



2016/0398(COD)

11.12.2018

COLUMN TABLE FOR INTERINSTITUTIONAL NEGOTIATIONS

Proposal for a directive of the European Parliament and of the Council on the enforcement of the Directive 2006/123/EC on services in the internal market, laying down a notification procedure for authorisation schemes and requirements related to services, and amending Directive 2006/123/EC and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System
(COM(2016)0821 – C8-0011/2017 – 2016/0398(COD))

Date of the trilogue: 26.4.2018

**Committee on the Internal Market and Consumer Protection –
Negotiating team**

Proposal for a directive of the European Parliament and of the Council

on the enforcement of the Directive 2006/123/EC on services in the internal market, laying down a notification procedure for authorisation schemes and requirements related to services, and amending Directive 2006/123/EC and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System

COM (2016) 821 final - 2016/0398(COD)

PART 2: ARTICLES 1-14

Cell in green: The text can be deemed as already agreed

Cell in yellow: The issue needs further discussion at technical level

Cell in red: The issue needs further discussion in depth at the trilogue meetings

Note:

Differences between the EP's position and the Commission's proposal are highlighted in Bold/Italics.

Differences between the Council's position and the Commission's proposal are highlighted in Bold/Italics.

Modifications by lawyer-linguists are in Italics.

Deletions are not marked. Compromise wording is in Bold/Italics/Underline.

<i>Row</i>	<i>Location</i>	<i>COMMISSION COM(2016)821</i>	<i>EP A8-0396/2017</i>	<i>COUNCIL - GENERAL APPROACH 9507/17</i>	<i>POSSIBLE COMPROMISE SOLUTION</i>
<i>Article 1</i>					
25.	Title	Subject matter and scope	Subject matter and scope	Subject matter and scope	Green Subject matter and scope
26.	Art. 1. par. 1	This Directive lays down rules on the notification by Member States of draft laws, regulations or administrative provisions introducing new, or amending existing authorisation schemes and certain requirements falling under the scope of Directive 2006/123/EC.	This Directive lays down rules on the notification by Member States of draft laws, regulations or administrative provisions introducing new, or amending existing authorisation schemes and certain requirements falling under the scope of Directive 2006/123/EC.	This Directive <u>aims to improve the functioning of the internal market by</u> laying down rules on the notification by Member States of draft laws, regulations or administrative provisions introducing new, or amending existing authorisation schemes and certain requirements falling under the scope of Directive 2006/123/EC.	Green This Directive <u>aims to improve the functioning of the internal market by</u> laying down rules on the notification by Member States of draft laws, regulations or administrative provisions introducing new, or amending existing authorisation schemes and certain requirements falling under <i>within</i> the scope of Directive 2006/123/EC.

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
27.	<i>Article 2</i>				
28.	Title	Definitions	Definitions	Definitions	Definitions
29.	Art. 2, Par. 1	<p>For the purpose of this Directive, the definitions set out in Article 4(1), (2), (3) and (5) to (9) of Directive 2006/123/EC and in Article 5 second paragraph of Regulation (EU) No 1024/2012 shall apply.</p> <p>In addition, the following definitions shall apply:</p>	<p>For the purpose of this Directive, the definitions set out in Article 4(1), (2), (3) and (5) to (9) of Directive 2006/123/EC and in Article 5 second paragraph of Regulation (EU) No 1024/2012 shall apply.</p> <p>In addition, the following definitions shall apply:</p>	<p>For the purpose of this Directive, the definitions of the terms ‘service’, ‘provider’, ‘recipient’, ‘establishment’, ‘authorisation scheme’, ‘requirement’, ‘overriding reasons relating to the public interest’, set out in Article 4(1), (2), (3) and (5) to (8) (9) of Directive 2006/123/EC and the term ‘Internal Market Information System’ as set out in Article 5 second paragraph, point (a) of Regulation (EU) No 1024/2012 shall apply.</p> <p>In addition, the following definitions shall apply:</p>	<p>Green</p> <p>For the purposes of this Directive, the following definitions shall apply:</p> <p>(1) ‘service’ means service as defined in point (1) of Article 4 of Directive 2006/123/EC;</p> <p>(2)) ‘provider’ means provider as defined in point (2) of Article 4 of Directive 2006/123/EC;</p> <p>(3) ‘recipient’ means recipient as defined in point (3) of Article 4 of Directive 2006/123/EC;</p> <p>(4) ‘establishment’ means establishment as defined in point</p>

<i>Row</i>	<i>Location</i>	<i>COMMISSION COM(2016)821</i>	<i>EP A8-0396/2017</i>	<i>COUNCIL - GENERAL APPROACH 9507/17</i>	<i>POSSIBLE COMPROMISE SOLUTION</i>
					<p>(5) of Article 4 of Directive 2006/123/EC;</p> <p>(5) 'authorisation scheme' means authorisation scheme as defined in point (6) of Article 4 of Directive 2006/123/EC;</p> <p>(6) 'requirement' means requirement as defined in point (7) of Article 4 of Directive 2006/123/EC;</p> <p>(7) 'overriding reasons relating to the public interest' means overriding reasons relating to the public interest as defined in point (8) of Article 4 of Directive 2006/123/EC;</p> <p>(8) 'Internal Market Information System' means Internal Market Information System as defined in second paragraph, point (a) of Article 5 of Regulation (EU) No 1024/2012.</p>

