.</p>	<p><b>Chapter I</b></p> <p><b>General provisions</b></p> <p><i>Article 1</i></p> <p><b>Subject-matter</b></p> <p>(Amendment 51)</p> <p>This Directive establishes general provisions facilitating exercise of the freedom of establishment for service providers and the free movement of services <i>while maintaining a high quality of services.</i></p>	<p>(Amendment 1)</p> <p>Citation 1</p> <p>Having regard to the Treaty establishing the European Community, and in particular the first and third sentence of Article 47(2) and Article 55 thereof,</p>	<p>Citation 1</p> <p>Having regard to the Treaty establishing the European Community, and in particular the <i>last paragraph of Article 50, Article 152, Article 153 § 2, Article 55</i> and the first and third sentence of Article 47(2) thereof,</p> <p>This Directive establishes general provisions <i>aiming at harmonizing the conditions for:</i></p> <ul style="list-style-type: none"> <li>- <i>exercising</i> the freedom of establishment for providers of a <i>limited number of commercial</i></li> </ul>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p>Greens / EFA proposals</p>
<p><i>Article 2</i></p> <p><b>Scope</b></p> <p>1. This Directive shall apply to services supplied by providers established in a Member State.</p>	<p><i>Article 2</i></p> <p><b>Scope</b></p> <p>(Amendment 52)</p> <p>1. <i>Within the framework set out in Article 1, this Directive shall apply to commercial services supplied by providers established in a Member State.</i></p> <p>(Amendment 53)</p> <p>1a. <i>This Directive shall not apply to services of general interest performed and defined by Member States in fulfilment of the ir general interest obligations nor to services in the performance of which the service providers are subject to particular</i></p>		<p>1. <i>Within the framework set out in Article 1, this Directive shall exclusively apply to the list of services mentioned in Annex 1.</i></p> <p>1a. <i>Any modification of the list of services mentioned in Annex 1 shall necessitate a decision by the Council and the consultation of the Parliament.</i></p> <p>Support Gebhardt</p>

<sup>1</sup> COM (2002) 441 final.

<sup>2</sup>

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<p><i>Article 3</i></p> <p><b>Relationship with other provisions of Community law</b></p> <p>Member States shall apply the provisions of this Directive in compliance with the rules of the Treaty on the right of establishment and the free movement of services.</p>	<p>(Amendment 60)</p> <p>Member States shall apply the provisions of this Directive in compliance with the rules of the Treaty on the right of establishment and the free movement of services.</p> <p>Application of this Directive <i>shall in no way affect</i> the application of provisions of other Community instruments as regards the services governed by those provisions.</p> <p><i>This directive shall not affect the application of Community legislative or other initiatives in the field of consumer protection, labour law and</i></p>	<p>(Amendment 54)</p> <p>Member States shall apply the provisions of this Directive in compliance with the rules of the Treaty.</p> <p><i>The application of this Directive shall not affect the application of provisions of other Community instruments as regards the services governed by those provisions.</i></p> <p><i>This Directive shall not affect the rules on conflict of laws, especially as contained in the 1980 Rome Convention on the law applicable to</i></p>	<p><i>Support Van Lancker</i></p>

<sup>3</sup> OJ L 108, 24.4.2002, p. 7.  
<sup>4</sup> OJ L 108, 24.4.2002, p. 21.  
<sup>5</sup> OJ L 108, 24.4.2002, p. 33.  
<sup>6</sup> OJ L 108, 24.4.2002, p. 51.  
<sup>7</sup> OJ L 201, 31.7.2002, p. 37.

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<p><i>Article 4</i></p> <p><b>Definitions</b></p> <p>For the purposes of this Directive, the following definitions shall apply:</p> <p>(1) "service" means any self-employed economic activity, as referred to in Article 50 of the Treaty, consisting in the provision of a service for consideration;</p>	<p>(Amendment 61)</p> <p>(1) 'service' means any self-employed economic activity, as referred to in Article 50 of the Treaty, <i>normally provided for remuneration, which constitutes consideration for the service in question and is normally agreed upon by the provider and the recipient of the service. Fees which the recipient of a service is required to pay as a contribution to the financing of a system shall not constitute consideration for the service;</i></p> <p>(Amendment 62)</p> <p><i>(1a) 'public service obligations' means specific requirements that are imposed</i></p>		<p>(1) "service" means <i>those</i> self-employed economic activities mentioned in Annex 1 of this Directive and as referred to in Article 50, <i>paragrap h s b, c and d</i> of the Treaty, consisting in the provision of a service for consideration;</p>



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<p><i>Article 6</i></p> <p><b>Single points of contact</b></p> <p>Member States shall ensure that, by 31 December 2008 at the latest, it is possible for a service provider to complete the following procedures and formalities at a contact point known as a "single point of contact":</p> <p>(a) all procedures and formalities needed for access to his service activities, in particular, all necessary declarations, notifications or applications for authorisation from the competent authorities, including applications for inclusion in a register, a roll or a database, or for registration with a professional body</p>	<p>(Amendment 75)</p> <p>Member States shall ensure that, by <i>[two years after the entry into force of this Directive]</i> at the latest, it is possible for a service provider to complete the following procedures and formalities at a contact point known as a 'single point of contact':</p>	<p>(Amendment 66)</p> <p>1. Member States shall ensure that, by <i>[three years from the entry into force of the Directive]</i>, it is possible for a service provider to complete the following procedures and formalities at a contact point known as a "single point of contact":</p> <p>(a) all procedures and formalities needed for access to his service activities, in particular, all necessary declarations, notifications or applications for authorisation from the competent authorities, including applications for inclusion in a register, a roll or a database, or for registration with a professional body</p>	<p>1. <i>The Commission and the Member States shall ensure that, from the entry into force of this Directive, it is possible for a service provider, in the case s where article 5 § 1 applies, to complete the following procedures and formalities at a contact point known as the "European single point of contact":</i></p> <p>(a) all procedures and formalities needed for access to his service activities, in particular, all necessary declarations, notifications or applications for authorisation from the competent authorities, including applications for inclusion in a register, a roll or a database, or for registration with a professional body</p>

<sup>9</sup> [Proposal for a Directive of the European Parliament and of the Council on the recognition of professional qualifications.]

