



2016/0402(COD)

1.12.2017

AMENDMENTS

77 - 233

Draft report

Morten Løkkegaard

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 77

Philippe Juvin

Proposal for a directive

—

Proposal for rejection

***The European Parliament rejects the
Commission proposal.***

Or. fr

Amendment 78

Pascal Durand

Proposal for a directive

—

Proposal for rejection

***The European Parliament rejects the
Commission proposal.***

Or. fr

Justification

The legislative proposal could undermine the ability of the public authorities to ensure, by means of suitable monitoring and surveillance measures, that service providers are meeting the conditions governing their activities set by the host Member State. For this reason, it does not have any added value over the existing rules.

Amendment 79

Dennis de Jong

Proposal for a directive

—

Proposal for rejection

***The European Parliament rejects the
Commission proposal.***

Amendment 80

Virginie Rozière, Liisa Jaakonsaari, Gianni Pittella, Udo Bullmann, Nicola Danti, Evelyne Gebhardt

on behalf of the S&D Group

Proposal for a directive

—

Proposal for rejection

The European Parliament rejects the Commission proposal.

Justification

The Commission E-Card proposal does not solve the problems companies face when going cross-border and does not facilitate the functioning of the internal market. Instead, it bears many dangers and overlaps with existing tools. The card would risk the introduction of the country of origin principle and create additional administrative structures, while not addressing the issues companies, especially SMEs encounter, i.a. questions of insurance. Thus, the European Parliament should reject the proposal.

Amendment 81

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Ivan Štefanec, Mihai Țurcanu

Proposal for a directive

Title 1

Text proposed by the Commission

Amendment

Proposal for a
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]....
(Text with EEA relevance)

Proposal for a
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]....
***and for the coordination of provisions
concerning the freedom of establishment
and the freedom to provide certain***

Amendment 82

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu

Proposal for a directive

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 53(1) and 62 thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles **50(1)**, 53(1) and 62 thereof,

Amendment 83

Maria Grapini

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) Directive 2006/123/EC of the European Parliament and of the Council¹⁷ establishes general provisions facilitating the exercise of the freedom of establishment for service providers and the free movement of services. It provides inter alia that Member States should provide for administrative simplification, for instance offering electronic procedures via Points of Single Contact, simplifying existing procedures and the need for certified documents and making best use of a system of tacit approval. The Directive also sets a framework furthering the freedom to provide services on a temporary basis in another Member State.

Amendment

(2) Directive 2006/123/EC of the European Parliament and of the Council¹⁷ establishes general provisions facilitating the exercise of the freedom of establishment for service providers and the free movement of services. It provides inter alia that Member States should provide for administrative simplification, for instance offering electronic procedures via Points of Single Contact, simplifying existing procedures and the need for certified documents and making best use of a system of tacit approval. The Directive also sets a framework furthering the freedom to provide services on a temporary basis in another Member State, **which will lead to**

increased mobility in the internal market and the cross-border development of services.

¹⁷ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

¹⁷ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

Or. ro

Amendment 84

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Directive 2006/123/EC requires Member States to put in place and keep constantly updated Points of Single Contacts where a service provider wishing to establish or to provide services can find all relevant information about requirements to be complied with and e-procedures in respect of all formalities, authorisation and notifications to go through. However, costly information challenges and difficulties complying with national procedures at a distance remain to date for service providers, namely for sector-related requirements. Cooperation between authorities in different Member States should in principle take place *via* the Internal Market Information System (IMI), an IT-platform offered for cross-border exchange of information and mutual assistance under that Directive. Despite the fact that authorities sometimes have doubts with regard to the legal establishment of a provider in another Member State, the possibilities for cooperation currently provided in IMI are not exploited to their full potential. Formalities associated with

Amendment

(3) Directive 2006/123/EC requires Member States to put in place and keep constantly updated Points of Single Contacts where a service provider wishing to establish or to provide services can find all relevant information about requirements to be complied with and e-procedures in respect of all formalities, authorisation and notifications to go through. However, costly information challenges and difficulties complying with national procedures at a distance remain to date for service providers, namely for sector-related requirements. Cooperation between authorities in different Member States should in principle take place ***through a more complex and sophisticated version of*** the Internal Market Information System (IMI), an IT-platform offered for cross-border exchange of information and mutual assistance under that Directive. Despite the fact that authorities sometimes have doubts with regard to the legal establishment of a provider in another Member State, the possibilities for cooperation currently provided in IMI are not exploited to their

authorisations and notifications often require paper documents to be submitted and to be translated at a significant cost. Information regarding these obstacles is either not available online or is scarce, incomplete, dispersed and difficult to interpret in relation to the particular circumstances of a provider expanding across borders, as national rules often target purely domestic situations. Service providers often risk resubmitting information and documents.

full potential. Formalities associated with authorisations and notifications often require paper documents to be submitted and to be translated at a significant cost. Information regarding these obstacles is either not available online or is scarce, incomplete, dispersed and difficult to interpret in relation to the particular circumstances of a provider expanding across borders, as national rules often target purely domestic situations. Service providers often risk resubmitting information and documents. ***The IMI system should therefore be implemented with a public interface for service providers, interconnections with other relevant systems, a back-office function for national authorities, a better system for data matching, data mining and data processing so the authorities are able to carry out checks in real time and thereby limit the proliferation of fraudulent practices and letterbox companies.***

Or. it

Justification

Obviously this system can only operate properly if EU countries all have the same high level of digitalisation. The IMI system's digital platform will need to be more complex and sophisticated. The authorities must be able to carry out checks in real time so as to prevent fraudulent practices and letterbox companies. The e-card will not be able to operate fully unless this system is in place.

Amendment 85

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) To make applying for the European services e-card easier, the Commission should produce a standard model for each service type. Each model

should take the specific nature of that particular service into account, so as to standardise the e-card application procedure and make it easier for service providers. The models should be included in the IMI system together with guidelines for their use.

Or. it

Justification

Customised standard models for each service type will help service providers enter the information and make assessment by Member States easier.

Amendment 86

Philippe Juvin

Proposal for a directive

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Requirements should be readily understandable so that service providers can take the necessary steps easily. In that connection, the establishment of single points of contact in line with the Services Directive is key. Making the necessary forms and documents available in all the EU languages would be a further help to service providers.

Or. fr

Amendment 87

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Recital 4

Text proposed by the Commission

Amendment

(4) Requirements remain in place which make expansion of service

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providers' operations across the internal market burdensome and unappealing, such as multiple and disparate authorisation schemes before different authorities, which, regarding establishment, fail to achieve mutual recognition of conditions previously complied with in other Member States or, regarding temporary cross-border provision of services apply disproportionate or unjustified restrictions. As a consequence, service providers face multiple and disproportionate compliance costs when going cross-border.

providers' operations across the internal market burdensome and unappealing, such as multiple and disparate authorisation schemes before different authorities, which, regarding establishment, fail to achieve mutual recognition of conditions previously complied with in other Member States or, regarding temporary cross-border provision of services apply disproportionate or unjustified restrictions. ***Furthermore self-employed workers providing cross-border services who need to have a specific professional qualification come up against further barriers in respect of recognition of their professional qualification.*** As a consequence, service providers face multiple and disproportionate compliance costs when going cross-border.

Or. it

Amendment 88

Maria Grapini

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) Requirements remain in place which make expansion of service providers' operations across the internal market burdensome and unappealing, such as multiple and disparate authorisation schemes before different authorities, which, regarding establishment, fail to achieve mutual recognition of conditions previously complied with in other Member States or, regarding temporary cross-border provision of services apply disproportionate or unjustified restrictions. As a consequence, service providers face multiple and disproportionate compliance costs when going cross-border.

Amendment

(4) Requirements remain in place which make expansion of service providers' operations across the internal market burdensome and unappealing, such as multiple and disparate authorisation schemes before different authorities, which, regarding establishment, fail to achieve mutual recognition of conditions previously complied with in other Member States or, regarding temporary cross-border provision of services apply disproportionate or unjustified restrictions. As a consequence, service providers face multiple and disproportionate compliance costs when going cross-border, ***and the formalities covered by the European e-***

card procedure would therefore lead to significant cost savings compared to the existing situation.

Or. ro

Amendment 89
Inese Vaidere

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) Cross-border trade and cross-border investment in certain business *and* construction services are particularly low showing a potential for better integration of services markets with significant negative repercussions for the remaining part of the economy. This underperformance leads to situations where the potential for more growth and jobs in the Single Market has not been fully exploited.

Amendment

(5) Cross-border trade and cross-border investment in certain business *including* construction services are particularly low showing a potential for better integration of services markets with significant negative repercussions for the remaining part of the economy. This underperformance leads to situations where the potential for more growth and jobs in the Single Market has not been fully exploited.

Or. en

Amendment 90
Dariusz Rosati, Anna Maria Corazza Bildt, Mihai Țurcanu

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) Cross-border trade and cross-border investment in certain *business and* construction services are particularly low showing a potential for better integration of services markets with significant negative repercussions for the remaining part of the economy. This underperformance leads to situations where the potential for more growth and jobs in the Single Market has

Amendment

(5) Cross-border trade and cross-border investment in certain construction *and business* services are particularly low showing a potential for better integration of services markets with significant negative repercussions for the remaining part of the economy. This underperformance leads to situations where the potential for more growth and jobs in the Single Market has

not been fully exploited.

not been fully exploited.

Or. en

Amendment 91

Inese Vaidere

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) In order to make it easier to take up and pursue service activities, this Directive builds upon Directive 2006/123/EC but does in no way amend its rules. The scope of this Directive is even more limited compared to the scope laid down in the Services Directive. It specifically targets business **and** construction service sectors, where many obstacles to cross-border activities still remain. In addition, cross-border trade and investment in construction and several business services are low and both sectors have seen weak productivity growth over the last decade.

Amendment

(7) In order to make it easier to take up and pursue service activities, this Directive builds upon Directive 2006/123/EC but does in no way amend its rules. The scope of this Directive is even more limited compared to the scope laid down in the Services Directive. It specifically targets business **including** construction service sectors, where many obstacles to cross-border activities still remain. In addition, cross-border trade and investment in construction and several business services are low and both sectors have seen weak productivity growth over the last decade.

Or. en

Amendment 92

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) In order to make it easier to take up and pursue service activities, this Directive builds upon Directive 2006/123/EC but does in no way amend its rules. The scope of this Directive is even more limited compared to the scope laid down in the

Amendment

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Services Directive. It specifically targets **business and** construction service sectors, where many obstacles to cross-border activities still remain. In addition, cross-border trade and investment in construction and several business services are low and both sectors have seen weak productivity growth over the last decade.

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Or. en

Amendment 93
Lambert van Nistelrooij

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) In order to make it easier to take up and pursue service activities, this Directive builds upon Directive 2006/123/EC but does in no way amend its rules. The scope of this Directive is even more limited compared to the scope laid down in the Services Directive. It specifically targets business and construction service sectors, where many obstacles to cross-border activities still remain. In addition, cross-border trade and investment in construction and several business services are low and both sectors have seen weak productivity growth over the last decade.

Amendment

(7) In order to make it easier to take up and pursue service activities, this Directive builds upon Directive 2006/123/EC but does in no way amend its rules. The scope of this Directive is even more limited compared to the scope laid down in the Services Directive. It specifically targets business and construction service sectors, where many obstacles to cross-border activities still remain. In addition, cross-border trade and investment in construction and several business services are low and both sectors have seen weak productivity growth over the last decade. ***The Directive will not yet apply to the construction industry for the first two years.***

Or. nl

Amendment 94
Lara Comi, Antonio López-Istúriz White

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) In order to make it easier to take up and pursue service activities, this Directive builds upon Directive 2006/123/EC but does in no way amend its rules. The scope of this Directive is even more limited compared to the scope laid down in the Services Directive. It specifically targets business and construction service sectors, where many obstacles to cross-border activities *still remain*. In addition, cross-border trade and investment in construction and several business services are low and both sectors have seen weak productivity growth over the last decade.

Amendment

(7) In order to make it easier to take up and pursue service activities, this Directive builds upon Directive 2006/123/EC but does in no way amend its rules. The scope of this Directive is even more limited compared to the scope laid down in the Services Directive. It specifically targets business and construction service sectors, where many obstacles to cross-border activities ***persist in the companies concerned***. In addition, cross-border trade and investment in construction and several business services are low and both sectors have seen weak productivity growth over the last decade.

Or. it

Amendment 95

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu

**Proposal for a directive
Recital 7 a (new)**

Text proposed by the Commission

Amendment

(7 a) Other service sectors suffer from a similarly low level of cross-border trade and cross-border investment, do not have sector-specific legislation to allow their cross-border expansion and are important for business because of their role as service recipients. However, it is important to give time to the Commission to adapt the IMI to this Directive and to the Member States to adopt measures to implement the European services e-card. Therefore, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of extending the scope of this Directive to those other

sectors at later stage under specific conditions.

Or. en

Amendment 96

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) This Directive clarifies the conditions under which service providers concerned can benefit from the European services e-card introduced by Regulation ...[ESC Regulation]..., which respective role the home and the host Member State should have and which actions of the home Member State should be accepted by a host Member State. The European services e-card is a voluntary instrument for the service provider.

Amendment

(10) This Directive clarifies the conditions under which service providers concerned can benefit from the European services e-card introduced by Regulation ...[ESC Regulation]..., which respective role the home and the host Member State should have and which actions of the home Member State should be accepted by a host Member State. The European services e-card is a voluntary ***and entirely free*** instrument for the service provider.

Or. it

Justification

The free provision of the service card enhances its added value. The whole process must be free of charge to the service provider.

Amendment 97

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) This Directive should apply only to undertakings that supply services. Provision of services on a temporary basis by self-employed workers should be made subject to recognition of their professional

Or. it

Amendment 98

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) This Directive also includes a framework for the validity and the reasons for suspending or revoking a European services e-card throughout the European Union. **Whenever** a service provider cannot legally continue to provide services across borders, the reason for which it initially applied for an e-card, that same e-card should be suspended or revoked, accordingly.