<i>Row</i>	<i>Location</i>	<i>COMMISSION COM(2016)821</i>	<i>EP A8-0396/2017</i>	<i>COUNCIL - GENERAL APPROACH 9507/17</i>	<i>POSSIBLE COMPROMISE SOLUTION</i>
					<p>(9a) 'draft measure' means a text laying down an authorisation scheme or a requirement, within the meaning of Article 4(6) and (7) of Directive 2006/123/EC, respectively, formulated with the view of having it enacted as a law, regulation or <u>an</u> administrative provision of a general nature, <u>with</u> the text being at the stage of preparation at which <u>substantial</u> amendments <u>amendments</u> can still be made by the notifying Member State. <u>A draft decision addressed to a specific service provider shall not fall within the scope of this definition;</u></p> <p>(10b) '<i>adoption</i>' means the decision in a Member State by which a draft measure is made final in accordance with the applicable procedure and thus can no longer be modified.</p>

<i>Row</i>	<i>Location</i>	<i>COMMISSION COM(2016)821</i>	<i>EP A8-0396/2017</i>	<i>COUNCIL - GENERAL APPROACH 9507/17</i>	<i>POSSIBLE COMPROMISE SOLUTION</i>
30.	Art. 2, par.1	(a) 'draft measure' means a text laying down an authorisation	(a) 'draft measure' means a text laying down an authorisation	(a) 'draft measure' means a text laying down an authorisation	<i>Deleted</i>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
	point (a)	scheme or a requirement, within the meaning of Article 4(6) and (7) of Directive 2006/123/EC, respectively, formulated with the view of having it enacted as a law, regulation or administrative provision of a general nature, the text being at the stage of preparation at which substantive amendments can still be made by the notifying Member State;	scheme or a requirement, within the meaning of Article 4(6) and (7) of Directive 2006/123/EC, respectively, formulated with the view of having it enacted as a law, regulation or administrative provision of a general nature, the text being at the stage of preparation at which substantive amendments can still be made by the notifying Member State;	scheme or a requirement, within the meaning of Article 4(6) and (7) of Directive 2006/123/EC, respectively, formulated with the view of having it enacted as a law, regulation or an administrative provision of a general nature, with the text being at the stage of preparation at which substantive amendments modifications can still be made by the notifying Member State. <u>A decision addressed to a specific service provider shall not fall within the scope of this definition;</u>	<i>Moved above</i>
31.	Art. 2 par. 1 Point (b)	(b) 'adoption' means the decision in a Member State making the law, regulation or administrative provision of a general nature final according to the applicable procedure.	(b) 'adoption' means the decision in a Member State making the law, regulation or administrative provision of a general nature <u>draft measure</u> final according to <u>in accordance with</u> the	(b) 'adoption' means the decision in a Member State <u>whereby the draft measure can no longer be modified in accordance with the applicable procedure.</u> , making the law, regulation or administrative	<i>Deleted</i> <i>Moved above</i>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
			applicable procedure. [Am. 16]	provision of a general nature final according to the applicable procedure.	
32.	<i>Article 3</i>				
33.	Title	Notification obligation	Notification obligation	Notification obligation	Notification obligation
34.	Art. 3, par. 1	1. Member States shall notify to the Commission any draft measure that introduces new requirements or authorisation schemes referred to in Article 4, or modifies such existing requirements or authorisation schemes.	1. Member States shall notify to the Commission any draft measure that introduces new requirements or authorisation schemes referred to in Article 4, or <i>substantially</i> modifies such existing requirements or authorisation schemes. [Am. 17]	1. Member States shall notify to the Commission any draft measure that introduces new requirements or authorisation schemes referred to in Article 4, or modifies such existing requirements or authorisation schemes <i>in substance</i> .	Green 1. Member States shall notify to the Commission any draft measure that introduces new authorisation schemes or requirements or authorisation schemes referred to in Article 4, or modifies such existing requirements or authorisation schemes or requirements or <i>in substance</i> .