<sup>10</sup> OJ L 134, 30.4.2004, p. 114. [~~Proposal for a Directive of the European Parliament and of the Council on the coordination of procedures for the award of public works, supply and service contracts~~]

<sup>11</sup> OJ L 145, 5.6.1997, p. 29.

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 7</i></p> <p><b>Right to information</b></p> <p>1. Member States shall ensure that the following information is easily accessible to providers and recipients through the single points of contact:</p> <p>(a) requirements applicable to providers established in their territory, in particular those requirements concerning the procedures and formalities to be completed in order to access and to exercise service activities;</p> <p>(b) the contact details of the competent authorities enabling the latter to be contacted directly, including the particulars of those authorities responsible for matters concerning the exercise of</p>	<p>(Amendment 79)</p> <p><i>(aa) all the information necessary for compliance with Article 16;</i></p>		<p><i>1. The Commission and the Member States shall ensure that the following information is easily accessible to providers and recipients through the single points of contact:</i></p>

<sup>12</sup> OJ L 145, 5.6.1977, p. 29.



<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p>Greens / EFA proposals</p>
<p><i>Article 8</i></p> <p><b>Procedures by electronic means</b></p> <p>1. Member States shall ensure that, by 31 December 2008 at the latest, all procedures and formalities relating to access to a service activity and to the exercise thereof may be easily completed, at a distance and by electronic means, at the relevant single point of contact and with the relevant competent authorities.</p> <p>2. Paragraph 1 shall not apply to the inspection of premises on which the service is provided or of equipment used by the provider, or to physical examination of the capability of the provider.</p> <p>3. The Commission shall, in accordance with the procedure referred to in Article 42(2), adopt detailed rules for the implementation of paragraph 1 with a view to facilitating the interoperability of</p>	<p>(Amendment 83)</p> <p>1. Member States shall ensure that, by <i>[four years after the entry into force of this Directive]</i> at the latest, all procedures and formalities relating to access to a service activity and to the exercise thereof may be easily completed at the relevant single point of contact and with the relevant competent authorities.</p>	<p>(Amendment 68)</p> <p>1. Member States shall ensure that, by <i>[three years from the entry into force of the Directive]</i>, all procedures and formalities relating to access to a service activity and to the exercise thereof may be easily completed, at a distance and by electronic means, at the relevant single point of contact and with the relevant competent authorities.</p>	<p>1. <i>The Commission and the</i> Member States shall ensure that, by <i>[three years from the entry into force of the Directive]</i>, all procedures and formalities relating to access to a service activity and to the exercise thereof may be easily completed, at a distance and by electronic means, at the relevant single point of contact and with the relevant competent authorities.</p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p>Greens / EFA proposals</p>
<p><b>Section 2</b></p> <p><b>Authorisations</b></p> <p><i>Article 9</i></p> <p><b>Authorisation schemes</b></p> <p>1. Member States shall not make access to a service activity or the exercise thereof subject to an authorisation scheme unless the following conditions are satisfied:</p> <p>(a) the authorisation scheme does not discriminate against the provider in question;</p>	<p>(Amendment 84)</p> <p><i>Chapter II a</i></p> <p><i>Freedom of establishment for service providers</i></p> <p>(Amendment 85)</p> <p><i>Section 1</i></p> <p><i>Authorisations</i></p>	<p>(Amendment 69)</p> <p>1. Member States <i>may</i> make access to a service activity or the exercise thereof subject to an authorisation scheme <i>if</i> the following conditions are satisfied:</p> <p>(a) <i>non-discrimination</i>: the authorisation scheme does not discriminate <i>on grounds of nationality or, with regard to</i></p>	<p><i>Support Van Lancker</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 10</i></p> <p><b>Conditions for the granting of authorisation</b></p> <p>1. Authorisation schemes shall be based on criteria which preclude the competent authorities from exercising their power of assessment in an arbitrary or discretionary manner.</p> <p>2. The criteria referred to in paragraph 1 must be:</p> <p>(a) non-discriminatory; (b) objectively justified by an overriding reason relating to the public interest; (c) proportionate to that public interest objective; (d) precise and unambiguous; (e) objective; (f) made public in advance.</p>		<p>(Amendment 70)</p> <p>1. Authorisation schemes shall be based on criteria which preclude the competent authorities from exercising their power of assessment in an arbitrary manner.</p>	<p><i>Support Van Lancker</i></p>
		<p>(Amendment 71)</p>	

