Article 2: Champ d'application *Proposition de directive initiale de la Commission européenne*
1. La présente directive s'applique aux services fournis par les prestataires ayant leur établissement dans un Etat membre. 2. La présente directive ne s'applique pas aux activités suivantes: a) les services financiers tels que définis à l'article 2, point b), de la directive 2002/65/CE; b) les services et réseaux de communications électroniques ainsi que les ressources et services associés pour ce qui concerne les matières régies par les directives du Parlement européen et du Conseil 2002/19/CE, 2002/20/CE, 2002/21/CE, 2002/22/CE et 2002/58/CE; c) les services de transports dans la mesure où ils sont régis par d'autres instruments communautaires fondés sur l'article 71 ou sur l'article 80, paragraphe 2, du traité. 3. La présente directive ne s'applique pas dans le domaine de la fiscalité, à l'exception des articles 14 et 16 dans la mesure où les restrictions qui y sont visées ne sont pas régies par un instrument communautaire d'harmonisation fiscale.

Article 2 *Texte amendé par le PE*	**Article 2** *Texte revisité par la Commission européenne*
1. This Directive shall apply to services supplied by providers established in a Member State. 2. This Directive shall not apply to the following activities: (-a) services of general interest; (a) financial services, such as banking, credit, insurance and re-insurance, occupational or personal pensions, securities, investment, funds, payment, investment advice, including the services listed in Annex I to Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions; (b) electronic communications services and networks, and associated facilities and services, with respect to matters covered by Directives 2002/19/EC, 2002/20/EC, 2002/21/EC, 2002/22/EC and 2002/58/EC of the	1. This Directive shall apply to services supplied by providers established in a Member State. 2. This Directive shall not apply to the following activities: (-a) services of general interest; (a) financial services, such as banking, credit, insurance and re-insurance, occupational or personal pensions, securities, investment, funds, payment, investment advice, including the services listed in Annex I to Directive 2000/12/EC of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions; (b) electronic communications services and networks, and associated facilities and services, with respect to matters covered by Directives 2002/19/EC, 2002/20/EC, 2002/21/EC, 2002/22/EC and 2002/58/EC of the European Parliament and of the Council ;

European Parliament and of the Council ;	(c) transport services and transport related services falling within the scope of title V of the EC Treaty;
(c) transport services including urban transport, taxis and ambulances;	(ca) port services;
(ca) port services;	(cb) services of temporary work agencies;
(cb) legal services to the extent that they are governed by other Community instruments, including Directives 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services and 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practise of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained;	(cc) **healthcare services whether or not they are provided via healthcare facilities, and regardless of the ways in which they are organised and financed at national level or whether they are public or private;**
(cc) **healthcare services whether or not it is provided via healthcare facilities, and regardless of the ways in which they are organised and financed at national level or whether they are public or private;**	(cd) audiovisual services, whatever their mode of production, distribution and transmission, including radio broadcasting and the cinema;
(ca) social services such as social housing services, childcare and family services;	(ce) gambling activities which involve wagering a stake with pecuniary value in games of chance, including lotteries, gambling in casinos and betting transactions;
(cd) audiovisual services, whatever their mode of production, distribution and transmission, including radio broadcasting and the cinema;	(cf) activities which are connected with the exercise of official authority as set out in Article 45 of the Treaty;
(ce) Temporary work agencies;	(cg) social services relating to social housing, childcare and support of families and persons in need;
(cf) Security Services;	(ch) private security services.
(cg) gambling activities which involve wagering a stake with pecuniary value in games of chance, including lotteries, gambling in casinos and betting transactions;	3. This Directive does not apply to the field of taxation.
(ch)professions and activities that are permanently or temporarily connected with the exercice of official authority in a Member State, particularly that of notary;	
3. This Directive does not apply to the field of taxation.	

Article 3: Relation avec les autres dispositions du droit communautaire *Proposition de directive initiale de la Commission européenne*
Les Etats membres appliquent les dispositions de la présente directive dans le respect des règles du traité régissant le droit d'établissement et la libre circulation des services. L'application de la présente directive n'exclut pas l'application des dispositions des autres instruments communautaires concernant les services qu'elles régissent.