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
35.	Art. 3, par. 1a.		<i>1a. By way of derogation from paragraph 1, Member States shall not be obliged to notify to the Commission:</i>	<u>1a. Member States shall not be obliged to notify:</u>	Green <i>By way of derogation from paragraph 1, Member States shall not be obliged to notify to the Commission:</i>
36.	Art. 3, par. 1a. point (a)		<u>(a) draft measures that only consist of the repeal of authorisation schemes or existing requirements;</u>	<u>a) draft measures that only consist of the repeal of authorisation schemes or requirements;</u>	Green <i>(a) draft measures that only consist of the repeal of authorisation schemes or requirements;</i>
37.	Art. 3, par. 1a. point (b)		<u>(b) draft measures that implement authorisation schemes or requirements which</u>	<u>b) draft measures implementing authorisation schemes or requirements</u>	Green <i>(b) draft measures that</i>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
			<u>have already been notified to the Commission and adopted by the Member State concerned at national level and that do not alter the scope, content, or make the already adopted authorisation schemes or requirements more restrictive for the establishment or cross-border provision of services;</u>	<u>already notified by that Member State, when such draft measures do not extend their scope or content, or make them more restrictive for the establishment, or the cross-border provision of services;</u>	<u>implement authorisation schemes or requirements which have already been notified to the Commission and adopted by the Member State concerned and that do not alter the scope, content, or make the already adopted authorisation schemes or requirements more restrictive for the establishment or cross-border provision of services;</u>
38.	Art. 3, par. 1a. point (c)		<u>(c) draft measures by means of which Member States comply with binding Union acts governing specific requirements regarding access to or exercise of a service activity, to the extent that those requirements are expressly provided for and the Union acts concerned require their uniform</u>	<u>c) draft measures by means of which Member States comply with binding Union acts governing specific requirements regarding access to or exercise of a service activity, to the extent that those requirements are expressly provided for in those Union acts.</u>	Green <u>(c) draft measures by means of which Member States comply with binding Union acts governing specific requirements regarding access to or exercise of a service activity, to the extent that those requirements are expressly provided for in those Union acts.</u>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
			<u>transposition. [Am. 18]</u>		
39.	Art. 3, par. 2	2. Where a Member State modifies a notified draft measure with the effect of significantly extending its scope or content, or shortening the timetable originally envisaged for implementation, or adding requirements or authorisation schemes, or making those requirements or authorisation schemes more restrictive for the establishment, or the cross-border provision of services, it shall notify the modified draft measure previously notified under paragraph 1 again, including an explanation of the objective and content of the modifications. In such a case, the previous notification shall	2. Where a Member State <u>substantially</u> modifies a notified draft measure with the effect of significantly extending <u>that is subject to an ongoing notification procedure, by altering</u> its scope or content, or <u>by</u> shortening the timetable originally envisaged for implementation, or <u>by</u> adding requirements or authorisation schemes, or making those requirements or authorisation schemes more restrictive for the establishment, or the cross-border provision of services, <u>it the Member State shall notify amend the initial notification of</u> the modified draft measure previously notified under	2. Where a Member State modifies a notified draft measure <u>subject to an ongoing notification procedure</u> with the effect of significantly <u>substantially</u> extending its scope or content, or shortening the timetable originally envisaged for implementation, or adding requirements or authorisation schemes, or making those <u>notified</u> requirements or authorisation schemes more restrictive for the establishment, or the cross-border provision of services, it shall <u>notify amend the initial notification of</u> the modified draft measure, previously notified under paragraph 1 again, including <u>The</u>	Green 2. Where a Member State <u>substantially amends</u> a notified draft measure <u>subject to an ongoing notification procedure</u> by significantly extending its scope or content, or shortening the timetable originally envisaged for implementation, or <u>by</u> adding authorisation schemes <u>or requirements</u> , or by making those <u>the notified</u> requirements or authorisation schemes <u>or requirements</u> more restrictive for the establishment, or the cross-border provision of services, <u>the notifying Member State</u> shall <u>notify modify the initial notification of</u> the modified draft measure, previously notified

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
		be deemed to be withdrawn.	paragraph 1 again and notify the <u>modifications of that draft measure to the Commission</u> , including an explanation of the objective and content of the modifications <u>thereof</u> . In such a case, the previous notification shall be deemed to be withdrawn. [Am. 19]	<u>notifying Member State shall provide</u> an explanation of the objective and content of the <u>notified</u> modifications. In such a case, it the previous notification shall be deemed to be withdrawn.	under paragraph 1 again, including. The notifying Member State shall provide the amendments and provide an explanation in accordance with Article 3(5) :-
40.	Art. 3, par. 2a.		<u>2a. Member States shall not be obliged to notify, prior to their adoption, the modifications to a draft measure that is already subject to an ongoing notification procedure, made by a Member State parliament at national or regional level, The Member State concerned may adopt such measures as modified and shall notify them to the Commission without delay, and at the latest two weeks after their adoption.</u>	see row 43	Yellow Council to check EP suggestion EP to check deletion of “two weeks” <u>2a. Where a draft measure that is already subject to an ongoing notification procedure is amended by a Member State parliament at national or regional level, Member States shall not be obliged to modify the</u>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
			<u>[Am. 20]</u>		<i>ongoing notification of that draft measure before its adoption. The Member State concerned may adopt such draft measure as amended and shall modify the ongoing notification without delay, and at the latest two weeks after the adoption.</i>
41.	Art. 3, par. 3	3. Draft measures referred to in paragraphs 1 and 2 shall be notified to the Commission at	3. Draft measures referred to in paragraphs paragraph 1 and 2 shall be notified to the	3. Draft measures referred to in paragraphs 1 and 2 shall be notified to the Commission at	Green

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION	
		least three months prior to their adoption.	Commission at least three months prior to their adoption. <u><i>The modifications referred to in paragraph 2 shall be notified to the Commission at least one month prior to their adoption.</i></u> [Am. 21]	least three months prior to their adoption.	3. Draft measures referred to in paragraphs <u>paragraph 1 and 2</u> shall be notified to the Commission at least three months prior to their adoption. <u><i>The modifications referred to in paragraph 2 shall be notified to the Commission at least one month prior to their adoption.</i></u> Council and lawyer-linguists to check technical changes	
42.	Art. 3, par. 3a.		<u><i>3a. The obligation to notify a draft measure prior to its adoption in accordance with paragraph 3 shall not apply when a Member State has to adopt an urgent measure very quickly due to serious and unforeseeable circumstances relating to public policy, public</i></u>	<u><i>3a. Modifications referred to in paragraph 2 shall be notified to the Commission at least one month prior to their adoption.</i></u> see row 49 on urgency clause	Yellow EP to check internally last sentences on COM powers and info to Parliament. Council to check information of Parliament	Green regarding 3a of Council, see row 41