Amendment

(11) This Directive also includes a framework for the validity and the reasons for suspending or revoking a European services e-card throughout the European Union. ***For service providers applying for a temporary cross-border provision, the validity of the e-card should be set at 36 months. Service providers applying to provide services through branches, agencies and offices should be eligible for an e-card of indefinite duration. Furthermore, whenever*** a service provider cannot legally continue to provide services across borders, the reason for which it initially applied for an e-card, that same e-card should be suspended or revoked, accordingly.

Or. it

Justification

Given their disparate nature, the same period of validity cannot be applied both to applications for the temporary provision of services and to applications for the opening of branches, agencies and offices.

Amendment 99

Lara Comi, Antonio López-Istúriz White

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 **exercise** 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 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 **to which** a service provider is interested in expanding should furthermore not apply, to holders of an e-card, their prior authorisation or notifications schemes put in place under national law, **provided that they comply with the principles and standards laid down in Directive 2005/36/EC on professional qualifications**, to control access to or **exercise** of service activities, which is already the object of control before issue of a European services e-card.

Or. it

Justification

La proposta di Direttiva attribuisce al Paese di origine una posizione predominante rispetto al Paese ospitante, soprattutto perché trasferisce la responsabilità del processo di controllo e di ottenimento della carta direttamente alle autorità del Paese d'origine, invece che a quelle del Paese di destinazione. In questo modo si impedisce che lo Stato ospitante effettui controlli ed esami la documentazione fornita dal richiedente, limitando così la sua capacità di controllare l'intero processo e facilitando l'eventuale comparsa di abusi e frodi, come conseguenza diretta di una protezione insufficiente per tutelare efficacemente i diritti dei lavoratori e dei consumatori nell'ambito dell'Unione europea.

Il Comitato economico e sociale europeo raccomanda di precisare in modo più chiaro che la direttiva sulle qualifiche professionali ha la preminenza, rispetto alla nuova carta elettronica, per qualsiasi aspetto del riconoscimento professionale. Bisogna indicare esplicitamente che una carta elettronica dei servizi non può essere rilasciata a professionisti che esercitano una professione regolamentata nel Paese di origine e/o nello Stato membro ospitante, anche se la professione è esercitata dalla persona in questione in qualità di lavoratore autonomo o come attività d'impresa.

Amendment 100

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

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 **exercise** 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 uniform and simplified procedure for service providers wishing to expand provision of services across internal market borders. The e-card represents an electronic certificate, ***issued through the IMI online platform***, 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 **exercise** of service activities, which is already the object of control before issue of a European services e-card.

Or. it

Amendment 101

Maria Grapini

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

Amendment

(12) The main purpose of the European services e-card is to introduce a uniform, ***transparent*** 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

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 ~~exercise~~ of service activities, which is already the object of control before issue of a European services e-card.

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 **exercise** of service activities, which is already the object of control before issue of a European services e-card.

Or. ro

Amendment 102

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Certain requirements and related authorisations and notifications governed by Directive 2006/123/EC should not be the object of controls in the context of issuing a European services e-card given their complexity or the involvement of third actors which the uniform procedural workflow of the European services e-card cannot suitably accommodate. This concerns selection procedures for granting authorisations limited in number and controls of site-specific conditions, be it for the site of actual provision of services or for the site where the provider establishes its operations. Similarly a European services e-card is also not suited to accommodate selection procedures for the performance of public contracts, design contests or concessions.

Amendment

(14) Certain requirements and related authorisations and notifications governed by Directive 2006/123/EC should not be the object of controls in the context of issuing a European services e-card given their complexity or the involvement of third actors which the uniform procedural workflow of the European services e-card cannot suitably accommodate. This concerns selection procedures for granting authorisations limited in number and controls of site-specific conditions, be it for the site of actual provision of services or for the site where the provider establishes its operations. Similarly a European services e-card is also not suited to accommodate selection procedures for the performance of public contracts, design contests or concessions. ***Furthermore, the principles laid down in this Directive shall be without prejudice to Directives 2014/23/EU and 2014/25/EU and the procedures contained in the European Single Procurement Document (ESPD).***

Or. it

Justification

It is essential to clarify that this directive does not affect the rules on public procurement.

Amendment 103

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Certain requirements and related authorisations and notifications governed by Directive 2006/123/EC should not be the object of controls in the context of issuing a European services e-card given their complexity or the involvement of third actors which the uniform procedural workflow of the European services e-card cannot suitably accommodate. This concerns selection procedures for granting authorisations limited in number and controls of site-specific conditions, be it for the site of actual provision of services or for the site where the provider establishes its operations. Similarly a European services e-card is also not suited to accommodate selection procedures for the performance of public contracts, design contests or concessions.

Amendment

(14) Certain requirements and related authorisations and notifications governed by Directive 2006/123/EC should not be the object of controls in the context of issuing a European services e-card given their complexity or the involvement of third actors which the uniform procedural workflow of the European services e-card cannot suitably accommodate. This concerns selection procedures for granting authorisations limited in number and controls of site-specific conditions, be it for the site of actual provision of services or for the site where the provider establishes its operations. Similarly a European services e-card is also not suited to accommodate selection procedures for the performance of public contracts, **public** design contests or concessions.

Or. it

Amendment 104

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) In the same vein, controls applicable to service providers which are already the object of other horizontal EU

Amendment

(15) In the same vein, controls applicable to service providers which are already the object of other horizontal EU

legislation should remain excluded. This is the case of requirements and controls related to recognition of professional qualifications under Directive 2005/36/EC of the European Parliament and of the Council²¹, even if mentioned in sector-specific legislation.

²¹ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

legislation should remain excluded. This is the case of requirements and controls related to recognition of professional qualifications under Directive 2005/36/EC of the European Parliament and of the Council²¹ **and for Directive 2014/67/EU of the European Parliament and the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System**, even if mentioned in sector-specific legislation.

²¹ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

Or. it

Justification

It is essential to clarify that this directive does not affect the rules on the posting of workers.

Amendment 105 **Maria Grapini**

Proposal for a directive **Recital 17**

Text proposed by the Commission

(17) A European services e-card provides several advantages. It offers a proof of legal establishment in the home Member State. As long as a European services e-card remains valid, it should constitute a valid means of proof throughout the EU of legal establishment in the home Member State for the services covered by that e-card. Such proof should

Amendment

(17) A European services e-card provides several advantages **and will strengthen trust in the market among service providers, since it will offer greater transparency and provide more information**. It offers a proof of legal establishment in the home Member State. As long as a European services e-card remains valid, it should constitute a valid

even be accepted in a domestic context, across all levels and administrative divisions of public administration. A valid European services e-card includes information which is often required in different contexts, such as controls applicable during or after the performance of services, the award of a public contract, a design contest or a concession, formation of subsidiaries or registration of branches under company law and registration of the service provider with mandatory social insurance schemes. Since that information is already available in a valid European services e-card, Member State authorities should not request this information from e-card holders for these other purposes.

means of proof throughout the EU of legal establishment in the home Member State for the services covered by that e-card. Such proof should even be accepted in a domestic context, across all levels and administrative divisions of public administration. A valid European services e-card includes information which is often required in different contexts, such as controls applicable during or after the performance of services, the award of a public contract, a design contest or a concession, formation of subsidiaries or registration of branches under company law and registration of the service provider with mandatory social insurance schemes. Since that information is already available in a valid European services e-card, Member State authorities should not request this information from e-card holders for these other purposes.

Or. ro

Amendment 106

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) A European services e-card provides several advantages. It offers a proof of legal establishment in the home Member State. As long as a European services e-card remains valid, it should constitute a valid means of proof throughout the EU of legal establishment in the home Member State for the services covered by that e-card. Such proof should even be accepted in a domestic context, across all levels and administrative divisions of public administration. A valid European services e-card includes information which is often required in

Amendment

(17) A European services e-card provides several advantages. It offers a proof of legal establishment in the home Member State. As long as a European services e-card remains valid, it should constitute a valid means of proof throughout the EU of legal establishment in the home Member State for the services covered by that e-card. Such proof should even be accepted in a domestic context, across all levels and administrative divisions of public administration. A valid European services e-card includes information which is often required in

different contexts, such as controls applicable during or after the performance of services, the award of a public contract, a design contest or a concession, formation of subsidiaries or registration of branches under company law and registration of the service provider with mandatory social insurance schemes. Since that information is already available in a valid European services e-card, Member State authorities should not request this information from e-card holders for these other purposes.

different contexts, such as controls applicable during or after the performance of services, the award of a public contract, a **public** design contest or a concession, formation of subsidiaries or registration of branches under company law and registration of the service provider with mandatory social insurance schemes. Since that information is already available in a valid European services e-card, Member State authorities should not request this information from e-card holders for these other purposes.

Or. it

Amendment 107

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) The European professional card may be extended to professions other than the five concerned at present. The card should be deemed the most appropriate means for self-employed workers subject to Directive 2015/36/EC who wish to provide their services in EU Member States.

Or. it

Justification

L'obiettivo della carta di servizio elettronica europea è ridurre gli oneri amministrativi per i fornitori di servizi che cercano di espandere le loro attività in altri Stati membri; however, this card should be available only to undertakings and not to self-employed persons. Per un professionista qualificato (lavoratore autonomo), l'elemento più critico quando intende fornire i propri servizi in un altro Stato membro, è il riconoscimento delle sue qualifiche professionali in modo facile. Ciò consente un accesso veloce e trasparente al mercato del lavoro e ai servizi nel paese di destinazione. Questa funzione è già contemplata dalla direttiva sul riconoscimento delle qualifiche professionali 2005/36. Other provisions of vital importance to self-employed service providers are contained in EU acts such as Directive

2006/123/EC on services in the internal market, seeking to reduce unjustified barriers to the exercise of a service activity in the European Union. L'utilità aggiuntiva che i fornitori di servizi transfrontalieri autonomi possono aspettarsi dall'introduzione della carta elettronica dei servizi appare discutibile e soprattutto sproporzionata rispetto agli oneri che tale introduzione impone agli Stati membri.

This must also be compared with the possible risk, as indicated by business organisations, trade unions, traders and even other European institutions, of facilitating bogus self-employment or undeclared work arising from use of the services e-card for the self-employed and hence possible breaches of social and labour standards and provisions relating to the recognition of professional qualifications.

Amendment 108

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) In addition, Member States should not be allowed to impose on holders of a European services e-card any service provision related authorisation or notification schemes prior to a service provision. Member States should not repeat, wholly or partially, controls previously performed in the context of issuing the European services e-card once provision of services has started in the host Member State. Authorisation or notification schemes such as those deriving from taxation, social security and labour law shall remain applicable as such matters are excluded from the scope of this Directive. Ex-post checks, inspections and investigations initiated by competent authorities should however remain admissible to control service performance, as under current EU Law. If such controls reveal serious breaches of requirements applicable in a host Member State, this could lead to the suspension or revocation of the European services e-card.

Amendment

(18) In addition, Member States should not be allowed to impose on holders of a European services e-card any service provision related authorisation or notification schemes prior to a service provision, ***other than what is provided for in the principles and standards laid down in Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications, and paying particular attention to the necessity of said qualifications being recognised in order to be able to provide a service.*** Member States should not repeat, wholly or partially, controls previously performed in the context of issuing the European services e-card once provision of services has started in the host Member State. Authorisation or notification schemes such as those deriving from taxation, social security and labour law shall remain applicable as such matters are excluded from the scope of this Directive. Ex-post checks, inspections and investigations initiated by competent authorities should however remain

admissible to control service performance, as under current EU Law. If such controls reveal serious breaches of requirements applicable in a host Member State, this could lead to the suspension or revocation of the European services e-card.

Or. it

Justification

Il Comitato economico e sociale europeo raccomanda di precisare in modo più chiaro che la direttiva sulle qualifiche professionali ha la preminenza, rispetto alla nuova carta elettronica, per qualsiasi aspetto del riconoscimento professionale. Bisogna indicare esplicitamente che una carta elettronica dei servizi non può essere rilasciata a professionisti che esercitano una professione regolamentata nel paese di origine e/o nello Stato membro ospitante, anche se la professione è esercitata dalla persona considerata in qualità di lavoratore autonomo o come attività d'impresa.

Amendment 109

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) In addition, Member States should not be allowed to impose on holders of a European services e-card any service provision related authorisation or notification schemes prior to a service provision. Member States should not repeat, wholly or partially, controls previously performed in the context of issuing the European services e-card once provision of services has started in the host Member State. Authorisation or notification schemes such as those deriving from taxation, social security and labour law shall remain applicable as such matters are excluded from the scope of this Directive. Ex-post checks, inspections and investigations initiated by competent authorities should however remain admissible to control service performance,

Amendment

(18) In addition, Member States should not be allowed to impose on holders of a European services e-card any service provision related authorisation or notification schemes prior to a service provision. Member States should not repeat, wholly or partially, controls previously performed in the context of issuing the European services e-card once provision of services has started in the host Member State. Authorisation or notification schemes such as those deriving from taxation, social security and labour law shall remain applicable as such matters are excluded from the scope of this Directive. Ex-post checks, inspections and investigations initiated by competent authorities, ***in both the home and host Member States***, should however remain

as under current EU Law. If such controls reveal serious breaches of requirements applicable in a host Member State, this could lead to the suspension or revocation of the European services e-card.

admissible to control service performance, as under current EU Law. ***Those ex-post checks are strongly recommended in respect of e-cards issued for an indefinite duration.*** If such controls reveal serious breaches of requirements applicable in a host Member State, this could lead to the suspension or revocation of the European services e-card.

Or. it

Justification

The host Member State should carry out regular ex-post controls to prevent fraudulent practices by service providers.