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<p><i>Article 11</i></p> <p><b>Duration of authorisation</b></p> <p>1. An authorisation granted to a provider shall not be for a limited period, except in cases where:</p> <p>(a) the authorisation is being automatically renewed;</p> <p>(b) the number of available authorisations is limited; <u>or</u></p> <p>(c) a limited authorisation period can be objectively justified by an overriding reason relating to the public interest.</p> <p>2. Paragraph 1 shall not concern the maximum period during which the provider must actually commence his activity after receiving authorisation.</p>	<p>(Amendment 91)</p> <p>(a) the authorisation is being automatically renewed <i>or is subject only to the continued fulfilment of requirements;</i></p> <p>(Amendment 93)</p>	<p>(Amendment 72)</p>	<p><i>Support Gebhardt</i></p>

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<p><i>Article 12</i></p> <p><b>Selection from among several candidates</b></p> <p>1. Where the number of authorisations available for a given activity is limited because of the scarcity of available natural resources or technical capacity, Member States shall <u>ensure that authorisation schemes are based on</u> apply a selection procedures <u>providing</u> to potential candidates which provides full guarantees of impartiality and transparency, including, in particular, adequate publicity about the launch of the procedure.</p> <p>2. In the cases referred to in paragraph 1, authorisation must be granted for an appropriate limited period and may not be open to automatic renewal, nor confer any other advantage on the provider whose authorisation has just expired or on any person having any particular links with that provider.</p>	<p>(Amendment 95)</p> <p>1. Where the number of authorisations available for a given activity is limited because of the scarcity of available natural resources or technical capacity, Member States shall ensure that authorisation schemes are based on procedures for the selection of potential candidates that guarantee full impartiality and transparency, and provide, in particular, adequate publicity about the launch of the procedure.</p> <p>(Amendment 25)</p>		<p><i>Support Gebhardt</i></p>

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<p><i>Article 13</i></p> <p><b>Authorisation procedures</b></p> <p>1. Authorisation procedures and formalities shall be clear, made public in advance and such as to provide <u>relevant</u> interested parties with a guarantee that their application will be dealt with objectively and impartially.</p> <p>2. Authorisation procedures and formalities shall not be dissuasive and shall not unduly complicate or delay the provision of the service. They shall be easily accessible and any charges which the relevant parties may incur from their application shall be proportionate to the cost of the authorisation procedures in question.</p> <p>3. Authorisation procedures and formalities shall provide interested parties with a guarantee that their applications will</p>	<p>(Amendment 96)</p> <p>1. Authorisation procedures and formalities shall be clear, made public in advance and such as to provide <i>those involved</i> with a guarantee that their application will be dealt with objectively and impartially.</p>		<p><i>Support Van Lancker</i></p>

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<p>Section 3</p> <p><b>Requirements prohibited or subject to evaluation</b></p> <p><i>Article 14</i></p> <p><b>Prohibited requirements</b></p> <p>Member States shall not make access to or the exercise of a service activity in their territory subject to compliance with any of the following:</p> <p>(1) discriminatory requirements based directly or indirectly on nationality or, in the case of companies, the location of the registered office, including in particular:</p> <p>(a) nationality requirements for the provider, his staff, persons holding the share capital or members of the provider's</p>	<p>(Amendment 101)</p> <p>Section 2</p> <p><b>Requirements prohibited or subject to evaluation</b></p>		<p>Member States shall not make access to or the exercise of a service activity in their territory subject to compliance with any of the following <i>requirements, unless these requirements are objectively justified by an overriding reason relating to the public interest</i>::</p>

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<p><i>Article 15</i></p> <p><b>Requirements to be evaluated</b></p> <p>1. Member States shall examine whether, under their legal system, any of the requirements listed in paragraph 2 are imposed and shall ensure that any such requirements are compatible with the conditions laid down in paragraph 3. Member States shall adapt their laws, regulations or administrative provisions so as to make them compatible with those conditions.</p> <p>2. Member States shall examine whether their legal system makes access to a service activity or the exercise of it subject to compliance with any of the following non-discriminatory requirements:</p>	<p>(Amendment 105)</p>		<p><i>Harmonisation of requirements</i></p> <p>1. <i>The Commission and the Member States shall establish a coordination process in order to move closer the national provisions concerning requirements related to the right of establishment of service providers. At the latest 10 years after the entry into force of this Directive, harmonised requirements shall be established for all services covered by this Directive.</i></p> <p>2. <i>The harmonised requirements referred to in paragraph 1 shall cover the following:</i></p>



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<p><b>Chapter III</b></p> <p><b>Free movement of services</b> <b>Section 1</b></p> <p><b>Country of origin principle and derogations</b></p> <p><i>Article 16</i></p> <p><b>Country of origin principle</b></p> <p>(1) Member States shall ensure that providers are subject only to the national provisions of their Member State of origin which fall within the coordinated field.</p>	<p><b>Chapter III</b></p> <p><b>Free movement of services</b> <b>Section 1</b></p> <p>(Amendment 110)</p> <p><b>Principles</b></p> <p>(Amendment 111)</p> <p><i>Article 16</i></p> <p><i>Mutual recognition principle</i></p> <p><i>1. An economic operator who performs a service in a Member State in accordance with the law of that Member State may offer the same service without hindrance in another Member State</i></p>	<p>(Amendment 80)</p> <p><i>Deleted</i></p> <p>(Amendment 81)</p> <p><i>General provision</i></p> <p>Member States shall ensure that all services provided by a provider established on their territory comply with the legal system applicable to providers in that Member State.</p> <p><i>Member States shall not restrict the access to and the exercise of a service activity on their territory by a provider established in another Member State for reasons which fall within the fields coordinated by this Directive or by</i></p>	<p><i>Harmonisation of provisions</i></p> <p><i>Article 16</i></p> <p><i>1. The Commission and the Member States shall establish a coordination process in order to move closer the national provisions relating to access to and the exercise of a service activity. At the latest 10 years after the entry into force of this Directive, harmonised provisions shall be established for all services covered by this Directive.</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 17</i></p> <p><b>General derogations from the country of origin principle</b></p> <p>Article 16 shall not apply to the following:</p> <p>(1) postal services <u>covered by</u> within</p>	<p><i>Article 17</i></p> <p>(Amendment 115)</p> <p><i>Country of destination Principle</i></p> <p><i>In order to provide a service, the service provider may temporarily pursue his activity in the State where the service is provided, under the same conditions as are imposed by that State on its own nationals.</i></p> <p><i>Services for consumers as listed in Annex I C must be consistent with the laws and administrative provisions of the country of destination.</i></p> <p><i>At any event, Article 17 shall always apply to the areas covered by Article 16 (1a), and in particular to:</i></p>	<p>(Amendment 82)</p> <p><i>Deleted</i></p> <p>(Amendment 83)</p> <p><i>Notwithstanding Article 16, Member States shall be entitled to restrict the access to and exercise of a service activity by a provider established in another Member State in the following cases:</i></p> <p>(Amendment 84)</p> <p><i>Deleted</i></p>	<p><i>Deleted</i></p>

