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Outcome of the vote on the Services Directive in the EMPL Committee

- Député européen (Verts, France) - Économie - Les services d'intérêt général -



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The outcome of the vote on July 12th in EMPL can be seen as a success.

- ▶ the general approach common to Greens and Socialists have been adopted, generally with support from ALDE and also from some PPE deputies ; in particular, compromise amendments proposed to us by the socialist rapporteur Van Lancker, concerning the scope of the directive and the rejection of the country of origin principle, have been adopted ;
- ▶ some important Greens' own amendments have also been adopted, in particular those calling for the launching of harmonisation process.

More specifically:

ON THE SCOPE OF THE DIRECTIVE:

* what we have won: the negative list of exclusions proposed by the Greens has been mainly adopted ; in particular, the paragraph on exclusion of services of general economic interest has been approved ; sectoral exclusions (postal services, electricity, gas, water, temporary agencies, audiovisual services) have also been approved ; moreover, the fact that the Directive would not affect instruments such as the posting of workers and the professional qualifications Directives, as well as the Rome 1 and 2 provisions on the laws applicable to contractual and non contractual obligations, has been approved ;

* what we have lost: unfortunately, what has been rejected is the Greens' proposal for a positive list of included sectors (Socialists voted against)

ON THE PART ON FREEDOM OF ESTABLISHMENT (articles 5 to 15):

* what we have won: our amendments on the launching of a harmonisation process have been approved ; these coordination processes would concern authorisation schemes (article 9) as well as the screening of requirements to be evaluated (article 15) ; furthermore, we won on the refusal of tacit authorisations and also, very importantly, on the explicit possibility for Member States to invoke overriding reasons of public interest to refuse an authorisation; concerning forbidden requirements (article 14), we won on keeping economic needs tests among authorised requirements ; we also succeeded in passing amendments on the availability of information through internet web sites and on the availability of documents in all languages enjoying secure or equal status, as well as on the involvement of the European Commission in the provisions on administrative simplification, on information to service providers and on the above-mentioned harmonisation processes ;

* what we have lost: we did not succeed in fixing deadlines (generally 4 years) for reaching harmonisation on matters covered by articles 9 and 15 ; we also lost on our proposal for a European single point of contact (article 6) ; we also lost on certain specific forbidden national requirements (which we had try to maintain authorised), in particular the requirement that the provider or his staff be resident within the territory, as well as the requirement to participate in a financial guarantee or to take insurance from a body established in the national territory ; finally we lost on our refusal of the possibility for the Commission to request a Member State to refrain from adopting new requirements or to abolish them

ON THE COUNTRY OF ORIGIN PRINCIPLE:

* what we have won: we supported Van Lancker's approach which replaces the country of origin principle with the provision that "*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*", although it was a little bit less clear than our "*country of destination principle*"; very importantly, we won on our proposal to launch a harmonisation process for free movement of services matters (cross border access to and exercise of a service activity) ;

* what we have lost: as for freedom of establishment, we did not succeed in fixing deadlines for the completion of harmonisation regarding cross-border provision of services ;

ON THE HEALTHCARE ISSUE:

There was a huge support to the proposal (common to Greens and Socialists) to delete this article (article 23) from the Directive ;

ON THE POSTING OF WORKERS:

Similarly, deletion of the 2 articles on posting of workers (articles 24 and 25) were adopted by a vast majority.

Conclusion: big success for the left and in particular for the Greens in EMPL Committee ; it will be difficult to achieve the same results in the lead Committee (IMCO) in September, which is much more conservative-oriented ; but given the fact that there is an enhanced cooperation procedure between EMPL and IMCO, we must persuade IMCO to accept some EMPL amendments as such (especially on healthcare and posting of workers) and then mobilise for the vote in Plenary, scheduled for October.

PS:

Many thanks to Philine !