Amendment 110

Maria Grapini

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) In addition, Member States should not be allowed to impose on holders of a European services e-card any service provision related authorisation or notification schemes prior to a service provision. Member States should not repeat, wholly or partially, controls previously performed in the context of issuing the European services e-card once provision of services has started in the host Member State. Authorisation or notification schemes such as those deriving from taxation, social security and labour law shall remain applicable as such matters are excluded from the scope of this Directive. Ex-post checks, inspections and investigations initiated by competent authorities should however remain admissible to control service performance, as under current EU Law. If such controls reveal serious breaches of requirements

Amendment

(18) In addition, Member States should not be allowed to impose on holders of a European services e-card any service provision related authorisation or notification schemes prior to a service provision. Member States should not repeat, wholly or partially, controls previously performed in the context of issuing the European services e-card once provision of services has started in the host Member State. Authorisation or notification schemes such as those deriving from taxation, social security and labour law shall remain applicable as such matters are excluded from the scope of this Directive. Ex-post checks, inspections and investigations initiated by competent authorities should however remain admissible to control service performance, as under current EU Law. If such controls reveal serious breaches of requirements

applicable in a host Member State, this could lead to the suspension or revocation of the European services e-card.

applicable in a host Member State **and these breaches are proven**, this could lead to the suspension or revocation of the European services e-card.

Or. ro

Amendment 111

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) There are two types of European services e-cards offered to service providers: a simpler procedure for temporary cross-border provision of services into other Member States, essentially controlling their previous establishment in the home Member State and allowing a host Member State to object to temporary provision of cross-border services only due to overriding reasons of public interests, and a more complex one, framing the control by host Member States of an economic activity in their territory for an indefinite period through secondary establishment in the form of branches, agencies or offices, in order to ensure, in a simplified workflow, mutual recognition is performed properly and expeditiously.

Amendment

(21) There are two types of European services e-cards offered to service providers: a simpler procedure, **for an e-card with a validity period of 36 months**, for temporary cross-border provision of services into other Member States, essentially controlling their previous establishment in the home Member State and allowing a host Member State to object to temporary provision of cross-border services only due to overriding reasons of public interests, and a more complex one, **for an e-card with a validity period of indefinite duration**, framing the control by host Member States of an economic activity in their territory for an indefinite period through secondary establishment in the form of branches, agencies or offices, in order to ensure, in a simplified workflow, mutual recognition is performed properly and expeditiously.

Or. it

Justification

Given their disparate nature, the same period of validity cannot be applied both to applications for the temporary provision of services and to applications for the opening of branches, agencies and offices.

Amendment 112

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) A coordinating authority of the host Member State ***should provide clarity as to which*** requirements ***apply to*** the incoming service provider, ***considering the latter is already established in another Member State. The*** coordinating authority of the host Member State should ***ensure the provider knows*** which requirements ***govern performance of services in the host Member States, including those applicable once it obtains the European services e-card. For establishment, i.e., provision of services through branches, agencies or offices, the identification of applicable requirements by the*** coordinating authority of the host Member State ***fulfils a different purpose: it lists the requirements the compliance of which the incoming service provider is required to prove before the e-card can be issued.***

Amendment

(26) A coordinating authority of the host Member State should ***provide clarity as to*** which requirements ***apply to the incoming service provider, considering the latter is already established in another Member State. They should pay particular attention to requirements regarding specific professional qualifications of employees and partners and recognition of same in order to be able to provide the service concerned. The*** coordinating authority of the host Member State ***should ensure the provider not only knows which*** requirements ***govern performance of services in the host Member States, including those applicable once it obtains the European services e-card, but that it also meets all said requirements. For establishment, i.e., provision of services through branches, agencies or offices, the identification of applicable requirements by the*** coordinating authority of the host Member State ***fulfils a different purpose: it lists the requirements the compliance of which*** the incoming service provider ***is required to prove before the e-card can be issued.***

Or. it

Amendment 113

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Recital 26

Text proposed by the Commission

Amendment

(26) A coordinating authority of the host Member State should provide clarity as to which requirements apply to the incoming service provider, considering the latter is already established in another Member State. The coordinating authority of the host Member State should ensure the provider knows which requirements govern performance of services in the host Member States, including those applicable once it obtains the European services e-card. For establishment, i.e., provision of services through branches, agencies or offices, the identification of applicable requirements by the coordinating authority of the host Member State fulfils a different purpose: it lists the requirements the compliance of which the incoming service provider is required to prove before the e-card can be issued.

(26) A coordinating authority of the host Member State should provide clarity as to which requirements apply to the incoming service provider, considering the latter is already established in another Member State. The coordinating authority of the host Member State should ensure, ***through the relevant webpage and the authorities' offices, that*** the provider knows which requirements govern performance of services in the host Member States, including those applicable once it obtains the European services e-card. For establishment, i.e., provision of services through branches, agencies or offices, the identification of applicable requirements by the coordinating authority of the host Member State fulfils a different purpose: it lists the requirements the compliance of which the incoming service provider is required to prove before the e-card can be issued. ***Where a host Member State has set up a comprehensive and updated information database in its point of single contact, its coordinating authority can refer in particular to the relevant webpage from where the information can be retrieved in the context of the European services e-card procedure.***

Or. it

Amendment 114

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) A coordinating authority of the host Member State should provide clarity as to which requirements apply to the incoming service provider, considering the latter is already established in another Member

Amendment

(26) A coordinating authority of the host Member State should provide clarity as to which requirements apply to the incoming service provider, considering the latter is already established in another Member

State. The coordinating authority of the host Member State should ensure the provider knows which requirements govern performance of services in the host Member States, including those applicable once it obtains the European services e-card. For establishment, i.e., provision of services through branches, agencies or offices, the identification of applicable requirements by the coordinating authority of the host Member State fulfils a different purpose: it lists the requirements the compliance of which the incoming service provider is required to prove before the e-card can be issued.

State. The coordinating authority of the host Member State should ensure the provider knows which requirements govern performance of services in the host Member States, including those applicable once it obtains the European services e-card. ***The information on the requirements should be included in the application forms.*** For establishment, i.e., provision of services through branches, agencies or offices, the identification of applicable requirements by the coordinating authority of the host Member State fulfils a different purpose: it lists the requirements the compliance of which the incoming service provider is required to prove before the e-card can be issued.

Or. en

Amendment 115

Maria Grapini

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) A coordinating authority of the host Member State should provide clarity as to which requirements apply to the incoming service provider, considering the latter is already established in another Member State. The coordinating authority of the host Member State should ensure the provider knows which requirements govern performance of services in the host Member States, including those applicable once it obtains the European services e-card. For establishment, i.e., provision of services through branches, agencies or offices, the identification of applicable requirements by the coordinating authority of the host Member State fulfils a different purpose: it lists the requirements the compliance of which the incoming service

Amendment

(26) A coordinating authority of the host Member State should provide ***information and*** clarity as to which requirements apply to the incoming service provider, considering the latter is already established in another Member State. The coordinating authority of the host Member State should ensure the provider knows which requirements govern performance of services in the host Member States, including those applicable once it obtains the European services e-card. For establishment, i.e., provision of services through branches, agencies or offices, the identification of applicable requirements by the coordinating authority of the host Member State fulfils a different purpose: it lists the requirements the compliance of

provider is required to prove before the e-card can be issued.

which the incoming service provider is required to prove before the e-card can be issued.

Or. ro

Amendment 116

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu

Proposal for a directive

Recital 28 a (new)

Text proposed by the Commission

Amendment

(28 a) In the assessment of an application for a European services e-card, as specified in Article 12 and Article 13, the host Member State should not duplicate requirements and controls which are equivalent or essentially comparable as regards their purpose to which the provider is already subject in the home Member State.

Or. en

Amendment 117

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Recital 29

Text proposed by the Commission

Amendment

(29) For provision of temporary cross-border services, given that Article 16 of Directive 2006/123/EC admits requirements for the generality of services covered by this Directive, host Member States should be allowed to object to the issue of a European services e-card by the home Member State in those cases where the circumstances of the applicant give rise

(29) For provision of temporary cross-border services, given that Article 16 of Directive 2006/123/EC admits requirements for the generality of services covered by this Directive, host Member States should be allowed to object to the issue of a European services e-card by the home Member State in those cases where the circumstances of the applicant give rise

to genuine and sufficiently serious threats to public interests related to public policy, public security, public health or the protection of the environment, in a manner which cannot be suitably and sufficiently addressed by requirements and controls applicable once service provision starts. This should be the case when a prior authorisation scheme or prior notification for temporary provision of the services in question is in place, justified in proportionate terms under one of those four overriding reasons of public interest safeguarded under Article 16 of Directive 2006/123/EC and when the conditions met by the applicant in its home Member State cannot be considered equivalent to the ones required in the host Member State for the granting of that prior authorisation. The possibilities and *prerogatives* of host Member States under Article 16 of Directive 2006/123/EC apply in the context of issuing a European services e-card.

to genuine and sufficiently serious threats to public interests related to public policy, public security, public health or the protection of the environment, in a manner which cannot be suitably and sufficiently addressed by requirements and controls applicable once service provision starts. This should be the case when a prior authorisation scheme or prior notification for temporary provision of the services in question is in place, justified in proportionate terms under one of those four overriding reasons of public interest safeguarded under Article 16 of Directive 2006/123/EC and when the conditions met by the applicant in its home Member State cannot be considered equivalent to the ones required in the host Member State for the granting of that prior authorisation. ***This should also apply in the post-issuance period where a cardholder is judged by the Member States to pose a real threat to the public interest, prompting them to open an investigation for fraud or the provision of inaccurate or falsified information or documentation.*** The possibilities and *prerogatives* of host Member States under Article 16 of Directive 2006/123/EC apply in the context of issuing a European services e-card.

Or. it

Justification

In order to limit unfair practices such as false claims and undeclared employment, Member States should be able to suspend immediately the validity of a services card to avoid damage to the community.

Amendment 118

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) Equivalence between requirements of a host Member State and those requirements of the home Member State the applicant has already complied should be an integral part of this assessment. In order to facilitate the assessment of the equivalence of requirements in home and host Member States, where the authority of the host Member State declares its intention to refuse an e-card for establishment, the applicant should have a renewed possibility to prove that it meets the conditions laid down in the prior authorisation or prior notification on the basis of which the authorities of the host Member States base their intention to refuse the e-card, including through requirements to which the applicant is subject in the home Member State and which they deem to be equivalent.

Amendment

(32) Equivalence between requirements of a host Member State and those requirements of the home Member State the applicant has already complied should be an integral part of this assessment, ***focusing on the professional qualifications required of company employees and staff members***. In order to facilitate the assessment of the equivalence of requirements in home and host Member States, where the authority of the host Member State declares its intention to refuse an e-card for establishment, the applicant should have a renewed possibility to prove that it meets the conditions laid down in the prior authorisation or prior notification on the basis of which the authorities of the host Member States base their intention to refuse the e-card, including through requirements to which the applicant is subject in the home Member State and which they deem to be equivalent.

Or. it

Amendment 119

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Recital 34

Text proposed by the Commission

(34) In order to lay down the procedure for requesting such information, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of specifying the procedural workflow and its impact on the applicable time-limits for decisions to be made in the context of issuing a European services e-card. It is of particular importance that the Commission ***carries***

Amendment

(34) In order to lay down the procedure for requesting such information, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of specifying the procedural workflow and its impact on the applicable time-limits for decisions to be made in the context of issuing a European services e-card. It is of particular importance that the Commission ***carry*** out

out appropriate consultations during its preparatory work, including at expert level ***and that those consultations be conducted*** in accordance with the principles laid down in the Interinstitutional Agreement ***on Better Law-Making*** of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

appropriate consultations during its preparatory work, including at expert level, ***especially with professional and sectoral bodies***, in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 ***on Better Law Making***. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. it

Justification

Professional bodies represent the link between the authorities, professional people, customers and members of the public and should therefore be involved more actively in the consultation process.

Amendment 120

Lara Comi, Antonio López-Istúriz White

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 ***will be able to*** control whether the applicant for a European services e-card is legally established in another Member State ***and*** 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. ***The*** coordinating authority of the home Member State ***will in turn be able to*** 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

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.

Member State requirements *and will* 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, *taking into account a number of factors, including the professional qualifications of the company employees and staff members applying for the card.*
The home Member State will be obliged to confirm the information within two weeks.

Or. it

Justification

The Host State is unable to carry out controls and examine the documentation provided by the applicant, thereby limiting its capacity to monitor the entire process and facilitating possible abuses and fraud as a direct consequence of insufficient protection for the rights of workers and consumers in the European Union.

Amendment 121

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

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 provider of host Member State requirements, rather it should only assess

Amendment

(35) The host Member State *must at all times have the right to* control whether the applicant for a European services e-card is legally established in another Member State *and must also be able to check* the veracity and validity of the data and documents included in an application, *even after they have been* 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 provider of host Member State

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.

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. it

Justification

The host Member State should carry out regular ex-post controls to prevent fraudulent practices by service providers.

Amendment 122 **Maria Grapini**

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 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.

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. 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 whether the applicant is legally established in its territory ***and meets all the necessary conditions*** for the provision of the service in question at the time the decision to issue is made.

Or. ro

Amendment 123
Philippe Juvin

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) Prior to the issuance of the European services e-card, a host Member State should be allowed to invoke legitimate policy concerns. *Nevertheless, in the interest of allowing for a simplified and swift procedure, the principle of tacit approval should be observed in issuing a European services e-card. That is the general principle introduced under Directive 2006/123/EC. An alert of impending tacit approval and the extension of the applicable deadlines by two additional weeks should ensure that the host Member State has the appropriate time and means to consider applications for a European services e-card. A lack of information from the host Member State on applicable requirements should also not impede automatic issue of a European services e-card.*

Amendment

(37) Prior to the issuance of the European services e-card, a host Member State should be allowed to invoke legitimate policy concerns. ***With that aim in view***, the host Member State ***should have*** the appropriate time and means to consider applications for a European services e-card.