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<p><i>Article 18</i></p> <p><b>Transitional derogations from the country of origin principle</b></p> <p>1. Article 16 shall not apply for a transitional period to the following:</p> <p>(a) the way in which cash-in-transit services are exercised;</p> <p>(b) gambling activities which involve wagering a stake with pecuniary value in games of chance, including lotteries and betting transactions;</p>	<p>(Amendment 116)</p> <p><i>del et ed</i></p>	<p>(Amendment 91)</p> <p>1. Article 16 shall not apply to the following:</p> <p>(b) gambling activities which involve wagering a stake with pecuniary value in games of chance, including lotteries and betting transactions;</p>	<p><i>De leted</i></p>

<sup>13</sup> OJ L 15, 21.1.1998, p. 14.  
<sup>14</sup> OJ L 176, 15.7.2003, p. 37.  
<sup>15</sup> OJ L 176, 15.7.2003, p. 57.  
<sup>16</sup> OJ L 281, 28.11.1995, p. 1.  
<sup>17</sup> OJ L 78, 26.3.1997, p. 17.  
<sup>18</sup> OJ L 166, 30.4.2004, p.1.  
<sup>19</sup> OJ L 158, 30.4.2004, p.77.  
<sup>20</sup> OJ L 30, 6.2.1993, p. 1.  
<sup>21</sup> OJ L 24, 27.1.1987, p. 36.  
<sup>22</sup> OJ L 77, 27.3.1996, p. 20.

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 19</i></p> <p><b>Case-by-case derogations from the country of origin principle</b></p> <p>1. By way of derogation from Article 16, and in exceptional circumstances only, a Member State may, in respect of a provider established in another Member State, take measures relating to any of the following:</p> <p>(a) the safety of services, including aspects related to public health;</p> <p>(b) the exercise of a health profession;</p> <p>(c) the protection of public policy, notably aspects related to the protection of minors.</p> <p>2. The measures provided for in paragraph 1 may be taken only if the mutual assistance procedure laid down in Article 37 is complied with and all the following conditions are fulfilled:</p>	<p>(Amendment 117)</p> <p><i>Deleted</i></p>	<p>(Amendment 92)</p> <p><i>Deleted</i></p>	<p><i>Deleted</i></p>

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<p><b>Section 2</b></p> <p><b>Rights of recipients of services</b></p> <p><i>Article 20</i></p> <p><b>Prohibited restrictions</b></p> <p>Member States may not impose on a recipient requirements which restrict the use of a service supplied by a provider established in another Member State, in particular the following requirements:</p> <p>(a) an obligation to obtain authorisation from or to make a declaration to their competent authorities;</p> <p>(b) <u>discriminatory</u> limits on tax deductibility or on the grant of financial assistance <u>provided for the use of a particular service</u> by reason of the fact that the provider is established in another Member State or by reason of the location</p>	<p>(Amendment 118)</p> <p>Member States may not impose on a recipient requirements which restrict <i>market access</i> for a provider established in another Member State, in particular the following requirements:</p> <p>(Amendment 119)</p> <p>b) <i>discriminatory</i> limits on tax deductibility or on the grant of financial assistance <i>provided for the use of a specific service</i> by reason of the fact that the provider is established in another Member State or by reason of the location</p>		<p><i>Support Gebhardt</i></p> <p>b) <i>discriminatory</i> limits on tax deductibility or on the grant of financial assistance <i>provided for the use of a specific service</i> by reason of the fact that the provider is established in another Member State or by reason of the location</p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 21</i></p> <p><b>Non-discrimination</b></p> <p>1. Member States shall ensure that the recipient is not made subject to discriminatory requirements based on his nationality or place of residence.</p> <p>2. Member States shall ensure that the general conditions of access to a service, which are made available to the public at large by the provider, do not contain discriminatory provisions relating to the nationality or place of residence of the recipient, but without precluding the possibility of providing for differences in the conditions of access where those differences are directly justified by objective criteria.</p>			

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 22</i></p> <p><b>Assistance for recipients</b></p> <p>1. Member States shall ensure that recipients can obtain, in their Member State of residence, the following information:</p> <p>(a) information on the requirements applicable in other Member States relating to access to and exercise of service activities, in particular those relating to consumer protection;</p> <p>(b) <u>general</u> information on the means of redress available in the case of a dispute between a provider and a recipient;</p> <p>(c) the contact details of associations or organisations, including Euroguichets and the contact points of the European extra-judicial network (EEJ-net), from which providers or recipients may obtain practical assistance.</p>			