Article 3 *Texte amendé par le PE*	**Article 3** *Texte revisité par la Commission européenne*
1. If the provisions of this Directive come into conflict with other Community rules governing specific aspects of access to and the exercise of a service activity in specific sectors or for specific professions, the other rules shall prevail and shall apply to those specific sectors or professions involved. These include, in particular: a) Directive 96/71/EC concerning the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services; b) Council Regulation (EEC) 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and members of their families moving within the Community; c) Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities; **d) Directive 2005/36/EC of the European Parliament and of the Council concerning the recognition of professional qualifications;** 2. This Directive shall be without prejudice	1. If the provisions of this Directive conflict with a provision of another Community act governing specific aspects of access to or exercise of a service activity in specific sectors or for specific professions, the provision of the other Community act shall prevail and shall apply to those specific sectors or professions. These include: a) Directive 96/71/EC concerning the posting of workers in the framework of the provision of services; b) Council Regulation (EEC) 1408/71 on the application of social security schemes to employed persons, to self-employed persons and members of their families moving within the Community; c) Directive 89/552/EEC concerning the pursuit of television broadcasting activities; **d) Directive 2005/36/EC concerning the recognition of professional qualifications;** 2. This Directive does not affect rules of private international law, in particular rules governing the law applicable to contractual and non contractual obligations. As a consequence, consumers will, in principle, benefit from the protection granted to them by the consumer protection rules laid down in the consumer legislation in force in his Member State.

to private international law, in particular private international law governing contractual and non contractual obligations. 3. The exclusion of contractual and extra contractual obligations from the scope of this Directive means that the consumer will in any case benefit from the protection granted to him by the consumer legislation in force in his Member State.	3. Member States shall apply the provisions of this Directive in compliance with the rules of the Treaty on the right of establishment and the free movement of services.

Article 3: Guichet unique *Proposition de directive initiale de la Commission européenne*
Les Etats membres veillent à ce que, au plus tard le 31 décembre 2008, un prestataire de services puisse accomplir auprès d'un point de contact dénommé "guichet unique" les procédures et formalités suivantes: a) l'ensemble des procédures et formalités nécessaires à l'accès à ses activités de service, en particulier, les déclarations, les notifications, ou les demandes d'autorisation auprès des autorités compétentes, y compris les demandes d'inscription dans les registres, rôles, bases de données, ou dans les ordres professionnels; b) les demandes d'autorisation nécessaires à l'exercice de ses activités de service.

Article 6 *Texte amendé par le PE*	**Article 6** *Texte revisité par la Commission européenne*
1. Member States shall ensure that, by three years after the entry into force of this Directive at the latest, it is possible for a service provider to complete the following procedures and formalities in accordance with the provisions of this Chapter and Chapter II a at contact points known as points of single contact: a) all procedures and formalities needed for access to his service activities, in particular, all necessary declarations, notifications or applications for authorisation from the competent authorities, including applications for inclusion in a register, a roll or a database, or for registration with a	1. Member States shall ensure that, by three years after the entry into force of this Directive at the latest, it is possible for a service provider to complete the following procedures and formalities in accordance with the provisions of this Chapter and Chapter II a at contact points known as points of single contact: a) all procedures and formalities needed for access to his service activities, in particular, all necessary declarations, notifications or applications for authorisation from the competent authorities, including applications for inclusion in a register, a roll or a database, or for registration with a professional body

professional body or association; b) any applications for authorisation needed to exercise his service activities. (1a) If a pro forma registration is required by a Member State, the Member State concerned shall ensured that, by (three years after the entry into force of this Directive) at the latest, pro forma registration with the single point of contact is available by electronic means and does not delay or in any way complicate the provision of the services in question and does not entail any additional expense for the services provider. (1b) The Commission shall coordinate the single points of contact by establishing a European single point of contact. 2. The establishment of points of single contact shall be without prejudice to the allocation of functions and powers among the authorities within national systems.	or association; b) any applications for authorisation needed to exercise his service activities. 2. The establishment of points of single contact shall be without prejudice to the allocation of functions and powers among the authorities within national systems

Article16:Principe du pays d'origine

Proposition de directive initiale de la Commission européenne

1. Les Etats membres veillent à ce que les prestataires soient soumis uniquement aux dispositions nationales de leur Etat membre d'origine relevant du domaine coordonné.

   Le premier alinéa vise les dispositions nationales relatives à l'accès à l'activité d'un service et à son exercice, et notamment celles régissant le comportement du prestataire, la qualité ou le contenu du service, la publicité, les contrats et la responsabilité du prestataire.