Or. fr

Amendment 124
Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) Prior to the issuance of the European services e-card, a host Member State should be allowed to invoke legitimate policy concerns. Nevertheless, in the interest of allowing for a simplified and swift procedure, the principle of tacit approval should be observed in issuing a

Amendment

(37) Prior to the issuance of the European services e-card, a host Member State should be allowed to invoke legitimate policy concerns. Nevertheless, in the interest of allowing for a simplified and swift procedure, the principle of tacit approval should be observed in issuing a

European services e-card. That is the general principle introduced under Directive 2006/123/EC. An alert of impending tacit approval and the extension of the applicable deadlines by *two* additional weeks should ensure that the host Member State has the appropriate time and means to consider applications for a European services e-card. A lack of information from the host Member State on applicable requirements should also not impede automatic issue of a European services e-card.

European services e-card. That is the general principle introduced under Directive 2006/123/EC. An alert of impending tacit approval and the extension of the applicable deadlines by *three* additional weeks should ensure that the host Member State has the appropriate time and means to consider applications for a European services e-card. A lack of information from the host Member State on applicable requirements should also not impede automatic issue of a European services e-card.

Or. it

Amendment 125

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Recital 38

Text proposed by the Commission

(38) Service providers should not be required to provide information and documents which are already in the possession of other authorities in the home Member State, irrespective of administrative levels or divisions. ***It should also be the case when interconnection of*** national registers (e.g. central, commercial and companies' registers as required by Directive 2009/101/EC or insolvency registers under Regulation (EU) 2015/848 of the European Parliament and of the Council²⁸) ***allows*** for information and documents to be retrieved by the administration of the home Member State from other Member States. In all instances when personal data are processed under this Directive, rules on protection of personal data of Directive 95/46/EC of the European Parliament and of the Council²⁹[, Regulation (EU) 2016/679 of the European Parliament and of the Council³⁰] and

Amendment

(38) Service providers should not be required to provide information and documents which are already in the possession of other authorities in the home Member State, irrespective of administrative levels or divisions. ***The information contained on the card should correspond to that contained in*** national registers (e.g. central, commercial and companies' registers as required by Directive 2009/101/EC or insolvency registers under Regulation (EU) 2015/848 of the European Parliament and of the Council²⁸) ***so that the decisions and modifications regarding service providers registered by the home Member State are automatically reflected in the service provider's card, making it easier*** for information and documents to be retrieved by the administration of the home Member State from other Member States. In all instances when personal data are processed

national legislation should be observed.

under this Directive, rules on protection of personal data of Directive 95/46/EC of the European Parliament and of the Council²⁹ /Regulation (EU) 2016/679 of the European Parliament and of the Council³⁰] and national legislation should be observed.

²⁸ Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (OJ L 141, 5.6.2016, p.19).

²⁹ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281 , 23.11.1995, p. 31).

³⁰ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

²⁸ Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (OJ L 141, 5.6.2016, p.19).

²⁹ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281 , 23.11.1995, p. 31).

³⁰ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Or. it

Justification

Having the same information on the card and in national registries would help reduce red tape and create a shared database at EU level, in order to identify more quickly and accurately lenders guilty of fraud or unfair commercial practices.

Amendment 126 **Philippe Juvin**

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*,

Amendment

(42) A European services e-card should be valid for *a limited* period *of time, and*

without prejudice to, in relation to temporary cross-border services, the effects of case-by-case derogations in accordance with Directive 2006/123/EC.

subject to regular checks on compliance by service providers, without prejudice to, in relation to temporary cross-border services, the effects of case-by-case derogations in accordance with Directive 2006/123/EC.

Or. fr

Amendment 127

Lara Comi, Antonio López-Istúriz White

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 ***36 months and renewed automatically for the same period*** an indefinite ***number of times***, without prejudice to, in relation to temporary cross-border services, the effects of case-by-case derogations in accordance with Directive 2006/123/EC.

Or. it

Justification

In order to ensure that the information contained on the services e-card is always up to date and to prevent the creation of a 'data graveyard', the EESC recommends reconsidering the 'once-only principle' and introducing time limits on the validity of a services e-card.

Amendment 128

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

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

Amendment

(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.

temporary cross-border services, the effects of case-by-case derogations in accordance with Directive 2006/123/EC. ***The information contained on the card must be updated annually by service providers and verified continuously by the Member States through ex-post controls.***

Or. it

Justification

To ensure that letterbox companies and fraudulent practices can be countered more effectively, service providers should update annually the information entered. The 'once only principle' may effectively exonerate lenders from their own responsibility. The host Member State should also carry out regular ex-post controls to prevent fraudulent practices by service providers.

Amendment 129 **Maria Grapini**

Proposal for a directive **Recital 45**

Text proposed by the Commission

(45) In any case, before adopting the decision to revoke or suspend the e-card, the competent coordinating authority should consult the e-card holder and any decision should be duly justified and subject to appeal, in accordance with the applicable national law of the Member State which issued it. Interim measures signalling a pending procedure for suspension or revocation of a European services e-card should be allowed, signalling a link with alerts triggered under Directive 2006/123/EC.

Amendment

(45) In any case, before adopting the decision to revoke or suspend the e-card, the competent coordinating authority should consult the e-card holder and any decision should be duly ***proven and*** justified and subject to appeal, in accordance with the applicable national law of the Member State which issued it. Interim measures signalling a pending procedure for suspension or revocation of a European services e-card should be allowed, signalling a link with alerts triggered under Directive 2006/123/EC.

Or. ro

Amendment 130

**Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein,
Mihai Țurcanu**

**Proposal for a directive
Article 1 – paragraph 1**

Text proposed by the Commission

This Directive lays down the legal and operational framework for the European services e-card introduced by Regulation[ESC Regulation].....

Amendment

This Directive lays down the legal and operational framework for the European services e-card introduced by Regulation[ESC Regulation]..... ***and coordinates provisions concerning the freedom of establishment and the freedom to provide certain services.***

Or. en

**Amendment 131
Lambert van Nistelrooij**

**Proposal for a directive
Article 1 b (new)**

Text proposed by the Commission

Amendment

Article 1 b

Participating Member States

1.This Directive only applies to participating Member States.

2.For the purpose of this Directive, ‘participating Member State’ means a Member State which has accepted that this Directive will apply to it.

Or. en

Justification

The enhanced cooperation procedure could be useful here

Amendment 132

**Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein,
Mihai Țurcanu**

**Proposal for a directive
Article 2 – paragraph 1**

Text proposed by the Commission

1. This Directive applies to the services *listed in the* Annex.

Amendment

1. *Chapters II and III of this Directive apply to the services within the meaning of Annex I.*

Chapter IIIa of this Directive applies to the services within the meaning of Annex Ia.

Or. en

Amendment 133

**Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein,
Mihai Țurcanu**

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

Text proposed by the Commission

This Directive does not affect the matters mentioned in Article 1(2) to (7) of Directive 2006/123/EC.

Amendment

This Directive does not affect the matters mentioned in Article 1(2) to (7) of Directive 2006/123/EC. *It shall not have any impact on the regulatory requirements for the provision of services that are in place at national level, such as rules concerning social protection, consumer rights, health and safety or the environment. It does therefore not introduce the country of origin principle.*

Or. en

**Amendment 134
Lambert van Nistelrooij**

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

Text proposed by the Commission

Amendment

This Directive does not affect the matters mentioned in Article 1(2) to (7) of Directive 2006/123/EC.

This Directive does not affect the matters mentioned in Article 1(2) to (7) of Directive 2006/123/EC. ***It shall not have impact on the regulatory requirements for the provision of services that are in place at national level, such as rules concerning social protection, consumer rights, health and safety or the environment. It does therefore not introduce the country of origin principle.***

Or. en

Amendment 135

Dariusz Rosati, Anna Maria Corazza Bildt, Mihai Țurcanu

Proposal for a directive

Article 2 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

It shall not apply to the activities and fields mentioned in Article 2(2) and (3) of Directive 2006/123/EC.

It shall not apply to the activities and fields mentioned in Article 2(2) and (3) of Directive 2006/123/EC ***or to information society services.***

Or. en

Amendment 136

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Article 2 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

This Directive shall be without prejudice to the rights of workers, the obligations of service providers and related controls in Member States laid down in Directives 96/71/EC and 2014/67/EU.

This Directive shall be without prejudice to the rights of workers, the obligations of service providers and related controls in Member States laid down in Directives 96/71/EC and 2014/67/EU ***and shall not affect in any way the right of Member***

States to verify whether a company is established in its territory. Furthermore, in order to strengthen the rights and obligations laid down in these Directives, the Commission, after the transposition of this Directive, shall take action against cases of social dumping and consider the possibility of tabling a legislative proposal to extend the scope of EU competition law.

Or. it

Justification

The directive must not prevent Member States from verifying the information relevant to the service provider. In addition, measures to combat social dumping should be one of the main objectives of the Commission.

Amendment 137 **Philippe Juvin**

Proposal for a directive **Article 2 – paragraph 3 – subparagraph 2**

Text proposed by the Commission

This Directive shall be without prejudice to the rights of workers, the obligations of service providers and related controls in Member States laid down in Directives 96/71/EC and 2014/67/EU.

Amendment

This Directive shall be without prejudice to the rights of workers, the obligations of service providers and related controls in Member States laid down in Directives 96/71/EC and 2014/67/EU *and EU Regulations No 883/2004 and No 987/2009 on the coordination of social security systems.*

Or. fr

Amendment 138 **Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu**

Proposal for a directive **Article 2 – paragraph 3 – subparagraph 2**

Text proposed by the Commission

This Directive shall be without prejudice to the rights of workers, the obligations of service providers and related controls in Member States laid down in Directives 96/71/EC and 2014/67/EU.

Amendment

This Directive shall be without prejudice to the rights of workers, the obligations of service providers and related controls in Member States laid down in Directives 96/71/EC and 2014/67/EU, ***as well as in relation to posting of workers who are third country nationals from another Member State.***

Or. en

Amendment 139

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Article 2 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Furthermore, this Directive shall be without prejudice to Directives 2014/23 and 2014/25 and the procedures contained in the European Single Procurement Document (ESPD).

Or. it

Justification

It is essential to clarify that this directive does not affect the rules on public procurement

Amendment 140

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. This Directive shall apply only to undertakings that supply services and shall exclude self-employed workers, who

shall, for the provision of services on a temporary basis, be subject to recognition of their professional qualifications under Directive 2005/36/EC of the Parliament and of the Council.

Or. it

Justification

The objective of the European services e-card is to reduce the administrative burden for service providers that are seeking to expand their activities to other Member States; however, this card should be available only to undertakings and not to self-employed persons. For a qualified (self-employed) professionals seeking to provide services in another Member State, the most important thing is easy recognition of their professional qualifications, providing swift and transparent access to the employment market and to services in the host country. This is already provided for under Directive 36/2005/EC on the recognition of professional qualifications. Other provisions of vital importance to self-employed service providers are contained in EU acts such as Directive 2006/123/EC on services in the internal market, seeking to reduce unjustified barriers to the exercise of a service activity in the European Union. The additional benefits that independent cross-border service providers expect the European services e-card to bring are dubious and, above all, out of proportion to the administrative burden that the introduction of the e-card will impose on the Member States.

This must also be compared with the possible risk, as indicated by business organisations, trade unions, traders and even other European institutions, of facilitating bogus self-employment or undeclared work arising from use of the services e-card for the self-employed and hence possible breaches of social and labour standards and provisions relating to the recognition of professional qualifications.

Amendment 141

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu

Proposal for a directive

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

1. "home Member State" means the Member State *to which a provider addressed the application for a European services e-card*;

Amendment

1. home Member State" means the Member State *in whose territory the provider of the service concerned is established*;

Or. en

Amendment 142
Lambert van Nistelrooij

Proposal for a directive
Article 3 – paragraph 1 – point 1

Text proposed by the Commission

1. "home Member State" means the Member State *to which a provider addressed the application for a European services e-card*;

Amendment

1. "home Member State" means the Member State *in whose territory the provider of the service concerned is established*;

Or. en

Amendment 143
Philippe Juvin

Proposal for a directive
Article 3 – paragraph 1 – point 1

Text proposed by the Commission

1. "*home* Member State" means the Member State to which a provider addressed the application for a European services e-card;

Amendment

1. '*Home* Member State' *means:* means the Member State to which a provider *which has been certified as being legally established and in compliance with the law in its home Member State* addressed the application for a European services e-card;

Or. fr

Amendment 144
Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu

Proposal for a directive
Article 3 – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

1 a. 'European services e-card' means an electronic certificate, resulting from a harmonised procedure, proving that its holder is a service provider legally established in the home Member State, entitled, in that territory, to provide the service activities in question, as well as proving that its holder is entitled to perform activity in the territory of the host Member State, without establishing there or through a branch, agency or office located therein, as the case may be, and to continue such provision, for as long as it remains valid.

Or. en

Amendment 145

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Article 3 – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

1a. 'European Professional Card': as defined in Article 13.II.(K) of Directive 2010/55/EU of the European Parliament and of the Council;

Or. it

Amendment 146

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Antanas Guoga, Mihai Țurcanu

Proposal for a directive

Article 3 – paragraph 1 – point 3 a (new)

Text proposed by the Commission

Amendment

3 a. “professional qualification requirements” means requirements of professional qualifications as defined in

*point (b) of Article 3(1) of Directive
2005/36/EC;*

Or. en

Amendment 147

**Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein,
Mihai Țurcanu**

Proposal for a directive

Article 3 – paragraph 1 – point 3 b (new)

Text proposed by the Commission

Amendment

**3 b. "corporate control" means control
as defined in Article 3(2) of Council
Regulation (EC) 139/2004;**

Or. en

Amendment 148

**Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein,
Mihai Țurcanu**

Proposal for a directive

Article 3 – paragraph 1 – point 3 c (new)

Text proposed by the Commission

Amendment

**3 c. "corporate designation" means a
specific name or part of a name,
including an ending designation, used to
designate a corporate body.**

Or. en

Amendment 149

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

Member States shall accept a valid European services e-card as proof that its holder is established in the territory of his home Member State and is entitled, in that territory, to provide the service activities covered by the e-card.

Amendment

Member States shall accept a valid European services e-card as proof that its holder is established in the territory of his home Member State and is ***fully and legally*** entitled, in that territory, to provide the service activities covered by the e-card.