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 23</i></p> <p><b>Assumption of health care costs</b></p> <p>1. Member States may not make assumption of the costs of non-hospital care in another Member State subject to the granting of an authorisation, where the cost of that care, if it had been provided in their territory, would have been assumed by their social security system. The conditions and formalities to which the receipt of non-hospital care in their territory is made subject by Member States, such as the requirement that a general practitioner be consulted prior to consultation of a specialist, or the terms and conditions relating to the assumption of the costs of certain types of dental care, may be imposed on a patient who has received non-hospital care in another Member State.</p> <p><u>1. a (ex Art. 4§3) : "hospital care" means medical care which, in the Member State of affiliation of the patient, is provided in a</u></p>	<p>(Amendment 121)</p> <p><i>Deleted</i></p>	<p>(Amendment 93)</p> <p><i>Deleted</i></p>	<p><i>Deleted</i></p>



<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><b>Section 3</b></p> <p><b>Posting of Workers</b></p> <p><i>Article 24</i></p> <p><b>Specific provisions on the posting of workers</b></p> <p>1. Where a provider posts a worker to another Member State in order to provide a service, the Member State of posting <u>where the service is provided</u> shall carry out in its territory the checks, inspections and investigations necessary to ensure compliance with the employment and working conditions applicable under Directive 96/71/EC and shall take, in accordance with Community law, measures in respect of a service provider who fails to comply with those conditions. However, the Member State of posting <u>where the service is provided</u> may not</p>	<p>(Amendment 122)</p> <p><i>Deleted</i></p>	<p>(Amendment 94)</p> <p><i>Deleted</i></p> <p>(Amendment 95)</p> <p><i>Deleted</i></p>	<p><i>Deleted</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 25</i></p> <p><b>Posting of third country nationals</b></p> <p>1. Subject to the possibility of derogation as referred to in paragraph 2, where a provider posts a worker who is a national of a third country to the territory of another Member State in order to provide a service there, the Member State of posting may not require the provider or the worker posted by the latter to hold an entry, exit, residence or work permit, or to satisfy other equivalent conditions.</p> <p>2. Paragraph 1 does not prejudice the possibility for Member States to require a short term visa <u>or resident permits</u> for third country nationals who are not covered by the mutual recognition regime provided for in <u>Chapter IV of Title 2 Article 21 of the Convention implementing the Schengen Agreement. Paragraph 1 does not prejudice the possibility for Member States to oblige</u></p>	<p>(Amendment 123)</p> <p><i>Deleted</i></p>	<p>(Amendment 96)</p> <p><i>Deleted</i></p>	<p><i>Deleted</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p>Chapter IV</p> <p>Quality of services</p> <p><i>Article 26</i></p> <p><b>Information on providers and their services</b></p> <p>1. Member States shall ensure that providers make the following information available to the recipient:</p> <p>(a) the name of the service provider, the geographic address at which he is established, and the details which enable him to be contacted rapidly and communicated with directly and, as the case may be, by electronic means;</p> <p>(b) where the provider is registered in a trade or other similar public register, the name of that register and the provider's registration number, or</p>	<p>(Amendment 124)</p> <p>1. Member States shall ensure that providers make the following information available to the recipient <i>and the single points of contact in the host Member States:</i></p>		<p>1. <i>The Commission and the Member States shall ensure that providers make the following information available to the recipient, to the European single point of contact and to the single points of contact in the host Member States :</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p>Greens / EFA proposals</p>
<p><i>Article 27</i></p> <p><b>Professional insurance and guarantees</b></p> <p>1. Member States shall ensure that providers whose services present a <u>direct and</u> particular risk to the health or safety of the recipient <u>or a third person</u>, or <u>to the</u> a particular financial <u>security of</u> risk to the recipient, are <u>obliged to subscribe</u> covered by professional indemnity insurance appropriate to the nature and extent of the risk, or <u>to provide</u> by any other guarantee or compensatory provision which is equivalent or essentially comparable as regards its purpose.</p>	<p>(Amendment 129)</p> <p><i>1a. Member States may require that, where the service provider first moves from one Member State to another in order to provide services, he shall inform the competent authority in the host Member State in advance by way of a written declaration including the details of any insurance cover or other means of personal or collective</i></p>		<p><i>Support Gebhardt</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 28</i></p> <p><b>After-sales guarantees</b></p> <p>1. Member States shall ensure that providers supply a recipient, at his request, with information on the existence or otherwise of an after-sales guarantee, on its content and on the essential criteria for its application, in particular, its period of validity and territorial cover <u>and on whether it is an after-sales guarantee imposed by law.</u></p> <p>2. Member States shall ensure that the information referred to in paragraph 1 appears in any information documents supplied by providers, setting out a detailed description of the services offered.</p> <p>3. Paragraphs 1 and 2 do not affect the regulation of after-sales guarantees provided for in other Community instruments</p>			