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
			<p><u>security, public health or the protection of the environment. The Member State concerned shall notify the Commission of the urgent measure, its content and the reasons for the urgency that triggered its adoption. It shall do so without undue delay, and in any case not later than the day on which that urgent measure is adopted</u></p> <p><u>Upon receipt of the notification of the urgent measure the Commission shall assess if the circumstances leading to the use of the emergency procedure are justified. [Am. 22]</u></p>		<p><u>3a. The obligation to notify a draft measure before its adoption in accordance with Paragraph 3 shall not apply when in cases where a Member State has to adopt an urgent measure very quickly due to serious and unforeseeable circumstances relating to public policy, public security, public health or the protection of the environment. The Member State concerned shall notify the Commission of the</u></p>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
					<p><u>urgent measure, its content and the reasons for the urgency that triggered its adoption. It shall do so without undue delay, and in any case no later than three working days after the day on which that urgent measure is adopted.</u></p> <p><u>Upon receipt of the notification of the urgent measure the Commission shall assess if the circumstances leading to the use of the urgency procedure are</u></p>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
					<p><u>justified. It shall take appropriate action in cases where improper use is made of this procedure.</u></p> <p><u>The European Parliament shall be kept informed by the Commission."</u></p>
43.	Art. 3, par. 3b.		<u>see row 40</u>	<u>3b. Where Member States' Parliaments modify a notified draft measure, the notified measure as modified may be adopted. Member States shall notify such modification without delay and at the latest within two weeks from the date of the adoption of the measure.</u>	<i>See row 40</i>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
44.	Art. 3, par. 4	4. The breach of one of the obligations set out in Article 3(1), (2) and (3) or in Article 6(2) shall constitute a substantial procedural defect of a serious nature as regards its effects vis-à-vis individuals.	4. The breach of one of the obligations set out in Article 3(1), (2) and (3) or <u>paragraphs 1, 1a, 2, 2a, 3, 3a of this Article and</u> in Article 6(2) shall constitute a substantial procedural defect of a serious nature as regards its effects vis-à-vis individuals. <u>[Am. 23]</u>	4. The breach of one of the obligations set out in Article 3(1), (2) and (3) or in Article 6(2) shall constitute a substantial procedural defect of a serious nature as regards its effects vis-à-vis individuals.	Green 4. The breach of one of the obligations set out in Article 3(1), (2) and (3) or in Article 6(2) shall constitute a substantial procedural defect of a serious nature as regards its effects vis-à-vis individuals.
45.	Art. 3, par. 5	5. Member States shall, as part of any notification, provide information demonstrating the compliance of the notified authorisation scheme or requirement with Directive 2006/123/EC. That information shall identify the overriding reason relating to the public interest pursued and give the reasons why the notified authorisation scheme or	5. Member States shall, as part of any notification, provide information demonstrating the compliance of the notified authorisation scheme or requirement with Directive 2006/123/EC. That information shall identify the overriding reason relating to the public interest pursued, and give the reasons <u>provide an explanation</u> why the notified	5. Member States shall, as part of any notification <u>made in accordance with paragraph 1, or any amendment thereof in accordance with paragraph 2, or any modification thereof in accordance with paragraph 3b,</u> provide information demonstrating the compliance of the notified authorisation scheme or requirement with Directive 2006/123/EC.	Green 5. Member States shall, as part of any notification, <u>or a modification thereof,</u> provide information demonstrating the compliance of the notified authorisation scheme or requirement with Directive 2006/123/EC. That information shall identify the overriding reason relating to the public interest pursued, and give the

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
		<p>requirement is non-discriminatory on grounds of nationality or residence and why it is proportionate.</p> <p>That information shall include an assessment demonstrating that less restrictive means are not available as well as specific evidence substantiating the arguments put forward by the notifying Member State.</p>	<p>authorisation scheme or requirement is non-discriminatory, <u>necessary</u> on grounds of nationality or residence and why it is proportionate <u>with regard to securing the attainment of the objective pursued.</u> [Am. 24]</p> <p>That information shall include an assessment demonstrating that less restrictive means are not available as well as specific evidence substantiating the arguments put forward by the notifying Member State. [Am. 25]</p>	<p>That information shall identify the overriding reason relating to the public interest pursued and give the reasons why the notified authorisation scheme or requirement is non-discriminatory on grounds of nationality or residence and why it is proportionate.</p> <p>That information <u>A notification made in accordance with paragraph 1</u> shall include an assessment <u>explanation as to why the authorisation scheme or requirement is suitable for securing the attainment of the objective pursued; does not go beyond what is necessary to attain its objective and why it is not possible to replace the authorisation scheme or requirements with other, less restrictive measures which attain the same result.</u></p>	<p>reasons <u>include an explanation as to why</u> the notified authorisation scheme or requirement is non-discriminatory, <u>necessary</u> on grounds of nationality or residence and why it is proportionate <u>with regard to securing the attainment of the objective pursued.</u> That information shall include an assessment demonstrating that less restrictive means are not available as well as specific evidence substantiating the arguments put forward by the notifying Member State.</p>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
				<p>demonstrating that less restrictive means are not available as well as specific evidence substantiating the arguments put forward by the notifying Member State.</p>	
46.	Art. 3, par. 6	<p>6. In the notification, the Member State concerned shall also communicate the text of the legislative or regulatory provision that underlies the notified draft measure.</p>	<p>6. In the notification, the Member State concerned shall also communicate the text of the legislative or regulatory provision that underlies the notified draft measure.</p>	<p>6. In the notification, the Member State concerned shall, where applicable, also communicate the text of the legislative or regulatory provision that underlies the notified draft measure.</p>	<p>Light Green</p> <p><i>EP and Council to check</i></p> <p>6. In the notification, the Member State concerned shall, where applicable, also communicate the text of the legislative or regulatory provision that underlies the notified draft measure or urgency measure.</p>
47.	Art. 3, par. 7	<p>7. Member States concerned shall communicate</p>	<p>7. Member States concerned shall communicate</p>	<p>7. Member States concerned shall communicate the adopted</p>	<p>Green</p>