Or. it

Amendment 150

Edward Czesak

Proposal for a directive

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Proof of establishment includes information concerning activity in the home Member State of the provider, such as identification of the provider, registration in a central, commercial or company register, registration for tax purposes, registration for social security purposes, date of initial establishment and authorisations.

Or. en

Amendment 151

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Amendment

1. A host Member State shall not impose any prior authorisation scheme, prior notification scheme or an establishment requirement on the holder of

1. ***A European services e-card for temporary cross-border service provision is an electronic certification, resulting from a harmonised procedure, that***

a previously issued European services e-card for temporary cross-border provision of services as a condition for such provision of services in its territory.

stipulates the right of its holder to start provision of services, without establishing, in the host Member State, and to continue such provision, for as long as it remains valid.

A host Member State shall not impose any prior authorisation scheme, prior notification scheme or an establishment requirement on the holder of a previously issued European services e-card for temporary cross-border provision of services as a condition for such provision of services in its territory. ***These schemes shall include registration in the official lists of approved economic operators in accordance with Article 64 of Directive 2014/24/EU and Article 46 of Directive 2009/81/EC, as appropriate.***

Or. en

Amendment 152

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu

Proposal for a directive Article 5 – paragraph 2

Text proposed by the Commission

2. A host Member State shall not impose any prior authorisation scheme or prior notification scheme on the holder of a previously issued European services e-card for establishment as a condition for establishment in its territory through a branch, agency or office located in its territory.

Amendment

2. ***A European services e-card for secondary establishment is an electronic certification, resulting from a harmonised procedure, that stipulates the right of its holder to start provision of services in the host Member State through a branch, agency or office located in the territory of this Member State, and to continue such provision, for as long as it remains valid.***

A host Member State shall not impose any prior authorisation scheme or prior notification scheme on the holder of a previously issued European services e-card for establishment as a condition for establishment in its territory through a

branch, agency or office located in its territory. *These schemes shall include registration in the official lists of approved economic operators, in accordance with Article 64 of Directive 2014/24/EU and Article 46 of Directive 2009/81/EC, as appropriate.*

Or. en

Amendment 153

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Antanas Guoga, Mihai Țurcanu

Proposal for a directive Article 5 – paragraph 3

Text proposed by the Commission

3. A host Member State shall *refrain from imposing on holders of a previously issued* European services e-card *requirements other than those referred to in paragraphs 1 and 2 the compliance of which has been or is deemed to have been verified under Articles 11 to 13.*

Amendment

3. A host Member State shall *not impose any authorisation scheme or notification scheme on a holder of a* European services e-card, *once service provision in its territory has started, which duplicates equivalent or essentially comparable controls to which the provider was subject as part of the procedure for issuing the European services e-card.*

Or. en

Amendment 154

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Ivan Štefanec, Mihai Țurcanu

Proposal for a directive Article 5 – paragraph 5

Text proposed by the Commission

5. Paragraphs 1, 2 and 3 are without prejudice to reporting obligations imposed on the holder of a European services e-card or the performance of checks, inspections

Amendment

5. Paragraphs 1, 2 and 3 are without prejudice to reporting obligations imposed on the holder of a European services e-card or the performance of checks, inspections

or investigations from competent authorities during the provision of the service, in compliance with EU law.

or investigations from competent authorities during the provision of the service, in compliance with EU law.

During the checks, authorities competent for inspections or investigations shall take into account the European services e-card as a proof of completion of the requirements foreseen in a European services e-card.

Or. en

Amendment 155

Lambert van Nistelrooij

Proposal for a directive

Article 6 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) ***the award of a public contract, a design contest or a concession;***

deleted

Or. nl

Amendment 156

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Article 6 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) the award of a public contract, a design contest or a concession;

(i) the award of a public contract, a ***public*** design contest or a concession;

Or. it

Amendment 157

Lambert van Nistelrooij

Proposal for a directive

Article 6 – paragraph 1 – point iii

Text proposed by the Commission

Amendment

(iii) **registration with mandatory social insurance schemes.** **deleted**

Or. nl

Amendment 158

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Article 6 – paragraph 1 – point iii

Text proposed by the Commission

Amendment

(iii) registration with mandatory social insurance schemes.

(iii) registration with mandatory social insurance schemes **for self-employed workers.**

Or. it

Justification

Under this article, information on statutory social security schemes may not be required by the country of destination. This should apply only to self-employed workers, whereas posted workers are still required to provide proof of social security insurance as laid down in Directives 96/71/EC and 2014/67/EU.

Amendment 159

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu

Proposal for a directive

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

A European services e-card for establishment shall be valid, as regards the service activities covered by that e-card, throughout the territory of the host Member State through one or more branches, agencies or offices located in the

A European services e-card for establishment shall be valid, as regards the service activities covered by that e-card, throughout the territory of the host Member State through one or more branches, agencies or offices located in the

territory of this Member State except where an authorisation for each additional branch, agency or office is justified in accordance with Article 10(4) of Directive 2006/123/EC.

territory of this Member State except where an authorisation for each additional branch, agency or office is ***based on the provisions*** justified in accordance with Article 10(4) of Directive 2006/123/EC. ***In case an authorisation as referred to in the second subparagraph is required under the national law of the host Member State, an additional European services e-card may be requested in order for its holder to obtain the right to start provision of services in the host Member State through the additional branch, agency or office in question.***

Or. en

Amendment 160
Philippe Juvin

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.

Amendment

A European services e-card shall be valid for ***a limited period and subject to regular checks on compliance by service providers. It must also be possible to suspend, revoke or cancel it***, in accordance with Articles 15 to 17.

Or. fr

Amendment 161
Lara Comi, Antonio López-Istúriz White

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

Amendment

A European services e-card shall be valid for ***36 months and shall be automatically***

suspended, revoked or cancelled, in accordance with Articles 15 to 17.

renewable for an unlimited number of times, unless suspended, revoked or cancelled, in accordance with Articles 15 to 17.

Or. it

Amendment 162

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

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.

Amendment

A European services e-card shall be valid for an indefinite duration, unless suspended, revoked or cancelled, in accordance with Articles 15 to 17, ***36 months in the case of service providers applying for temporary cross-border services, and for an indefinite duration for the providers applying for provision of services through branches, agencies and offices.***

Or. it

Justification

Given their disparate nature, the same period of validity cannot be applied to applications for the temporary provision of services on the one hand and applications for the opening of branches, agencies and offices on the other.

Amendment 163

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

This shall be without prejudice to measures put in place in accordance with Article 18

Amendment

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

of Directive 2006/123/EC.

*provisions adopted under Article 7 of
Directive 2005/36/EC.*

Or. it

Justification

It is essential to clarify that this directive does not affect the rules on the posting of workers.

Amendment 164

Philippe Juvin

Proposal for a directive

Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

To make it easier for service providers to take the necessary steps, the Commission is empowered to adopt an implementing act:

- which introduces standard forms in the language of the host country summarising the requirements in each area of activity, which are to be made available to businesses via points of single contact;

- which provides for the translation of these standard forms into all the other EU languages. Member States are invited to forward to the Commission, within nine months, all the information on the procedural steps to be completed in connection with the requirements imposed on service providers as regards the provision of services through a branch, agency or office and as regards the temporary cross-border provision of service activities which is needed to draw up standard forms, specifying which information and documents are required under national law, if that information was not contained in the notification of the requirement itself submitted under Articles 15(7) and 39(5) of Directive

Amendment 165

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Article 9 – paragraph 1

Text proposed by the Commission

1. Providers of service activities for which a European professional card for the temporary and occasional provision of services has been introduced, in accordance with Directive 2005/36/EC, shall not be eligible for a European services e-card for the provision of temporary cross-border services.

Amendment

1. Providers of service activities **subject to Directive 2005/36/EC**, for which a European professional card for the temporary and occasional provision of services has been introduced, in accordance with Directive 2005/36/EC, shall not be eligible for a European services e-card for the provision of temporary cross-border services.

Justification

The objective of the European services e-card is to reduce the administrative burden on service providers seeking to expand their activities to other Member States; however, this card should be available only to undertakings and not to self-employed persons. For a qualified (self-employed) professionals seeking to provide services in another Member State, the most important thing is easy recognition of their professional qualifications, providing swift and transparent access to the employment market and to services in the host country. The relevant provisions are already contained in Directive 2005/36 on the recognition of professional qualifications. Other provisions of vital importance to self-employed service providers are contained in EU acts such as Directive 2006/123/EC on services in the internal market, seeking to reduce unjustified barriers to the exercise of a service activity in the European Union. The additional benefit to independent cross-border service providers from the introduction of the electronic service card seems questionable and above all disproportionate to the burden imposed by this measure on the Member States.

This must also be compared with the possible risk, as indicated by business organisations, trade unions, traders and even other European institutions, of facilitating bogus self-employment or undeclared work arising from use of the services e-card for the self-employed and hence possible breaches of social and labour standards and provisions relating to the recognition of professional qualifications.

Amendment 166

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu

Proposal for a directive

Article 9 – paragraph 2

Text proposed by the Commission

2. Providers of service activities for which a European professional card for establishment has been introduced, in accordance with Directive 2005/36/EC, shall not be eligible for a European services e-card for *establishment. Those providers shall be eligible for a European services e-card* as regards requirements and provisions referenced in the second subparagraph of Article 4a(5) of Directive 2005/36 EC.

Amendment

2. Providers of service activities for which a European professional card for establishment has been introduced, in accordance with Directive 2005/36/EC, shall not be eligible for a European services e-card for *that purpose except* as regards requirements and provisions referenced in the second subparagraph of Article 4a(5) of Directive 2005/36 EC.

Or. en

Amendment 167

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

In assessing applications for the European services e-card, Member States shall *retain* the right to invoke those overriding reasons of public interests recognised under Directive 2006/123/EC, in particular Article 16 thereof, or other acts of EU law.

Amendment

In assessing applications for the European services e-card, Member States shall *have* the right to invoke those overriding reasons of public interests recognised under Directive 2006/123/EC, in particular Article 16 thereof, or other acts of EU law.

Or. en

Amendment 168

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

**Proposal for a directive
Article 10 – paragraph 1**

Text proposed by the Commission

In assessing applications for the European services e-card, Member States shall retain the right to invoke those overriding reasons of public interests recognised under Directive 2006/123/EC, in particular Article 16 thereof, or other acts of EU law.

Amendment

In assessing applications for the European services e-card, Member States shall retain the right to invoke those overriding reasons of public interests recognised under Directive 2006/123/EC, in particular Article 16 thereof, or other acts of EU law.
Member States shall retain the right to request, at any time, clarification or additional information from the Member State of origin or the applicant.

Or. it

Justification

The host Member State should be able to carry out regular ex-post controls to prevent fraudulent practices by service providers.

**Amendment 169
Lambert van Nistelrooij**

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

Amendment

The coordinating authority of the home Member State shall within ***four weeks*** of having received an application for a European services e-card:

Or. en

**Amendment 170
Philippe Juvin**

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

Amendment

The coordinating authority of the home Member State shall, within ***a reasonable period following receipt of*** an application for a European services e-card:

Or. fr

Amendment 171

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu

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

Amendment

The coordinating authority of the home Member State shall within ***two weeks*** of having received an application for a European services e-card:

Or. en

Amendment 172

Lara Comi, Antonio López-Istúriz White

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

Amendment

The coordinating authority of the home Member State shall within ***two weeks*** of having received an application for a European services e-card:

Or. it

Justification

It is highly unlikely that a document could be properly verified in one week. Each case is different and, even if all the required documents are correctly submitted, it takes time to examine them properly.

Amendment 173

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

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

Amendment

The coordinating authority of the home Member State shall within ***two weeks*** of having received an application for a European services e-card:

Or. it

Justification

One week is unlikely to be sufficient for assessment of an application by a service provider.

Amendment 174

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Ivan Štefanec, Mihai Țurcanu

Proposal for a directive

Article 11 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

(c) verify whether European services e-cards issued in relation to other home Member States for the same provider and service ***activity*** have been revoked or cancelled, or that cancellation has been requested to allow replacement of those e-cards by the European services e-card to which the application refers to;

Amendment

(c) verify whether European services e-cards issued in relation to other home Member States for the same provider and service ***activities*** have been revoked or cancelled, or that cancellation has been requested to allow replacement of those e-cards by the European services e-card to which the application refers to;

Or. en

Amendment 175
Andreas Schwab

Proposal for a directive
Article 11 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the coordinating authority of the home Member State requests *supplementing of the application from* the applicant, the time-limit is suspended until that information is provided.

Amendment

Where the coordinating authority of the home Member State requests *supplementary information from the applicant or where, in the event of justified doubts, the host Member State requests re-verification of the validity of information submitted by* the applicant, the time-limit is suspended until that information is provided.

Or. de

Amendment 176
Philippe Juvin

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

2. The coordinating authority of the home Member State shall, upon completion of the tasks referred to in paragraph 1, communicate *without delay* the application to the coordinating authority of the host Member State, with information to the applicant.

Amendment

2. The coordinating authority of the home Member State shall, upon completion of the tasks referred to in paragraph 1, communicate *within a reasonable time frame* the application to the coordinating authority of the host Member State, with information to the applicant.

Or. fr

Amendment 177
Lara Comi, Antonio López-Istúriz White

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

2. The coordinating authority of the home Member State shall, upon completion of the tasks referred to in paragraph 1, communicate without delay the application to the coordinating authority of the host Member State, with information to the applicant.

Amendment

2. The coordinating authority of the home Member State shall, upon completion of the tasks referred to in paragraph 1, communicate without delay ***and within a week at the latest*** the application to the coordinating authority of the host Member State, with information to the applicant.

Or. it

Amendment 178

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

2. The coordinating authority of the home Member State shall, upon completion of the tasks referred to in paragraph 1, communicate without delay the application to the coordinating authority of the host Member State, with information to the applicant.