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 29</i></p> <p><b>Commercial communications by the regulated professions</b></p> <p>1. Member States shall remove all total prohibitions on commercial communications by the regulated professions.</p> <p>2. Member States shall ensure that commercial communications by the regulated professions comply with professional rules, in conformity with Community law, which relate, in particular, to the independence, dignity and integrity of the profession, as well as to professional secrecy, in a manner consonant with the specific nature of each profession.</p> <p><i>Recital 64: It is necessary to put an end to the</i></p>			<p><i>De leted</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 30</i></p> <p><b>Multidisciplinary activities</b></p> <p>1. Member States shall ensure that providers are not made subject to requirements which oblige them to exercise a given specific activity exclusively or which restrict the exercise jointly or in partnership of different activities.</p> <p>However, the following providers may be made subject to such requirements:</p> <p>(a) the regulated professions, in so far as is justified in order to guarantee compliance with the rules governing professional ethics and conduct, which vary according to the specific nature of each profession;</p> <p>(b) providers of certification, accreditation, technical monitoring, test or trial services in so far as is justified in order to ensure their independence and impartiality.</p>			

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 31</i></p> <p><b>Policy on quality of services</b></p> <p>1. Member States shall, in cooperation with the Commission, take accompanying measures to encourage providers to take action on a voluntary basis in order to ensure the quality of service provision, in particular through use of one of the following methods:</p> <p>(a) by having their activities certified or assessed by independent bodies;</p> <p>(b) by drawing up their own quality charter or participating in quality charters or labels drawn up by professional bodies at Community level.</p> <p>2. Member States shall ensure that information on the significance of certain labels and the criteria for applying labels and other quality marks relating to services can be easily accessed by recipients and providers.</p> <p>3. Member States shall, in</p>			



<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 32</i></p> <p><b>Settlement of disputes</b></p> <p>1. Member States shall take the general measures necessary to ensure that providers supply a postal address, fax number or e-mail address to which all recipients, including those resident in another Member State, can send a complaint or a request for information on the service provided.</p> <p>2. Member States shall take the general measures necessary to ensure that providers respond to the complaints referred to in paragraph 1 in the shortest possible time and make best efforts to find appropriate solutions.</p> <p>3. Member States shall take the general measures necessary to ensure that providers are obliged to demonstrate compliance with the obligations laid down in this Directive as to the provision of information and to demonstrate that the</p>			

<sup>23</sup> OJ L 204, 21.7.1998, p. 37. Directive as last amended by the Act of Accession 2003.