<i>Row</i>	<i>Location</i>	<i>COMMISSION COM(2016)821</i>	<i>EP A8-0396/2017</i>	<i>COUNCIL - GENERAL APPROACH 9507/17</i>	<i>POSSIBLE COMPROMISE SOLUTION</i>
		the adopted measure within two weeks following its adoption.	the adopted measure within two weeks following its adoption.	measure within two weeks following its adoption.	7. Member States concerned shall communicate the adopted measure without undue delay .
48.	Art. 3, par. 8	8. For the purpose of the notification procedure established by this Directive and to ensure the exchange of information between the notifying Member State, other Member States and the Commission, the Internal Market Information System set out in Regulation (EU) No 1024/2012 shall be used.	8. For the purpose of the notification procedure established by this Directive and to ensure the exchange of information between the notifying Member State, other Member States and the Commission, the Internal Market Information System set out in Regulation (EU) No 1024/2012 shall be used.	8. For the purpose of the notification procedure established by this Directive and to ensure the exchange of information between the notifying Member State, other Member States and the Commission, the Internal Market Information System set out in Regulation (EU) No 1024/2012 shall be used.	Green 8. For the purpose of the notification procedure established by this Directive and to ensure the exchange of information between the notifying Member State, other Member States and the Commission, the Internal Market Information System set out in Regulation (EU) No 1024/2012 shall be used.

<i>Row</i>	<i>Location</i>	<i>COMMISSION COM(2016)821</i>	<i>EP A8-0396/2017</i>	<i>COUNCIL - GENERAL APPROACH 9507/17</i>	<i>POSSIBLE COMPROMISE SOLUTION</i>
49.	Art. 3, par. 9		see row 42	<p><u>9. Article 3(3) shall not apply where a Member State is required to adopt measures introducing new authorisation schemes or requirements or to modify existing authorisation schemes or requirements in a very short space of time for urgent reasons occasioned by serious and unforeseeable circumstances relating to the protection of public policy, public security, public health or the protection of the environment.</u></p> <p><u>Without delay and at the latest by the date of adoption of measures as referred to in paragraph 1, Member States shall notify to the Commission the measure that introduces new requirements or authorisation schemes or modifies existing requirements</u></p>	See row 42

<i>Row</i>	<i>Location</i>	<i>COMMISSION COM(2016)821</i>	<i>EP A8-0396/2017</i>	<i>COUNCIL - GENERAL APPROACH 9507/17</i>	<i>POSSIBLE COMPROMISE SOLUTION</i>
				<u>or authorisation schemes and shall communicate reasons for the urgency of the measures. The Commission shall give its views on this communication as soon as possible. It shall take appropriate action in cases where improper use is made of this procedure.</u>	
50.	<i>Article 4</i>				
51.	Title	Authorisation schemes and requirements subject to the notification obligation	Authorisation schemes and requirements subject to the notification obligation	Authorisation schemes and requirements subject to the notification obligation	Green Authorisation schemes and requirements subject to the notification obligation
52.	Art. 4, Par.1	Member States shall notify the following authorisation schemes and requirements:	Member States shall notify the following authorisation schemes and requirements:	Member States shall notify the following authorisation schemes and requirements:	Green Member States shall notify the following authorisation schemes

<i>Row</i>	<i>Location</i>	<i>COMMISSION COM(2016)821</i>	<i>EP A8-0396/2017</i>	<i>COUNCIL - GENERAL APPROACH 9507/17</i>	<i>POSSIBLE COMPROMISE SOLUTION</i>
					and requirements:
53.	Art. 4, Par.1 point (a)	(a) authorisation schemes within the meaning of Article 9(1) of Directive 2006/123/EC;	(a) authorisation schemes within the meaning of Article 9(1) of Directive 2006/123/EC;	(a) authorisation schemes within the meaning of Article 9(1) of Directive 2006/123/EC;	Green (a) authorisation schemes within the meaning of Article 9(1) of Directive 2006/123/EC;
54.	Art. 4, Par.1 point (b)	(b) requirements referred to in Article 15(2) of Directive 2006/123/EC;	(b) requirements referred to in Article 15(2) of Directive 2006/123/EC;	(b) requirements referred to in Article 15(2) of Directive 2006/123/EC;	Green (b) requirements referred to in Article 15(2) of Directive 2006/123/EC;
55.	Art. 4, Par.1 point (c)	(c) requirements affecting the freedom to provide services referred to in the third subparagraph of Article 16(1) and in the first sentence of	(c) requirements affecting the freedom to provide services referred to in the third subparagraph of Article 16(1) and in the first sentence of	c) requirements affecting the freedom to provide services referred to in the third subparagraph of Article 16(1) and in the first sentence of	Green c) requirements affecting the freedom to provide services referred to in the third