Amendment

2. The coordinating authority of the home Member State shall, upon completion of the tasks referred to in paragraph 1, communicate without delay the application to the coordinating authority of the host Member State, with information to the applicant.
This communication shall constitute proof of establishment of the applicant in the territory of its home Member State, entitled, in that territory, to provide the service activities to which the application refers.

Or. en

Amendment 179

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Antanas Guoga, Mihai Țurcanu

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Within two weeks from receiving the application the coordinating authority of the host Member State shall examine it and inform the applicant and the home Member State of any requirements applicable to temporary cross-border provisions under the legislation of the host Member State with the exception of those referred to in Article 5(4). ***In line with the rights of Member States as referred to in Article 10***, the coordinating authority of the host Member State may within the same time-limit, decide to object to the issue of the European services e-card by the coordinating authority of the home Member State ***where it demonstrates that the application of a prior authorisation scheme, prior notification scheme or requirements to the applicant is justified for one of those*** overriding reasons of public interest ***set out in Article 16 of Directive 2006/123/EC or is admissible*** in accordance with ***other acts of EU law***.

Amendment

Within two weeks from receiving the application the coordinating authority of the host Member State shall examine it and inform the applicant and ***the coordinating authority of*** the home Member State of any requirements applicable to temporary cross-border provisions under the legislation of the host Member State with the exception of those referred to in Article 5(4). ***The application form shall include the information about abovementioned requirements.*** The coordinating authority of the host Member State may, ***alternatively and*** within the same time-limit, decide to object to the issue of the European services e-card by the coordinating authority of the home Member State ***in accordance with applicable Union law. In this case, the coordinating authority of the host Member State shall specify the applicable legislation and why the decision is necessary and appropriate for the purpose of safeguarding the*** overriding reasons of general interest ***invoked and how the decision does not go beyond what is necessary to attain that purpose,*** in accordance with ***Union law***.

Or. en

Amendment 180

Philippe Juvin

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Within ***two weeks from receiving*** the

Amendment

Within ***a reasonable period following***

application the coordinating authority of the host Member State shall examine it and inform the applicant and the home Member State of any requirements applicable to temporary cross-border provisions under the legislation of the host Member State with the exception of those referred to in Article 5(4). In line with the rights of Member States as referred to in Article 10, the coordinating authority of the host Member State may within ***the same time-limit***, decide to object to the issue of the European services e-card by the coordinating authority of the home Member State where it demonstrates that the application of a prior authorisation scheme, prior notification scheme or requirements to the applicant is justified for one of those overriding reasons of public interest set out in Article 16 of Directive 2006/123/EC or is admissible in accordance with other acts of EU law.

receipt of the application, to be agreed upon between the host and home Member States, the coordinating authority of the host Member State shall examine it and inform the applicant and the home Member State of any requirements applicable to temporary cross-border provisions under the legislation of the host Member State with the exception of those referred to in Article 5(4). In line with the rights of Member States as referred to in Article 10, the coordinating authority of the host Member State may, within ***a reasonable time frame***, decide to object to the issue of the European services e-card by the coordinating authority of the home Member State where it demonstrates that the application of a prior authorisation scheme, prior notification scheme or requirements to the applicant is justified for one of those overriding reasons of public interest set out in Article 16 of Directive 2006/123/EC or is admissible in accordance with other acts of EU law.

Or. fr

Amendment 181

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Within ***two*** weeks from receiving the application the coordinating authority of the host Member State shall examine it and inform the applicant and the home Member State of any requirements applicable to temporary cross-border provisions under the legislation of the host Member State with the exception of those referred to in Article 5(4). In line with the rights of Member States as referred to in Article 10, the coordinating authority of the host

Amendment

Within ***three*** weeks from receiving the application the coordinating authority of the host Member State shall examine it and inform the applicant and the home Member State of any requirements applicable to temporary cross-border provisions under the legislation of the host Member State with the exception of those referred to in Article 5(4). In line with the rights of Member States as referred to in Article 10, the coordinating authority of the host

Member State may within the same time-limit, decide to object to the issue of the European services e-card by the coordinating authority of the home Member State where it demonstrates that the application of a prior authorisation scheme, prior notification scheme or requirements to the applicant is justified for one of those overriding reasons of public interest set out in Article 16 of Directive 2006/123/EC or is admissible in accordance with other acts of EU law.

Member State may within the same time-limit, decide to object to the issue of the European services e-card by the coordinating authority of the home Member State where it demonstrates that the application of a prior authorisation scheme, prior notification scheme or requirements to the applicant is justified for one of those overriding reasons of public interest set out in Article 16 of Directive 2006/123/EC or is admissible in accordance with other acts of EU law.

Or. it

Justification

Two weeks are unlikely to be sufficient for assessment of an application by a service provider.

Amendment 182

Morten Løkkegaard, Anneleen Van Bossuyt

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The host Member State shall take due account in that assessment of the requirements that the applicant already meets in its home Member States. For the purpose of that assessment and within the above-mentioned time-limit, the coordinating authority of the host Member State shall be allowed to request necessary clarifications or necessary additional information from the home Member State or the applicant which is not yet contained in the application. In that case, the time limit referred to in this paragraph is suspended *until* the requested necessary *clarification* or necessary additional information *is supplied*. The procedure for requesting clarifications or additional information will be laid down by way of the delegated acts referenced in paragraph

Amendment

The host Member State shall take due account in that assessment of the requirements that the applicant already meets in its home Member States. For the purpose of that assessment and within the above-mentioned time-limit, the coordinating authority of the host Member State shall be allowed to request necessary clarifications or necessary additional information from the home Member State or the applicant which is not yet contained in the application. In that case, the time limit referred to in this paragraph is suspended *for a period not exceeding two weeks to allow for the supply of the requested necessary clarifications or necessary additional information. Consecutive requests for necessary clarifications* or necessary additional

4.

information *shall not result in suspensions of the time limit for a total of more than eight weeks. The procedure for requesting clarifications or additional information shall be laid down by way of the delegated acts referenced in paragraph 4.* The procedure for requesting clarifications or additional information will be laid down by way of the delegated acts referenced in paragraph 4.

Or. en

Justification

*While the Member State is able to ask for additional information, it shall be fair for businesses. They should not wait for longer than 4*2 weeks in total.*

Amendment 183

Philippe Juvin

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The host Member State shall take due account in that assessment of the requirements that the applicant already meets in its home Member States. For the purpose of that assessment and within the ***above-mentioned time-limit***, the coordinating authority of the host Member State shall be allowed to request necessary clarifications or necessary additional information from the home Member State or the applicant which is not yet contained in the application. In that case, the time limit referred to in this paragraph is suspended until the requested necessary clarification or necessary additional information is supplied. The procedure for requesting clarifications or additional information will be laid down by way of the delegated acts referenced in paragraph 4.

Amendment

The host Member State shall take due account in that assessment of the requirements that the applicant already meets in its home Member States. For the purpose of that assessment and within the ***shortest possible time frame, to be agreed on between the competent authorities of the host and home Member States***, the coordinating authority of the host Member State shall be allowed to request necessary clarifications or necessary additional information from the home Member State or the applicant which is not yet contained in the application. In that case, the time limit ***for the assessment procedure*** referred to in this paragraph is suspended until the requested necessary clarification or necessary additional information is supplied. The procedure for requesting clarifications or additional information will

be laid down by way of the delegated acts referenced in paragraph 4.

Or. fr

Amendment 184

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Ivan Štefanec, Antanas Guoga, Mihai Țurcanu

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The host Member State shall take due account in that assessment of the requirements that the applicant already meets in its home Member States. For the purpose of that assessment and within the above-mentioned time-limit, the coordinating authority of the host Member State shall be allowed to request necessary clarifications or necessary additional information from the home Member State or the applicant which is not yet contained in the application. In that case, the time limit referred to in this paragraph is suspended until the requested necessary clarification or necessary additional information is supplied. The procedure for requesting clarifications or additional information will be laid down by way of the delegated acts referenced in paragraph 4.

Amendment

The host Member State shall take due account in that assessment of the requirements that the applicant already meets in its home Member States. For the purpose of that assessment and within the above-mentioned time-limit, the coordinating authority of the host Member State shall be allowed to request necessary clarifications or necessary additional information from the home Member State or the applicant which is not yet contained in the application. In that case, the time limit referred to in this paragraph is suspended until the requested necessary clarification or necessary additional information is supplied. ***If the host Member State finds that the requirements already met by the applicant in its home Member State sufficiently fulfil the purpose of the requirement imposed by the host Member State, the host Member State cannot object the European services e-card.*** The procedure for requesting clarifications or additional information will be laid down by way of the delegated acts referenced in paragraph 4.

Or. en

Amendment 185

Andreas Schwab

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The host Member State shall take due account in that assessment of the requirements that the applicant already meets in its home Member States. For the purpose of that assessment and within the above-mentioned time-limit, the coordinating authority of the host Member State shall be allowed to request necessary clarifications or necessary additional information from the home Member State or the applicant which is not yet contained in the application. In that case, the time limit referred to in this paragraph is suspended until the requested necessary clarification or necessary additional information is supplied. The procedure for requesting clarifications or additional information will be laid down by way of the delegated acts referenced in paragraph 4.

Amendment

The host Member State shall take due account in that assessment of the requirements that the applicant already meets in its home Member States. For the purpose of that assessment and within the above-mentioned time-limit, the coordinating authority of the host Member State shall be allowed to request necessary clarifications or necessary additional information from the home Member State or the applicant which is not yet contained in the application, ***in particular where there are justified doubts that the content or validity of accompanying documents may not be in due form.*** In that case, the time limit referred to in this paragraph is suspended until the requested necessary clarification or necessary additional information is supplied. The procedure for requesting clarifications or additional information will be laid down by way of the delegated acts referenced in paragraph 4.

Or. de

Amendment 186

Andreas Schwab

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The competent authority of the host Member State may carry out necessary checks and inspections which accord with Directive 2006/123/EC.

Amendment 187

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 3

Text proposed by the Commission

An objection to grant a European services e-card may not be based on non-compliance with one of the requirements listed in Article 5(5). The Commission shall have access, via IMI, to the decision of objection by the coordinating authority of the host Member State.

Amendment

deleted

Or. it

Amendment 188

Philippe Juvin

Proposal for a directive

Article 12 – paragraph 2

Text proposed by the Commission

2. Taking into account the rights of Member States as referred to in Article 10, if the coordinating authority of the host Member State ***does not react*** within ***the time-limit referred to in paragraph 1***, that time limit shall automatically be extended by ***two*** additional weeks and the electronic platform where the application for a European services e-card has been submitted shall issue an alert to the coordinating authority of the host Member State to the effect that failure to react shall imply that there is no objection to the issue of the European services e-card to the applicant.

Amendment

2. Taking into account the rights of Member States as referred to in Article 10, if the coordinating authority of the host Member State ***has not reacted*** within ***a reasonable period of time***, that time limit shall automatically be extended by ***four*** additional weeks and the electronic platform where the application for a European services e-card has been submitted shall issue an alert to the coordinating authority of the host Member State to the effect that failure to react shall imply that there is no objection to the issue of the European services e-card to the applicant.

Amendment 189

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu

Proposal for a directive

Article 12 – paragraph 2

Text proposed by the Commission

2. ***Taking into account the rights of Member States as referred to in Article 10***, if the coordinating authority of the host Member State does not react within the time-limit referred to in paragraph 1, that time limit shall automatically be extended by two additional weeks ***and*** the electronic platform where the application for a European services e-card has been submitted shall issue an alert to the coordinating authority of the host Member State to the effect that failure to react shall imply that there is no objection to the issue of the European services e-card to the applicant.

Amendment

2. If the coordinating authority of the host Member State does not react within the time-limit referred to in paragraph 1 ***of this Article***, that time limit shall automatically be extended by two additional weeks. The electronic platform where the application for a European services e-card has been submitted shall issue an alert to the coordinating authority of the host Member State to the effect that failure to react shall imply that there is no objection to the issue of the European services e-card to the applicant.

Amendment 190

Philippe Juvin

Proposal for a directive

Article 12 – paragraph 3 – subparagraph 1

Text proposed by the Commission

If the host Member State does not object in accordance with paragraph 1, the coordinating authority of the home Member State shall issue the European services e-card without delay upon expiration of the extended time-limit resulting from the application of paragraph 2. In the absence of any

Amendment

deleted

objection under the second subparagraph of paragraph 1 and failing a decision by the coordinating authority of the home Member State upon expiration of the extended time-limit resulting from the application of paragraph 2, the European services e-card shall be deemed to have been issued by the home Member State in the terms communicated to the host Member State in accordance with Article 11(2).

Or. fr

Amendment 191

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Ivan Štefanec, Antanas Guoga, Mihai Țurcanu

Proposal for a directive

Article 12 – paragraph 3 – subparagraph 1

Text proposed by the Commission

If the host Member State does not object in accordance with paragraph 1, the coordinating authority of the home Member State *shall issue* the European services e-card *without delay upon expiration of the extended time-limit resulting from the application of paragraph 2*. In the absence of any objection *under the second subparagraph of paragraph 1* and failing a decision by the coordinating authority of the home Member State upon expiration of the extended time-limit resulting from the application of paragraph 2, the European services e-card shall be deemed to have been issued by the home Member State in the terms communicated to the host Member State in accordance with Article 11(2).

Amendment

Member States shall ensure that, upon reception of the information mentioned in the first and second subparagraph of paragraph 1, the coordinating authority of the home Member State *issues, without delay, the European Services Card*. In the absence of any objection *by the coordinating authority of the host Member State* and failing a decision by the coordinating authority of the home Member State upon expiration of the extended time-limit resulting from the application of paragraph 2, the European services e-card shall be deemed to have been issued by the home Member State in the terms communicated to the host Member State in accordance with Article 11(2).

Or. en

Amendment 192
Philippe Juvin

Proposal for a directive
Article 12 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The decisions and actions of the coordinating authority of the home Member State, notified to the applicant through the electronic platform where the standard form for application is made available, shall be subject to appeal under national law of the home Member State.

Amendment

The decisions and actions of the coordinating authority of the home Member State, notified ***without delay*** to the applicant through the electronic platform where the standard form for application is made available, shall be subject to appeal under national law of the home Member State.