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 33</i></p> <p><b>Information on the good repute of providers</b></p> <p>1. Member States shall, at the request of a competent authority in another Member State, supply information on criminal convictions, penalties, administrative or disciplinary measures and decisions concerning insolvency or bankruptcy involving fraud, taken by their competent authorities in respect of the provider, <u>directly relevant to the service provider's competence</u> or which are liable to bring into question either his ability to conduct his business or his professional reliability.</p> <p>1.b <u>A request referred to in paragraph 1 shall be duly motivated, in particular by specifying for which reasons such information is requested.</u></p>	<p>(Amendment 134)</p> <p>1. Member States shall, at the request of a competent authority in another Member State, supply information on criminal convictions, penalties, administrative or disciplinary measures and decisions concerning insolvency or bankruptcy involving fraud, taken by their competent authorities in respect of the provider, which are <i>of direct relevance to his competence</i> or professional reliability.</p> <p><i>A request made pursuant to paragraph 1 must be duly substantiated, in particular as regards the reasons for the request for information.</i></p>		<p><i>Keep the Commission's text</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p>Chapter V</p> <p>Supervision</p> <p><i>Article 34</i></p> <p><b>Effectiveness of supervision</b></p> <p>1. Member States shall ensure that the powers of monitoring and supervision provided for in national law in respect of the provider and the activities concerned are also exercised where a service is provided in another Member State <u>in respect of matters to which Article 16 applies</u>.</p> <p>2. Member States shall ensure that providers supply their competent authorities with all the information necessary for monitoring their activities.</p>	<p>(Amendment 136)</p> <p>1. Member States shall ensure that the powers of monitoring and supervision provided for in national law in respect of the provider and the activities concerned are exercised.</p>	<p>(Amendment 97)</p> <p>1. Member States shall ensure that, <i>in respect of the fields coordinated by this Directive and other Community instruments</i>, the powers of monitoring and supervision provided for in national law in respect of the provider and the activities concerned are also exercised where a service is provided in another Member State.</p>	<p><i>Deleted</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 35</i></p> <p><b>Mutual assistance</b></p> <p>1. In accordance with Article 16, Member States shall give each other mutual assistance and shall put in place all possible measures for effective cooperation with one another in order to ensure the supervision of providers and the services they provide.</p> <p>2. For the purposes of paragraph 1, Member States shall designate one or more points of contact, the contact details of which shall be communicated to the other Member States and the Commission.</p> <p>3. Member States shall supply the information requested by other Member States or the Commission by electronic means and within the shortest possible period of time.</p> <p>Upon <u>getting knowledge</u> becoming aware of any unlawful conduct by a provider, or</p>	<p>(Amendment 137)</p> <p>1. Member States shall give each other mutual assistance and shall put in place all possible measures for effective cooperation with one another in order to ensure the supervision of providers and the services they provide.</p>	<p>(Amendment 98)</p> <p>1. Member States shall give each other mutual assistance and shall put in place all possible measures for effective cooperation with one another in order to ensure the supervision of providers and the services they provide.</p>	<p><i>Support Gebhardt and Van Lancker</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 36</i></p> <p><b>Mutual assistance in the event of the temporary movement of the provider</b></p> <p>1. In respect of the matters <u>to which</u> covered by Article 16 <u>applies</u>, where a provider moves temporarily to another Member State in order to provide a service without being established there, the competent authorities of that Member State shall participate in the supervision of the provider in accordance with paragraph 2.</p> <p>2. At the request of the Member State of origin, the competent authorities referred to in paragraph 1 shall carry out any checks, inspections and investigations necessary for ensuring effective supervision by the Member State of origin. In so doing, the competent authorities</p>	<p>(Amendment 138)</p> <p>1. Where a provider moves temporarily to another Member State in order to provide a service without being established there, the competent authorities of that Member State shall <i>supervise</i> the provider.</p> <p>(Amendment 139)</p> <p>2. <u>The</u> competent authorities referred to in paragraph 1 shall carry out any checks, inspections and investigations necessary. In so doing, the competent authorities shall act to the extent permitted by the powers vested in them in their Member State.</p>	<p>(Amendment 99)</p> <p><i>deleted</i></p>	<p><i>Support Gebhardt</i></p> <p><i>Support Gebhardt</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA propo sals</i></p>
<p><i>Article 37</i></p> <p><b>Mutual assistance in the event of case-by-case derogations from the country of origin principle</b></p> <p>1. Where a Member State intends to take a measure pursuant to Article 19, the procedure laid down in paragraphs 2 to 6 of this Article shall apply without prejudice to proceedings before the courts <u>including preliminary proceedings and acts carried out in the framework of a criminal investigation.</u></p> <p>2. The Member State referred to in paragraph 1 shall ask the Member State of origin to take measures with regard to the service provider, supplying all relevant information on the service in question and the circumstances of the case.</p> <p>The Member State of origin shall check, within the shortest possible period of time, whether the provider is operating lawfully and verify the facts underlying the request.</p>	<p>(Amendment 141)</p> <p><i>del eted</i></p>	<p>(Amendment 100)</p> <p><i>de leted</i></p>	<p><i>De leted</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p>Greens / EFA proposals</p>
<p><i>Article 38</i></p> <p><b>Implementing measures</b></p> <p>In accordance with the procedure referred to in Article 42(2), the Commission shall adopt the implementing measures necessary for the implementation of this Chapter, specifying the time-limits provided for in Articles 35 and 37 and the practical arrangements for the exchange of information by electronic means between the single points of contact <u>Member States</u>, and in particular the interoperability provisions for information systems.</p> <p><i>Recital 66: The development of a network of</i></p>	<p>(Amendment 142)</p> <p>In accordance with the procedure referred to in Article 42(2), the Commission shall adopt the implementing measures necessary for the implementation of <i>Article 35</i> and the practical arrangements for the exchange of information by electronic means between the single points of contact, and in particular the interoperability provisions for information systems.</p>	<p>(Amendment 101)</p> <p>In accordance with the procedure referred to in Article 42(2), the Commission shall adopt the implementing measures necessary for the implementation of this Chapter, specifying the time-limits provided for in <i>Article 35</i> and the practical arrangements for the exchange of information by electronic means between the single points of contact, and in particular the interoperability provisions for information systems.</p>	<p><i>Support Van Lancker</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p>Chapter VI</p> <p>Convergence programme</p> <p><i>Article 39</i></p> <p><b>Codes of conduct at Community level</b></p> <p>1. Member States shall, in cooperation with the Commission, take accompanying measures to encourage the drawing up of codes of conduct at Community level, in conformity with Community law, in particular in the following areas:</p> <p>(a) the content of and detailed rules for commercial communications relating to regulated professions, as appropriate to the specific nature of each profession;</p> <p>(b) the rules of professional ethics and conduct of the regulated professions which aim in particular at ensuring, as appropriate to the specific nature of each</p>			<p><i>1. Until the entry into force of the harmonisation measures referred to in articles 5, 6, 9, 15 and 16 of this Directive, Member States shall, in cooperation with the Commission, take accompanying measures to encourage the drawing up of codes of conduct at Community level, in conformity with Community law, in particular in the following areas:</i></p>



<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 40</i></p> <p><b>Additional harmonisation</b></p> <p>1. The Commission shall assess, by [one year after the entry into force of this Directive] at the latest, the possibility of presenting proposals for harmonisation instruments on the following subjects:</p> <p>(a) the detailed rules for the exercise of cash-in-transit services;</p> <p>(b) gambling activities which involve wagering a stake with pecuniary value in games of chance, including lotteries and betting transactions, in the light of a report by the Commission and a wide consultation of interested parties;</p> <p>(c) access to the activity of judicial recovery of debts.</p> <p>2. In order to ensure the proper functioning of the internal market for services, the Commission shall assess the</p>	<p>(Amendment 146)</p> <p><i>del et ed</i></p>		

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 41</i></p> <p><b>Mutual evaluation</b></p> <p>1. By the [date of transposition] at the latest, Member States shall present a report to the Commission, containing the information specified in the following provisions:</p> <p>(a) Article 9(2), on authorisation systems;</p> <p>(b) Article 15(4), on requirements to be evaluated;</p> <p>(c) Article 30(4), on multidisciplinary activities.</p>		<p>(Amendment 102)</p> <p><i>Deleted</i></p>	<p><i>(d) article 5 (1), on harmonisation of procedures</i></p> <p><i>(e) article 6(1), on single points of contact</i></p> <p><i>(f) article 16(1), on provisions regarding free movement of services</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p>Greens / EFA proposals</p>
<p><i>Article 42</i></p> <p><b>Committee</b></p> <p>1. The Commission shall be assisted by a Committee, consisting of representatives of the Member States and chaired by the Commission representative.</p> <p>2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, in accordance with the provisions of Article 8 of that Decision.</p> <p>3. The Committee shall adopt its rules of procedure.</p>	<p>(Amendment 147)</p> <p><i>3a. The Committee shall examine, on a proposal from the Commission or at the request of a Member State, questions relating to any amendment to the Annexes to this Directive.</i></p> <p><i>The Commission shall notify the European Parliament without delay of any amendment to the Annexes to this</i></p>		<p><i>3a. The Committee may propose any amendment to the list of services mentioned in Annex 1 of this Directive. The proposals of the Committee shall be examined in conformity with article 2, §1a of this Directive</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 43</i></p> <p><b>Report</b></p> <p>Following the summary report referred to in Article 41(4), the Commission shall, every three years, present to the European Parliament and to the Council a report on the application of this Directive, accompanied, where appropriate, by proposals for its amendment.</p>			<p>Following the summary report referred to in Article 41(4), the Commission shall, every <i>two</i> years, present to the European Parliament and to the Council a report on the application of this Directive, accompanied, where appropriate, by proposals for its amendment.</p>