<i>Row</i>	<i>Location</i>	<i>COMMISSION COM(2016)821</i>	<i>EP A8-0396/2017</i>	<i>COUNCIL - GENERAL APPROACH 9507/17</i>	<i>POSSIBLE COMPROMISE SOLUTION</i>
		Article 16(3) of Directive 2006/123/EC;	Article 16(3) of Directive 2006/123/EC;	Article 16(3) of Directive 2006/123/EC;	subparagraph of Article 16(1) and in the first sentence of Article 16(3) of Directive 2006/123/EC;
56.	Art. 4, Par.1 point (d)	(d) requirement to subscribe to a professional liability insurance, guarantee or similar arrangement as referred to in Article 23 of Directive 2006/123/EC;	(d) requirement to subscribe to a professional liability insurance, guarantee or similar arrangement as referred to in Article 23 of Directive 2006/123/EC;	(d) requirement to subscribe to a professional liability insurance, guarantee or similar arrangement as referred to in Article 23 of Directive 2006/123/EC;	Red
57.	Art. 4, Par.1 point (e)	(e) requirement to exercise a given specific activity exclusively or which restricts the exercise jointly or in partnership of different activities as referred to in Article 25 of Directive 2006/123/EC.	(e) requirement to exercise a given specific activity exclusively or which restricts the exercise jointly or in partnership of different activities as referred to in Article 25 of Directive 2006/123/EC.	(e) requirement to exercise a given specific activity exclusively or which restricts the exercise jointly or in partnership of different activities as referred to in Article 25 of Directive 2006/123/EC.	Green (e) requirement to exercise a given specific activity exclusively or which restricts the exercise jointly or in partnership of different activities as referred to in Article 25 of Directive 2006/123/EC.

<i>Row</i>	<i>Location</i>	<i>COMMISSION COM(2016)821</i>	<i>EP A8-0396/2017</i>	<i>COUNCIL - GENERAL APPROACH 9507/17</i>	<i>POSSIBLE COMPROMISE SOLUTION</i>
58.	Art. 4, Par.1 point (ea)		<u><i>(ea) professional rules on commercial communications as referred to in Article 24(2) of Directive 2006/123/EC.</i></u> [Am. 26]		Red
59.	<i>Article 5</i>				
60.	Title	Consultation	Consultation	Consultation	Green Consultation
61.	Art. 5, Par.1	1. Upon receipt of a notification from a Member State referred to in Article 3(1) and (2), the Commission informs the notifying Member State of the completeness of the notification received.	1. Upon receipt of a notification from a Member State referred to in Article 3(1) and (2), the Commission informs the notifying Member State of the completeness of the notification received. [Am. 27]	1. Upon receipt of a notification from a Member State referred to in Article 3(1) and (2), the Commission informs the notifying Member State of the completeness of the notification received.	Green 1. Upon receipt of a notification from a Member State referred to in Article 3(1) and (2), the Commission informs the notifying Member State of the completeness of the notification

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
					received.
62.	Art. 5, Par.2	2. As from the date of the Commission informing the notifying Member State of the completeness of a notification received, a consultation of maximum three months shall take place among the notifying Member State, other Member States and the Commission.	2. As from the date of the Commission informing the notifying Member State of the completeness of a notification received <u>Once the draft measure has been notified</u> , a consultation of maximum three months shall take place among the notifying Member State, other Member States and the Commission. <u>That consultation shall start on the date that the Commission receives the notification.</u> [Am. 28]	2. As from the date of the Commission informing the notifying the Member State of the completeness of a notification received, <u>An initial</u> consultation of maximum three months shall take place among the notifying Member State, other Member States and the Commission <u>for a period of no longer than three months from the date of receipt of the notification by the Commission.</u>	Light Green <i>Council and EP to check</i> 1. As from the date of the Commission informing the notifying Member State of the completeness of a notification received <u>Upon notification</u> , a consultation of maximum three months shall take place among the notifying Member State, other Member States and the Commission. <u>That consultation shall start on the date that the Commission receives the notification.</u>
63.	Art. 5, Par.3	3. The Commission and Member States may, within a	3. The Commission and Member States may, within a	3. The Commission and Member States may, within a	Green

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
		<p>period of two months as of the beginning of the consultation period referred to in paragraph 2, submit comments to the notifying Member State.</p>	<p>period of two months as of the beginning of the consultation period referred to in paragraph 2, submit <u>to the notifying Member State either</u> comments to the notifying Member State <u>the effect that the notified measure might be incompatible with Directive 2006/123/EC or other observations.</u> [Am. 29]</p>	<p>period of two months from the beginning of the consultation period referred to in paragraph 2, submit either comments that the notified measure may be incompatible with Directive 2006/123/EC and/or other observations to the notifying Member State.</p>	<p>2. The Commission and Member States may, within a period of two months as of the beginning of the consultation period referred to in paragraph 1 2, submit <u>to the notifying Member State either</u> comments to the notifying Member State <u>the effect that the notified measure might be incompatible with Directive 2006/123/EC or other observations.</u></p>
64.	Art. 5, Par.4	<p>4. The notifying Member State shall respond to comments submitted by the Commission or other Member States within one month after their reception and prior to the</p>	<p>4. The notifying Member State shall respond to comments submitted by the Commission or other Member States within one month after their reception and prior to the</p>	<p>4. The notifying Member State shall respond to comments submitted by the Commission or other Member States within one month after from their receipt reception and</p>	<p>Green</p> <p>3. The notifying Member State shall respond to comments submitted by the Commission or other Member</p>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
		adoption of the notified measure, either explaining how those comments will be taken into account in the notified measure or indicating the reasons why those comments cannot be taken into account.	adoption of the notified measure, either explaining how those comments will be taken into account in the notified measure or indicating the reasons why those comments cannot be taken into account. [Am. 30]	prior to the adoption of the notified measure, either explaining how those comments will be taken into account in the notified measure or indicating the reasons why those comments cannot be taken into account. <u>The Commission shall take the reaction from the notifying Member State duly into account. The notifying Member State may also respond to comments submitted by other Member States within one month after their receipt.</u>	States within one month after from their receipt reception and prior to the adoption of the notified measure, either explaining how those comments will be taken into account in the notified measure or indicating the reasons why those comments cannot be taken into account. <u>The Commission shall take duly into account the response reaction from of the notifying Member State. The notifying Member State may also respond to comments submitted by other Member States within one month after their receipt.</u>
65.	Art. 5, Par.4a.		See 67	<u>4a. An amendment to a notification made in</u>	Green