Or. fr

Amendment 193
Philippe Juvin

Proposal for a directive
Article 12 – paragraph 5 – subparagraph 2

Text proposed by the Commission

The decision by the coordinating authority of the host Member State to object to the issue of the European services e-card, notified to the applicant through the electronic platform where the standard form for application is made available, shall be subject to appeal under national law of the host Member State.

Amendment

The decision by the coordinating authority of the host Member State to object to the issue of the European services e-card, ***shall without delay be*** notified to the applicant through the electronic platform where the standard form for application is made available, ***and*** shall be subject to appeal under national law of the host Member State.

Or. fr

Amendment 194
Philippe Juvin

Proposal for a directive
Article 12 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission shall adopt technical rules for the handling and processing of the application under paragraphs 1 and 2 by means of implementing acts. These rules shall include time-limits on the expiration of the application due to inaction of the applicant.

deleted

Or. fr

Amendment 195

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Mihai Țurcanu

Proposal for a directive

Article 13 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

In the context of a procedure for issuing a European services e-card for establishment in the form of a branch, agency or office, the coordinating authority of the host Member State shall, within four weeks from receiving the application, ***identify which, if any, prior authorisation scheme or prior notification scheme as referred to in Article 5(2) is applicable, in compliance with EU law, to such establishment. If such a prior authorisation scheme or prior notification scheme has been identified, the host Member State shall also identify the conditions which the applicant is required to comply with, with the exception of those referred to in Article 5(5). The host Member State shall indicate why the application of such a prior authorisation scheme or prior notification scheme is necessary and proportionate for the pursuance of overriding reasons of public interest.***

In the context of a procedure for issuing a European services e-card for establishment in the form of a branch, agency or office, the coordinating authority of the host Member State shall, within four weeks from receiving the application, ***examine it and determine whether*** compliance with ***requirements imposed under*** a prior authorisation scheme or prior notification scheme ***under its national law***, is required. The host Member State shall ***take due account in that assessment of the requirements that the applicant already meets in its home Member State. The requirements mentioned in this paragraph shall not result in the need for reincorporation or corporate restructuring of the service provider in its home Member State, or in the need for cessation of activities legally pursued by the applicant in the territory of the home Member State.***

Or. en

Amendment 196
Philippe Juvin

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

Text proposed by the Commission

In the context of a procedure for issuing a European services e-card for establishment in the form of a branch, agency or office, the coordinating authority of the host Member State shall, within ***four weeks from receiving*** the application, identify which, if any, prior authorisation scheme or prior notification scheme as referred to in Article 5(2) is applicable, in compliance with EU law, to such establishment. If such a prior authorisation scheme or prior notification scheme has been identified, the host Member State shall also identify the conditions which the applicant is required to comply with, with the exception of those referred to in Article 5(5). The host Member State shall indicate why the application of such a prior authorisation scheme or prior notification scheme is necessary and proportionate for the pursuance of overriding reasons of public interest.

Amendment

In the context of a procedure for issuing a European services e-card for establishment in the form of a branch, agency or office, the coordinating authority of the host Member State shall, within ***a reasonable period following receipt of*** the application, ***to be determined by the host Member State in agreement with the home Member State***, identify which, if any, prior authorisation scheme or prior notification scheme as referred to in Article 5(2) is applicable, in compliance with EU law, to such establishment. If such a prior authorisation scheme or prior notification scheme has been identified, the host Member State shall also identify the conditions which the applicant is required to comply with, with the exception of those referred to in Article 5(5). The host Member State shall indicate why the application of such a prior authorisation scheme or prior notification scheme is necessary and proportionate for the pursuance of overriding reasons of public interest.

Or. fr

Amendment 197
Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein,
Ivan Štefanec, Mihai Țurcanu

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

Upon deciding to impose requirements under its national law in accordance with the preceding subparagraphs, 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, ***listing its*** conditions which the applicant is required to comply with and of the necessity and proportionality thereof, ***in accordance with Union law.***

Or. en

Amendment 198

Philippe Juvin

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

2. Taking into account the rights of Member States as referred to in Article 10, if the coordinating authority of the host Member State does not react within the time-limit referred to in paragraph 1, that time limit shall automatically be extended ***by two additional weeks*** and the electronic platform where the application for a European services e-card has been submitted shall issue an alert to the coordinating authority of the host Member State ***to the effect that failure to react shall imply that the European services e-card shall be issued to the applicant.***

Amendment

2. Taking into account the rights of Member States as referred to in Article 10, if the coordinating authority of the host Member State does not react within the time-limit referred to in paragraph 1, that time limit shall automatically be extended and the electronic platform where the application for a European services e-card has been submitted shall issue an alert to the coordinating authority of the host Member State.

Or. fr

Amendment 199

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Ivan Štefanec, Mihai Țurcanu

Proposal for a directive

Article 13 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Upon receipt of the **reaction by** the coordinating authority of the host Member State to **the application**, the applicant shall be allowed to provide proof of compliance with the conditions identified **by the coordinating authority of the host Member State under the paragraph 1**.

Amendment

Upon receipt of the **decision of** the coordinating authority of the host Member State to **impose requirements under its national law in accordance with paragraph 1**, the applicant shall be allowed to provide proof of compliance with the conditions identified **therein**.

Or. en

Amendment 200

Philippe Juvin

Proposal for a directive

Article 13 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The applicant shall **describe** which specific conditions are complied with by previous compliance with equivalent requirements in the home Member State.

Amendment

The applicant shall **provide evidence to show** which specific conditions are complied with by previous compliance with equivalent requirements in the home Member State.

Or. fr

Amendment 201

Philippe Juvin

Proposal for a directive

Article 13 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The coordinating authority of the host Member State shall assess, within **one week upon** receipt of proof of compliance with the conditions identified in accordance with paragraph 1, whether to

Amendment

The coordinating authority of the host Member State shall assess, within **a reasonable period of time following** receipt of proof of compliance with the conditions identified in accordance with

issue the European services e-card or reject the application for the European services e-card.

paragraph 1, *to be set by the host Member State in agreement with the Member State of origin*, whether to issue the European services e-card or reject the application for the European services e-card.

Or. fr

Amendment 202

Philippe Juvin

Proposal for a directive

Article 13 – paragraph 4 – subparagraph 2

Text proposed by the Commission

In case the coordinating authority of the host Member State decides to issue the European services e-card, it shall do so *without delay*.

Amendment

In case the coordinating authority of the host Member State decides to issue the European services e-card, it shall do so *within a reasonable time frame*.

Or. fr

Amendment 203

Philippe Juvin

Proposal for a directive

Article 13 – paragraph 4 – subparagraph 4

Text proposed by the Commission

Upon receipt of the observations of the applicant or, where no observations have been made, upon expiration of the time-limit to present those observations, the coordinating authority of the host Member State shall decide, within *one week*, whether to issue the European services e-card or reject the application for the European services e-card.

Amendment

Upon receipt of the observations of the applicant or, where no observations have been made, upon expiration of the time-limit to present those observations, the coordinating authority of the host Member State shall decide, within *a reasonable time frame*, whether to issue the European services e-card or reject the application for the European services e-card.

Or. fr

Amendment 204

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Ivan Štefanec, Antanas Guoga, Mihai Țurcanu

Proposal for a directive

Article 13 – paragraph 4 – subparagraph 4

Text proposed by the Commission

Upon receipt of the observations of the applicant or, where no observations have been made, upon expiration of the time-limit to present those observations, the coordinating authority of the host Member State shall decide, within one week, whether to issue the European services e-card or reject the application for the European services e-card.

Amendment

Upon receipt of the observations of the applicant or, where no observations have been made, upon expiration of the time-limit to present those observations, the coordinating authority of the host Member State shall decide, within one week, whether to issue the European services e-card or reject the application for the European services e-card.

The declaration of intention of rejection of the application and the decision to reject the application, notified to the holder of the European services e-card through the electronic platform where the standard form for application is made available, shall be fully reasoned, detailing which of the conditions identified in accordance with paragraph 1 have been deemed not complied with by the applicant and the reasons therefore.

Or. en

Amendment 205

Andreas Schwab

Proposal for a directive

Article 13 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The coordinating authority of the host Member State shall be allowed to request necessary clarifications or necessary additional information from the home Member State or the applicant which is not yet contained in the application. In that

Amendment

The coordinating authority of the host Member State shall be allowed to request necessary clarifications or necessary additional information from the home Member State or the applicant which is not yet contained in the application, ***in***

case, the time limits referred to in paragraphs 1 and 4 are suspended until the requested necessary clarification or necessary additional information is supplied.

particular where there are justified doubts that the content or validity of accompanying documents may not be in due form. In that case, the time limits referred to in paragraphs 1 and 4 are suspended until the requested necessary clarification or necessary additional information is supplied.

Or. de

Amendment 206

Morten Løkkegaard, Anneleen Van Bossuyt

Proposal for a directive

Article 13 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where the coordinating authority of the host Member State intends to reject the application in accordance with the conditions laid down in this Article, the coordinating authority of the host Member State shall inform the applicant of the home Member State, and state its reasons. The applicant shall have two weeks to submit its observations.

Or. en

Justification

AM to DR. Two weeks is a more reasonable time limit for businesses to react. (Art. 13, para. 5, subpara.1b (new))

Amendment 207

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Ivan Štefanec, Antanas Guoga, Mihai Țurcanu

Proposal for a directive

Article 13 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where the coordinating authority of the host Member State intends to reject the application in accordance with the conditions laid down in this Article, the coordinating authority of the host Member State shall inform the applicant and the coordinating authority of the home Member State, and state its reasons. The applicant shall have two weeks to submit its observations.

Or. en

Amendment 208

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Ivan Štefanec, Mihai Țurcanu

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Coordinating authorities in the home Member State shall not require providers to provide information *and* documents which are available to those authorities in accordance with paragraph 2 of this Article or Article **14(3)** of Regulation[ESC Regulation]..... when applying for a European services e-card or to prove compliance, in the context of a European services e-card for establishment, with conditions identified by the coordinating authority of the host Member State in accordance with Article 13(1).

Amendment

1. Coordinating authorities in the home Member State shall not require providers to provide information *including* documents which are available to those authorities in accordance with paragraph 2 of this Article or Article **14(2)** of Regulation[ESC Regulation]..... when applying for a European services e-card or to prove compliance, in the context of a European services e-card for establishment, with conditions identified by the coordinating authority of the host Member State in accordance with Article 13(1).

Or. en

Amendment 209

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

1. Coordinating authorities in the home Member State shall not require providers to provide information and documents which are available to those authorities in accordance with paragraph 2 of this Article or Article 14(3) of Regulation[ESC Regulation]..... when applying for a European services e-card or to prove compliance, in the context of a European services e-card for establishment, with conditions identified by the coordinating authority of the host Member State in accordance with Article 13(1).

Amendment

1. Coordinating authorities in the home Member State shall not require providers to provide information and documents which are available to those authorities in accordance with paragraph 2 of this Article or Article 14(3) of Regulation[ESC Regulation]..... when applying for a European services e-card or to prove compliance, in the context of a European services e-card for establishment, with conditions identified by the coordinating authority of the host Member State in accordance with Article 13(1). ***The coordinating authority of the home Member State shall require service providers to update annually information and documents in the IMI system.***

Or. it

Justification

To ensure that letterbox companies and fraudulent practices can be countered more effectively, service providers should update annually the information entered. The 'once only principle' may effectively exonerate lenders from their own responsibility. Annual renewal of the declaration is also provided for under Directive 2005/36 on the posting of workers.

Amendment 210

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Ivan Štefanec, Mihai Țurcanu

**Proposal for a directive
Article 14 – paragraph 2**

Text proposed by the Commission

2. The coordinating authority in the home Member State shall obtain the information ***and*** documents required for the purposes referred to in paragraph 1 which are available to other authorities in the home Member State or originate from those authorities, in accordance with the rules on the protection of personal data as

Amendment

2. The coordinating authority in the home Member State shall obtain the information ***including*** documents required for the purposes referred to in paragraph 1 which are available to other authorities in the home Member State or originate from those authorities, in accordance with the rules on the protection of personal data as

provided for in Directive 95/46/EC,
Regulation (EU) No 2016/679 and national
legislation.

provided for in Directive 95/46/EC,
Regulation (EU) No 2016/679 and national
legislation.

Or. en

Amendment 211
Lara Comi, Antonio López-Istúriz White

Proposal for a directive
Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. This Article shall not apply to information regarding professional liability insurance provided by the service provider. The validity and duration of insurance must be communicated regularly to the coordinating authority.

Or. it

Amendment 212
Philippe Juvin

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that the coordinating authority who issued a European services e-card suspends its validity or revokes it in case, respectively, of a decision, in accordance with EU law, determining a temporary or permanent ban on provision of the service activities in question by the European services e-card holder in the host Member State.

1. **Host** Member States shall ensure that the coordinating authority who issued a European services e-card **immediately** suspends its validity or revokes it in case, respectively, of a decision, in accordance with EU law, determining a temporary or permanent ban on provision of the service activities in question by the European services e-card holder in the host Member State.

Or. fr

Amendment 213
Philippe Juvin

Proposal for a directive
Article 15 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall ensure that coordinating authorities who issued a European services e-card revoke it in case the e-card holder:

Amendment

2. **Host** Member States shall ensure that coordinating authorities who issued a European services e-card **immediately** revoke it in case the e-card holder:

Or. fr

Amendment 214
Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein,
Ivan Štefanec, Mihai Țurcanu

Proposal for a directive
Article 15 – paragraph 2 – point i

Text proposed by the Commission

(i) made use of information **or** documents in the context of the procedure to issue the e-card which have been ascertained to be fraudulent, inaccurate or falsified by a final decision of either home or host Member State, not subject to appeal under the applicable national law;

Amendment

(i) made use of information **including** documents in the context of the procedure to issue the e-card which have been ascertained to be fraudulent, inaccurate or falsified by a final decision of either home or host Member State, not subject to appeal under the applicable national law;

Or. en

Amendment 215
Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

Proposal for a directive
Article 15 – paragraph 2 – point i a (new)

Text proposed by the Commission

Amendment

(ia) is the subject of an investigation by one or more Member States where there is evidence of fraud or that inaccurate or false information or documents have been provided;

Or. it

Justification

The measures must be justified for reasons of public interest, public security, public health or protection of the environment,

Amendment 216

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Host Member States shall carry out regular random checks of e-cards issued by the coordinating authority to verify the validity of the information and documentation provided.