<sup>24</sup> OJ L 184, 17.7.1999, p. 23.

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 44</i></p> <p><b>Amendment of Directive 1998/27/EC</b></p> <p>In the Annex to Directive 1998/27/EC, the following point shall be added:</p> <p>"13. Directive../../EC of the European Parliament and of the Council of ... on services in the internal market (OJ L [...], [...], p. [...])".</p> <p><i>Recital 70: Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests<sup>25</sup> approximates the laws, regulations and administrative provisions of the Member States relating to actions for an injunction aimed at the protection of the collective interests of consumers included in the Directives listed in the Annex to Directive 98/27/EC. In order to enable such actions to be brought in cases where the present Directive has been infringed, to the detriment of the collective interests of consumers, the Annex to Directive 98/27EC should be amended accordingly</i></p>			

<sup>25</sup> OJ L 166, 11.6.1998, p. 51. Directive as last amended by Directive 2002/65/EC of the European Parliament and of the Council (OJ L 271, 9.10.2002, p. 16).

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><b>Chapter VII</b></p> <p><b>Final provisions</b></p> <p><i>Article 45</i></p> <p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [2 years after the entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.</p> <p>2. Member States shall communicate to the Commission the text of the main provisions of national law</p>	<p>(Amendment 148)</p> <p>1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [<i>four years</i> after the entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.</p>		<p><i>Support Gebhardt</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 46</i></p> <p>This Directive shall enter into force on the day following that of its publication in the <i>Official Journal of the European Union</i></p>			

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
<p><i>Article 47_</i></p> <p>This Directive is addressed to the Member States. Done at Brussels, [...]</p> <p><i>For the European Parliament    For the Council</i> The President                      The President [...]                                      [...]</p>			



<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p>Greens / EFA proposals</p>
	<p>(Amendment 149)</p> <p>Annex I A (new)&lt;/Article&gt; Services within the meaning of Article 16, paragraph 1</p> <p><i>Annex I A</i></p> <p>1. BUSINESS SERVICES</p> <p><i>Computer and Related Services</i> <i>Research and Development Services</i> <i>Real Estate Services</i> <i>Rental/Leasing Services without</i> <i>Operators</i> <i>Other Business Services</i> <i>Advertising services</i> <i>Market research and public opinion</i> <i>polling services</i> <i>Management consulting services</i> <i>Services related to management</i> <i>consulting</i> <i>Technical testing and analysis services</i></p>		<p><i>Annex 1</i></p> <p><i>In accordance with article 2, this</i> <i>Directive covers exclusively the</i> <i>following sectors :</i></p> <p>1. BUSINESS SERVICES</p> <p><i>Computer and Related Services</i></p> <p><i>Real Estate Services</i> <i>Rental/Leasing Services without</i> <i>Operators</i></p> <p><i>Advertising services</i> <i>Market research and public opinion</i> <i>polling services</i> <i>Management consulting services</i> <i>Services related to management</i> <i>consulting</i></p>

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>
	<p>(Amendment 150)</p> <p>&lt;Article&gt;Annex I B (new)&lt;/Article&gt; Services within the meaning of Article 16, paragraph (1b)</p> <p><i>Annex 1 B</i></p> <p><i>CONSTRUCTION AND RELATED ENGINEERING SERVICES</i></p> <p><i>General construction work for buildings</i></p> <p><i>General construction work for civil engineering</i></p> <p><i>Installation and assembly work</i></p> <p><i>Building completion and finishing work</i></p> <p><i>DISTRIBUTION SERVICES</i></p> <p><i>Commission agents' services</i></p> <p><i>Wholesale trade services</i></p>		

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA propo sals</i></p>
	<p>(Amendment 151)</p> <p>&lt;Article&gt;Annex I C (new)&lt;/Article&gt; Services within the meaning of Article 17, paragraph 1</p> <p><i>Annex 1C</i></p> <p>ENVIRONMENTAL SERVICES</p> <p>Sewage services</p> <p>Refuse disposal services</p> <p>Sanitation and similar services</p> <p>TOURISM AND TRAVEL RELATED SERVICES</p> <p>Hotels and restaurants (including catering)</p> <p>Travel agencies and tour operators services</p> <p>RECREATIONAL, CULTURAL AND SPORTING SERVICES</p> <p>Sporting and other recreational services</p>		

<p>Commission's proposal / Council's January 2005 "clarified" proposals (<u>underlined</u>)</p>	<p>Gebhardt (IMCO rapporteur) proposals</p>	<p>Van Lancker (EMPL rapporteur) proposals</p>	<p><i>Greens / EFA proposals</i></p>