



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.11.2006
COM(2006) 718 final

2004/0001 (COD)

OPINION OF THE COMMISSION

pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty, on the European Parliament's amendments to the Council's common position regarding the proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

ON SERVICES IN THE INTERNAL MARKET

AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250(2) of the EC Treaty

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(Text with EEA relevance)

1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides for the Commission to give an opinion on the amendments proposed by the European Parliament in second reading. The Commission's opinion on the 3 amendments proposed by the Parliament is set out below.

2. BACKGROUND

Proposal transmitted to the European Parliament and the Council (document COM(2004)2 final – 2004/0001(COD) on: 06.02.2004

European Economic and Social Committee opinion delivered on: 09.02.2005

Committee of the Regions opinion delivered on: 29.09.2004

European Parliament opinion (first reading) delivered on: 16.02.2006

Amended proposal transmitted on: 06.04.2006

Common position adopted with qualified majority on: 24.07.2006

European Parliament opinion (second reading) delivered on: 15.11.2006

3. AIM OF THE COMMISSION PROPOSAL

The Commission proposal aims at:

- improving the basis for economic growth and employment in the EU;
- achieving a genuine Internal Market in services by removing legal and administrative barriers to the development of service activities;
- strengthening the rights of consumers as users of services;
- establishing legally-binding obligations for effective administrative co-operation between Member States.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

In second reading, the Parliament has adopted 3 amendments to the Council's Common Position. They introduce changes to certain comitology aspects of the text without affecting the substance or the principles of the Common Position and the Commission's amended proposal. Following inter-institutional contacts the Commission accepts all these 3 amendments.

These amendments are as follows:

Amendment 40 – Article 23(4) Professional liability insurance and guarantees

This amendment, by means of reference to Article 40(2a), provides for the regulatory procedure with scrutiny, instead of the regulatory procedure, for the possibility to establish common criteria for defining what is appropriate to the nature and extent of the risk, for the purpose of the professional liability insurance or guarantees.

Amendment 41 – Article 36 Implementing measures

This amendment, by means of reference to Article 40(2a), provides for the regulatory procedure with scrutiny, instead of the regulatory procedure, for the specification of time limits to be respected by Member States in certain cases of administrative cooperation.

Amendment 42 – Article 40(2a) Comitology

This amendment adds the regulatory procedure with scrutiny to the regulatory procedure and, by means of reference in Article 23(4) and Article 36, is the basis for the introduction of the regulatory procedure with scrutiny in these Articles.

5. CONCLUSION

Under Article 250(2) of the EC Treaty, the Commission hereby amends its proposal as set out above.