Or. it

Amendment 217

Philippe Juvin

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that, in case of a decision, in accordance with EU law, determining a temporary or permanent ban on provision of the service activities by the European services e-card holder in the home Member State, the coordinating authorities who issued a European services e-card suspend the validity of or revoke,

1. Member States shall ensure that, in case of a decision, in accordance with EU law, determining a temporary or permanent ban on provision of the service activities by the European services e-card holder in the home Member State, the coordinating authorities who issued a European services e-card **immediately** suspend the validity of

respectively, all European services e-cards issued for the same provider and service activity in question.

or revoke, respectively, all European services e-cards issued for the same provider and service activity in question.

Or. fr

Amendment 218
Philippe Juvin

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that, in case of a decision determining a temporary or permanent ban on provision of the service activities by the European services e-card holder in the host Member State, coordinating authorities who issued a European services e-card suspend the validity of or revoke, respectively, all European services e-cards issued for the same provider and service activity in so far as the national law of the home Member State determines, in accordance with EU law, the suspension or termination of service activities in its territory due to, respectively, the temporary or permanent ban in question in the host Member State.

Amendment

2. Member States shall ensure that, in case of a decision determining a temporary or permanent ban on provision of the service activities by the European services e-card holder in the host Member State, coordinating authorities who issued a European services e-card **quickly** suspend the validity of or revoke, respectively, all European services e-cards issued for the same provider and service activity in so far as the national law of the home Member State determines, in accordance with EU law, the suspension or termination of service activities in its territory due to, respectively, the temporary or permanent ban in question in the host Member State.

Or. fr

Amendment 219
Philippe Juvin

Proposal for a directive
Article 16 – paragraph 3 – introductory part

Text proposed by the Commission

3. Member States shall ensure coordinating authorities who issued a European services e-card revoke all

Amendment

3. Member States shall ensure coordinating authorities who issued a European services e-card **immediately**

European services e-cards issued for the same provider and service activities in case that provider:

revoke all European services e-cards issued for the same provider and service activities in case that provider:

Or. fr

Amendment 220

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Ivan Štefanec, Mihai Țurcanu

Proposal for a directive

Article 16 – paragraph 3 – point vi

Text proposed by the Commission

(vi) is no longer established in the home Member State, for any other reason.

Amendment

(vi) is no longer **legally** established in the home Member State, for any other reason.

Or. en

Amendment 221

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Ivan Štefanec, Mihai Țurcanu

Proposal for a directive

Article 17 – paragraph 1 – subparagraph 1

Text proposed by the Commission

A Member State which detects a reason to trigger the suspension or revocation of a European services e-card, in accordance with Articles 15 or 16, occurring in its territory shall communicate via IMI to the holder of the European services e-card in question the motivation therefore and shall give it the opportunity to be heard.

Amendment

A Member State which detects a reason to trigger the suspension or revocation of a European services e-card, in accordance with Articles 15 or 16, occurring in its territory shall communicate via IMI to the holder of the European services e-card in question the motivation therefore and shall give it the opportunity to be heard.

The preceding subparagraph shall not apply in case of a measure put in place in accordance with Article 18 of Directive 2006/123/EC.

Or. en

Amendment 222
Philippe Juvin

Proposal for a directive
Article 17 – paragraph 1 – subparagraph 1

Text proposed by the Commission

A Member State which detects a reason to trigger the suspension or revocation of a European services e-card, in accordance with Articles 15 or 16, occurring in its territory shall communicate via IMI to the holder of the European services e-card in question the motivation therefore and shall give it the opportunity to be heard.

Amendment

A Member State which detects a reason to trigger the suspension or revocation of a European services e-card, in accordance with Articles 15 or 16, occurring in its territory shall ***immediately*** communicate via IMI to the holder of the European services e-card in question the motivation therefore and shall give it the opportunity to be heard.

Or. fr

Amendment 223
Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Ivan Štefanec, Mihai Țurcanu

Proposal for a directive
Article 17 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Once a Member State concludes on the need to suspend or revoke a European services e-card it shall do so without delay, in case its coordinating authority is the issuing authority of the e-card in question, or it shall communicate without delay to the issuing coordinating authority its conclusion on the need to suspend or revoke the European services e-card in question.

Amendment

Once a Member State concludes on the need to suspend or revoke a European services e-card it shall do so without delay, in case its coordinating authority is the issuing authority of the e-card in question, or it shall communicate without delay to the issuing coordinating authority its conclusion on the need to suspend or revoke the European services e-card in question, ***including by application of a measure put in place in accordance with Article 18 of Directive 2006/123/EC.***

Or. en

Amendment 224

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Ivan Štefanec, Mihai Țurcanu

Proposal for a directive

Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The issuing coordinating authority which receives the communication of a conclusion on the need to suspend or revoke the European services e-card from another Member State shall immediately suspend or revoke the European services e-card in question, as appropriate.

Amendment

The notification mentioned in Article 35(6) of Directive 2006/123/EC shall constitute the communication referred to in the first subparagraph, as appropriate.

The issuing coordinating authority which receives the communication of a conclusion on the need to suspend or revoke the European services e-card from another Member State shall immediately suspend or revoke the European services e-card in question, as appropriate.

Or. en

Amendment 225

Philippe Juvin

Proposal for a directive

Article 17 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Member States shall ensure that, as soon as the conditions which led to the suspension of a European services e-card are no longer valid, the issuing coordinating authority reactivates, ***without delay***, the suspended European services e-card.

Amendment

Member States shall ensure that, as soon as the conditions which led to the suspension of a European services e-card are no longer valid, the issuing coordinating authority reactivates the suspended European services e-card.

Or. fr

Amendment 226
Philippe Juvin

Proposal for a directive
Article 17 – paragraph 4 – introductory part

Text proposed by the Commission

4. Member States shall oblige the holder of a European services e-card to inform the coordinating authority which issued its European services e-card of the following:

Amendment

4. ***Host and home*** Member States shall oblige the holder of a European services e-card to inform, ***as soon as possible***, the coordinating authority which issued its European services e-card of the following:

Or. fr

Amendment 227

Dariusz Rosati, Anna Maria Corazza Bildt, Róza Gräfin von Thun und Hohenstein, Ivan Štefanec, Mihai Țurcanu

Proposal for a directive
Chapter 3 a (new)

Text proposed by the Commission

Amendment

CHAPTER IIIa

***COORDINATION OF PROVISIONS
CONCERNING FREEDOM OF
ESTABLISHMENT AND THE
PROVISION OF SERVICES LISTED IN
ANNEX Ia***

Article 17a

Legal form requirements

Member States shall allow providers of services listed in Annex II to form companies and establish, in their respective territories, in accordance with any of the types listed in Annex II of Directive (EU) 2017/1132 for their respective territories.

Article 17b

Corporate control and management

requirements

1. Member States shall ensure that providers of services listed in Annex II formed as a legal person and established in their territory are not subject to any of the following requirements:

a) more than a simple majority stake giving corporate control must be held by natural persons subject to professional qualification requirements or by legal persons subject to other requirements specific to the service activities concerned and related to professional qualifications;

or

b) more than a simple majority of the members in each of its management bodies and supervisory bodies are made subject to professional qualification requirements.

Member States shall ensure that no other requirements specific to the service activities concerned are imposed on holders of a stake or members of management or supervisory bodies in a provider of services listed in Annex II, with the exception of authorisation or notification schemes meant to control the requirements introduced in accordance with the preceding subparagraph.

2. Member States may, within the simple majority stake giving corporate control referred to in point (a) of paragraph 1, require that the registered corporate purpose of a legal person holding a corporate stake in a provider established in their territory for the provision of services listed in Annex II includes the provision of the services in question.

3. Member States shall ensure that no requirements specific to the service activities concerned other than the requirements referred to in paragraph 2 are imposed regarding legal persons holders of a stake in a provider of services listed in Annex II. However, requirements

may be imposed on providers of services listed in Annex II regarding the use of a particular corporate designation in case the service activities in question may be provided by legal persons not subject to such requirements.

Article 17c

Multidisciplinary activities

1. Member States shall ensure that architectural, engineering and construction services listed in Annex II may be exercised by a legal person jointly or in partnership.

This shall apply without prejudice to requirements for the prevention of conflicts of interests in the context of and with consideration for a certain service provision in particular.

2. Notwithstanding paragraph 1, Member States may, in accordance with Article 25 of Directive 2006/123/EC, ban the joint exercise of architectural, engineering and construction services by providers of architectural or engineering services making use of a particular corporate designation in case the provision of the service activities in question, without exception, is admissible to providers not subject to requirements the compliance of which allows for the use of that same designation

Or. en

Amendment 228

Lara Comi, Antonio López-Istúriz White

Proposal for a directive

Article 20 – paragraph 1

Text proposed by the Commission

The Commission, with Member States, social partners and other relevant

Amendment

The Commission, with Member States, social partners, **chambers of commerce**,

stakeholders, will establish monitoring arrangements to monitor and assess the implementation and impacts of this Directive, in particular how it impacts freedom of establishment and freedom to provide services across Member States for the service activities covered, namely by reducing costs for providers, enhancing transparency about providers expanding cross-border and increasing competition, and how it impacts prices and quality of the services concerned, considering relevant indicators.

professional bodies and other relevant stakeholders, will establish monitoring arrangements to monitor and assess the implementation and impacts of this Directive, in particular how it impacts freedom of establishment and freedom to provide services across Member States for the service activities covered, namely by reducing costs for providers, enhancing transparency about providers expanding cross-border and increasing competition, and how it impacts prices and quality of the services concerned, considering relevant indicators.

Or. it

Amendment 229
Maria Grapini

Proposal for a directive
Article 20 – paragraph 1

Text proposed by the Commission

The Commission, with Member States, social partners and other relevant stakeholders, will establish monitoring arrangements to monitor and assess the implementation and impacts of this Directive, in particular how it impacts freedom of establishment and freedom to provide services across Member States for the service activities covered, namely by reducing costs for providers, enhancing transparency about providers expanding cross-border and increasing competition, and how it impacts prices and quality of the services concerned, considering relevant indicators.

Amendment

The Commission, with Member States, social partners and other relevant stakeholders, will establish monitoring arrangements to monitor and assess the implementation and impacts of this Directive, in particular how it impacts freedom of establishment and freedom to provide services across Member States for the service activities covered, namely by reducing costs for providers, enhancing transparency *and trust* about *service* providers expanding cross-border and increasing competition, and how it impacts prices and quality of the services concerned, considering relevant indicators.

Or. ro

Amendment 230

Lambert van Nistelrooij

**Proposal for a directive
Article 21 – paragraph 2**

Text proposed by the Commission

By **36** months after the date for transposition of this Directive and at the latest every **five** years thereafter, the Commission shall carry out an evaluation of this Directive and submit to the European Parliament and the Council a report on its performance. That report shall consider the need to adapt the procedures for issuing, updating, suspending or revoking a European services e-card taking into account the latest developments in e-Government and shall be included in the report assessing the overall performance of Regulation ...[ESC Regulation]... in line with its Article 19.

Amendment

By **24** months after the date for transposition of this Directive and at the latest every **four** years thereafter, the Commission shall carry out an evaluation of this Directive and submit to the European Parliament and the Council a report on its performance. That report shall consider the need to adapt the procedures for issuing, updating, suspending or revoking a European services e-card taking into account the latest developments in e-Government and shall be included in the report assessing the overall performance of Regulation ...[ESC Regulation]... in line with its Article 19.

Or. nl

Amendment 231

Marco Zullo, David Borrelli, Dario Tamburrano, Laura Agea

**Proposal for a directive
Article 21 – paragraph 2**

Text proposed by the Commission

By 36 months after the date for transposition of this Directive and at the latest every **five** years thereafter, the Commission shall carry out an evaluation of this Directive and submit to the European Parliament and the Council a report on its performance. That report shall consider the need to adapt the procedures for issuing, updating, suspending or revoking a European services e-card taking into account the latest developments in e-Government and shall be included in the report assessing the overall performance of

Amendment

By 36 months after the date for transposition of this Directive and at the latest every **three** years thereafter, the Commission shall carry out an evaluation of this Directive and submit to the European Parliament and the Council a report on its performance. That report shall consider the need to adapt the procedures for issuing, updating, suspending or revoking a European services e-card taking into account the latest developments in e-Government and shall be included in the report assessing the overall performance of

Regulation ...[ESC Regulation]... in line
with its Article 19.

Regulation ...[ESC Regulation]... in line
with its Article 19.

Or. it

Justification

*Given the improvements necessary to ensure proper implementation of e-card services,
the evaluation should be done as soon as possible.*

Amendment 232

Lambert van Nistelrooij

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall adopt and publish, by
[*two* years after entry into force of this
Directive] at the latest, the laws,
regulations and administrative provisions
necessary to comply with this Directive.
They shall forthwith communicate to the
Commission the text of those provisions.

Amendment

Member States shall adopt and publish, by
[*three* years after entry into force of this
Directive] at the latest, the laws,
regulations and administrative provisions
necessary to comply with this Directive.
They shall forthwith communicate to the
Commission the text of those provisions.

Or. nl

Amendment 233

Lambert van Nistelrooij

Proposal for a directive

Article 22 – paragraph 1 – subparagraph 2

Text proposed by the Commission

They shall apply those provisions from
[*two* years after entry into force of
Regulation ...[ESC Regulation].....].

Amendment

They shall apply those provisions from
[*three* years after entry into force of
Regulation ...[ESC Regulation].....].

Or. nl