<i>Row</i>	<i>Location</i>	<i>COMMISSION COM(2016)821</i>	<i>EP A8-0396/2017</i>	<i>COUNCIL - GENERAL APPROACH 9507/17</i>	<i>POSSIBLE COMPROMISE SOLUTION</i>
				<p><u>accordance with Article 3 (2) shall be subject to a consultation period of one month from the date of that amendment being notified, during which the Commission and Member States may issue comments that the notified measure may be incompatible with Directive 2006/123/EC and/or other observations. This provision does not apply to a notification made in accordance with Article 3(3b).</u></p>	<p><u>4. An amendment modification to a notification made in accordance with Article 3 (2) shall be subject to a consultation period of at least one month from the date of that amendment the receipt of the modification being notified. During that consultation period the Commission and Member States may issue comments that the amended measure may be incompatible with Directive 2006/123/EC or other observations.</u></p> <p><u>[This provision does not apply to a notification made in accordance with Article 3(3b)]</u></p>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
66.	Art. 5, Par.5	<p>5. Where neither the Commission nor other Member States have submitted comments to a notified draft measure within the two months referred to in paragraph 3, the consultation period shall end immediately.</p>	<p>5. Where neither the Commission nor other Member States have submitted comments to a notified draft measure within the two months referred to in paragraph 3 <u>and the notifying Member State has not made amendments to the initial notification</u>, the consultation period shall end immediately. <u>Where the notification was made in accordance with first subparagraph of Article 3(3), the notifying Member State may then proceed to adopt the draft measure without such adoption constituting a breach of that Article. [Am. 31]</u></p>	<p>5. Where neither the Commission nor other Member States have submitted comments to a <u>on the</u> notified draft measure within the two months referred to in paragraph 3 <u>and the notifying Member State has not carried out amendments to the initial notification</u>, the consultation period shall end immediately. <u>The notifying Member State may then proceed to adopt the draft measure without this constituting a breach of Article 3(3).</u></p>	<p>Light green</p> <p><i>Lawyer-linguists to check cross references</i></p> <p>5. Where neither the Commission nor other Member States have submitted comments to a notified draft measure within the two months referred to in paragraph 2 <u>3 and the notifying Member State has not made modifications amendments to the initial notification</u>, the consultation period shall end immediately. <u>Where the notification was made in accordance with the first subparagraph of Article 3(3), the notifying Member State may then proceed to adopt the draft measure without such adoption constituting a breach of that</u></p>

<i>Row</i>	<i>Location</i>	<i>COMMISSION COM(2016)821</i>	<i>EP A8-0396/2017</i>	<i>COUNCIL - GENERAL APPROACH 9507/17</i>	<i>POSSIBLE COMPROMISE SOLUTION</i>
					<u>Article.</u>
67.			<u>5a. A notification in accordance with Article 3(2) shall be subject to a consultation period of one month from the date of its receipt. During that period, the Commission and Member States may submit comments with regard to the compatibility of the notified draft measure with Directive 2006/123/EC or submit other observations.</u> <u>[Am. 32]</u>		Deleted See above
68.	<i>Article 6</i>				
69.	Title	Alert	Alert	<u>Notice</u>	<u>Notice</u>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
70.	Art. 6, par.1	<p>1. Before the closure of the consultation period referred to in Article 5(2), the Commission may alert the notifying Member State of its concerns about the compatibility with Directive 2006/123/EC of the draft measure notified and of its intention to adopt a Decision referred to in Article 7.</p>	<p>1. Before the closure of the consultation period referred to in Article 5(2) <u>and (5a)</u>, the Commission may alert the notifying Member State of its concerns, <u>which it shall explain in detail</u>, about the compatibility <u>of the draft measure notified</u> with Directive 2006/123/EC of the draft measure notified and of its intention to adopt a <u>Recommendation or</u> Decision referred to in Article 7. [Am. 33]</p>	<p>1. Before the closure of the consultation period referred to in Article 5 <u>paragraphs (2) and (4a) of this Directive, and where the Commission has provided comments during that period, the Commission</u> may alert <u>issue a notice to</u> the notifying Member State <u>detailing</u> of its concerns about the compatibility <u>of the notified measure</u> with Directive 2006/123/EC of the draft measure notified and of its intention to adopt a Decision referred to in Article 7.</p> <p><u>The Commission may issue a notice, within three months of the modification of the notification provided for in Article 3, paragraph (3b).</u></p>	<p>Green</p> <p>1. Before the closure of the consultation period referred to in Article 5 <u>paragraphs (1) and (4) of this Directive, and where the Commission or other Member States has provided comments during that period, the Commission</u> may alert <u>issue a notice to</u> the notifying Member State <u>detailing</u> of its concerns about the compatibility <u>of the notified measure</u> with Directive 2006/123/EC of the draft measure notified and of its intention to adopt a Decision referred to in Article 7.</p> <p><u>The Commission may issue a notice, within three months of the modification of the notification provided for in Article 3, paragraph (2a).</u></p>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
					Lawyer-linguists to check further the cross-references
71.	Art. 6, par.1a.		<u><i>1a. The Commission may, within three months of the modification of the notification provided for in Article 3(2a), issue an alert. [Am. 34]</i></u>		
72.	Art. 6, par.2	2. Upon receipt of such an alert, the notifying Member State shall not adopt the draft measure for a period of three months after the closure of the consultation period.	2. Upon receipt of such an alert <u><i>in accordance with paragraph 1</i></u> , the notifying Member State shall not adopt the draft measure for a period of three months after the closure of the consultation period. <u><i>Receipt of an alert shall not prevent the Member State from adopting the corresponding legislation, Regulation or administrative act</i></u>	2. Upon receipt of such an alert, the notifying Member State shall not adopt the draft measure for a period of three months after the closure of the consultation period.	Red <i>Delegation to the technical level to work on a compromise to be presented at the next trilogue.</i>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
			<p><u>after the period of three months has passed.</u></p> <p><u>Within one month from the receipt of an alert in accordance with paragraphs 1 and 1a, the notifying Member State shall submit to the Commission an explanation of the compatibility of the notified measure with Directive 2006/123/EC, or shall amend or repeal the measure concerned in order to ensure compliance with that Directive. [Am. 35]</u></p>		
73.	Art. 6, par.3			<p><u>3. The notifying Member State may, within a period of two months, react to the notice by providing explanations and, where necessary, take appropriate action.</u></p>	<p>Red</p>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
74.	Art. 6, par.4			<p><u>4. Where the Commission is satisfied with the explanations provided or the action taken by the notifying Member State, the Commission shall, without delay, inform the notifying Member State of the closure of the notice.</u></p>	Red
75.	Art. 6, par.5			<p><u>5. Where the Commission has issued a notice in accordance with paragraph (1) on requirements falling within the scope of Article 4(b), and it still has serious concerns on the measure notified in accordance with paragraphs (1), (2) and (3b) of Article 3, it may, within</u></p>	Red

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
				<u>three months from the date of such notice, adopt a decision requesting the Member State in question to refrain from adopting the notified measure or to repeal it.</u>	
76.	<i>Article 7</i>				
77.	Title	Decision	<i>Recommendation and Decision</i>	<u>Recommendation</u>	<i>Recommendation and Decision</i> Yellow
78.	Art. 7, par.1	Where the Commission has issued an alert in accordance with Article 6(1), it may, within a period of three months after the date of the closure of the consultation period referred to in Article 5(2), adopt a Decision finding the draft measure to be	Where the Commission has issued an alert in accordance with Article 6(1) <u>and (1a) in respect of requirements falling within the scope of point (b) of Article 4 and where the Commission continues to have serious concerns about the</u>	Where the Commission has issued an alert a notice in accordance with Article 6(1) , on <u>authorisations or requirements falling within the scope of Article 4(a), (c), and (e) and it still has serious concerns on the measure notified in accordance</u>	Yellow <i>To be checked by EP and Council</i> Where the Commission has issued an alert a notice in accordance with Article 6(1) <u>and (1a) in respect of requirements</u>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
		<p>incompatible with Directive 2006/123/EC and requiring the Member State concerned to refrain from adopting the draft measure or, if such measure has been adopted in breach of Article 3(3) or Article 6(2), to repeal it.</p>	<p><u>measure notified in accordance with Article 3(1), (2), (2a) and (3a)</u>, it may, within a period of three months after the date of the closure of the consultation period referred to in Article 5(2) <u>such alert</u>, adopt a Decision <u>requesting</u> finding the draft measure to be incompatible with Directive 2006/123/EC and requiring the Member State concerned to refrain from adopting the draft <u>notified</u> measure or, if such measure has been adopted in breach of Article 3(3) or Article 6(2), to repeal it.</p> <p><u>Where the Commission has issued an alert in accordance with Article 6(1) and (1a) on authorisation schemes or requirements that fall within the scope of Article 4(a), (c), (d) and (e) and where the Commission continues to have</u></p>	<p><u>with paragraphs (1), (2) and (3b) of Article 3</u>, it may, within a period of three months after <u>from</u> the date of <u>such notice</u> the closure of the consultation period referred to in Article 5(2), adopt a <u>recommendation</u> Decision finding the draft measure to be incompatible with Directive 2006/123/EC and requiring <u>requesting</u> the Member State concerned to refrain from adopting the draft <u>notified</u> measure or, if such measure has been adopted in breach of Article 3(3) or Article 6(2), to repeal it.</p>	<p><u>falling within the scope of point (b) of Article 4 and where the Commission continues to have serious concerns about the measure notified in accordance with Article 3(1), (2), and (2a) and (3a)</u>, it may, within a period of three months after the date of the closure of the consultation period referred to in Article 5(2) <u>such notice alert</u>, adopt a Decision <u>requesting</u> finding the draft measure to be incompatible with Directive 2006/123/EC and requiring the Member State concerned to refrain from adopting the draft <u>notified</u> measure or, if such measure has been adopted in breach of Article 3(3) or Article 6(2), to repeal it.</p> <p><u>Where the Commission has issued a notice an alert in accordance with Article 6(1) on authorisation schemes or requirements that fall within the</u></p>

Row	Location	COMMISSION COM(2016)821	EP A8-0396/2017	COUNCIL - GENERAL APPROACH 9507/17	POSSIBLE COMPROMISE SOLUTION
			<p><u>serious concerns about the measure notified in accordance with Article 3(1), (2), (2a) and (3a), it may, within a period of three months after the date of such alert, adopt a Recommendation requesting the Member State concerned to refrain from adopting the notified measure or to repeal it.</u> [Am. 36]</p>		<p><u>scope of Article 4(a), (c), (d) and (e) and where the Commission continues to have serious concerns about the measure notified in accordance with Article 3(1), (2), and (2a) and (3a), it may, within a period of three months after the date of such notice alert, adopt a Recommendation requesting the Member State concerned to refrain from adopting the notified measure or to repeal it.</u></p>