2. L'Etat membre d'origine est chargé du contrôle du prestataire et des services qu'il fournit, y compris lorsqu'il fournit ses services dans un autre Etat membre.

3. Les Etats membres ne peuvent pas, pour des raisons relevant du domaine coordonné, restreindre la libre circulation des services fournis par un prestataire ayant son établissement dans un autre Etat membre, notamment en imposant les exigences suivantes:

   a) l'obligation pour le prestataire d'avoir un établissement sur leur territoire;

   b) l'obligation pour le prestataire de faire une déclaration ou notification auprès de leurs autorités compétentes ou d'obtenir une autorisation de ces dernières, y compris une inscription dans un registre ou dans un ordre professionnel existant sur leur territoire;

   c) l'obligation pour le prestataire de disposer sur leur territoire d'une adresse ou d'un représentant, ou d'y élire domicile auprès d'une personne agréée;

   d) l'interdiction pour le prestataire de se doter sur leur territoire d'une certaine infrastructure, y compris un bureau ou un cabinet, nécessaire à l'accomplissement des prestations en

cause;

e) l'obligation pour le prestataire de respecter les exigences relatives à l'exercice d'une activité de service applicables sur leur territoire;

f) l'application d'un régime contractuel particulier entre le prestataire et le destinataire qui empêche ou limite la prestation de services à titre indépendant;

g) l'obligation pour le prestataire de posséder un document d'identité spécifique à l'exercice d'une activité de service délivré par leurs autorités compétentes;

h) les exigences affectant l'utilisation d'équipements qui font partie intégrante de la prestation de son service;

i) les restrictions à la libre circulation des services visées à l'article 20, à l'article 23, paragraphe 1, premier alinéa, et à l'article 25, paragraphe 1.

Article 16 *Texte amendé par le PE*	**Article 16** *Texte amendé par le PE*
1. Member States shall respect services providers to provide a service in another Member State than where they are established. The Member State into which the service is provided shall ensure free access to and free exercise of a service activity within its territory. Member States shall not make access to or exercise of a service activity in their territory subject to compliance with any requirements which do not respect the following principles: (a) non-discrimination: the requirement may be neither directly nor indirectly discriminatory with regard to nationality or, with regard to legal persons tto the Member State where they are established, (b) necessity: the requirement must be justified for reasons of public policy, public security, or for the protection of the health or the environment, (c) proportionality: the requirement must be suitable for securing the attainment of the objective pursued, and must not go beyond what is necessary to attain this objective, 2. Member States may not restrict the freedom to provide services in the case of a provider established in another Member State by imposing any of the following	1. Member States shall respect the right of service providers to provide services in a Member State other than that in which they are established. The Member State in which the service is provided shall ensure free access to and free exercise of a service activity within its territory. Member States shall not make access to or exercise of a service activity in their territory subject to compliance with any requirements which do not respect the following principles: (a) non-discrimination: the requirement may be neither directly nor indirectly discriminatory with regard to nationality or, in the case of legal persons, with regard to the Member State in which they are established, (b) necessity: the requirement must be justified for reasons of public policy, public security, public health or the protection of the environment, (c) proportionality: the requirement must be suitable for securing the attainment of the objective pursued, and must not go beyond what is necessary to attain that objective, 2. Member States may not restrict the freedom to provide services in the case of a provider established in another Member State by imposing any of the following requirements:

requirements: (a) an obligation on the provider to have an establishment in their territory; (b) an obligation on the provider to obtain an authorisation from their competent authorities including entry in a register or registration with a professional body or association in their territory, except where provided for in this Directive or other instruments of Community law; (c) a ban on the provider setting up a certain infrastructure in their territory, including an office or chambers, which the provider needs to supply the services in question; (d) the application of specific contractual arrangements between the provider and the recipient which prevent or restrict service provision by the self-employed; (e) an obligation on the provider to possess an identity document issued by its competent authorities specific to the exercise of a service activity; (f) requirements, unless those necessary for health and safety at work, which affect the use of equipment and material which are an integral part of the service provided; (g) restrictions on the freedom to provide the services referred to in Article 20. 3. These provisions do not prevent the Member State into which the service provider moves from applying the requirements with regard to the provision of a service activity, where they are justified for reasons of public policy, public security or social security or for the protection of the health or the environment. Nor does not prevent Member States to apply, in conformity with Community law, their rules on employment conditions, including those laid down in collective agreements. 4. By five years after the entry into force of this Directive at the latest, the Commission shall, after consultation of the Member States and the social partners at Community level, submit to the European Parliament and the Council a report on the application of this article, in which it shall consider the need to propose	(a) an obligation on the provider to have an establishment in their territory; (b) an obligation on the provider to obtain an authorisation from their competent authorities including entry in a register or registration with a professional body or association in their territory, except where provided for in this Directive or other instruments of Community law; (c) a ban on the provider setting up a certain infrastructure in their territory, including an office or chambers, which the provider needs to supply the services in question; (d) the application of specific contractual arrangements between the provider and the recipient which prevent or restrict service provision by the self-employed; (e) an obligation on the provider to possess an identity document issued by its competent authorities specific to the exercise of a service activity; (f) requirements, unless those necessary for health and safety at work, which affect the use of equipment and material which are an integral part of the service provided; (g) restrictions on the freedom to provide the services referred to in Article 20. 3. The Member State to which the service provider moves shall not be prevented from imposing requirements with regard to the provision of a service activity, where they are justified for reasons of public policy, public security, public health or the protection of the environment, and in accordance with paragraph 1. Nor shall that Member State be prevented from applying, in conformity with Community law, its rules on employment conditions, including those laid down in collective agreements. 4. By five years after the entry into force of this Directive at the latest, the Commission shall, after consultation of the Member States and the social partners at Community level, submit to the European Parliament and the Council a report on the application of this article, in which it shall consider the need to propose harmonisation measures regarding service activities covered by this Directive.

harmonisation measures regarding service activities covered by this Directive.	

Article27 : Assurance et garanties professionnelles

Proposition de directive initiale de la Commission européenne

1. Les Etats membres veillent à ce que les prestataires dont les services présentent un risque particulier pour la santé ou la sécurité, ou un risque financier particulier pour le destinataire, soient couverts par une assurance responsabilité professionnelle appropriée au regard de la nature et de l'étendue du risque, ou par toute autre garantie ou disposition de compensation équivalente ou essentiellement comparable en raison de sa finalité.
2. Les Etats membres veillent à ce que les prestataires communiquent au destinataire, à sa demande, les informations sur l'assurance ou les garanties visées au paragraphe 1, en particulier les coordonnées de l'assureur ou du garant et la couverture géographique.
3. Lorsqu'un prestataire s'établit sur leur territoire, les Etats membres n'exigent pas une assurance professionnelle ou une garantie financière si le prestataire est déjà couvert par une garantie équivalente, ou essentiellement comparable en raison de sa finalité, dans un autre Etat membre dans lequel il a déjà un établissement.

   Dans le cas où l'équivalence n'est que partielle, les Etats membre peuvent demander une garantie complémentaire pour couvrir les éléments qui ne sont pas déjà couverts.
4. Les paragraphes 1, 2, et 3 n'affectent pas les régimes d'assurance ou de garanties professionnelles prévues dans d'autres instruments communautaires.
5. Dans le cadre de la mise en œuvre du paragraphe 1, la Commission peut, conformément à la procédure visée à l'article 42, paragraphe 2, fixer une liste des services qui présentent les caractéristiques visées au paragraphe 1 ainsi que des critères communs permettant de définir le caractère approprié, au regard de la nature et de l'étendue du risque, de l'assurance ou des garanties visées dans ledit paragraphe.

Article 27 *Texte amendé par le PE*	**Article 27** *Texte amendé par le PE*
1. Member States may ensure that providers whose services present a direct and particular risk to the health or safety of the recipient or a third person, or to the financial security of the recipient, or an environment risk, are obliged to take out professional indemnity insurance adequate to the nature and extent of the risk, or to provide some other guarantee which is equivalent or essentially comparable as regards its purpose. The professional indemnity insurance or other	1. Member States may ensure that providers whose services present a direct and particular risk to the health or safety of the recipient or a third person, or to the financial security of the recipient, are to subscribe to professional liability insurance appropriate to the nature and extent of the risk, or to provide any guarantee or similar arrangement which is equivalent or essentially comparable as regards its purpose. The professional liability insurance or other guarantee shall cover

guarantee shall cover risks presented by such services when they are provided in other Member States.	risks presented by such services when they are provided in other Member States in the same way as when they are provided in the Member State of establishment of the service provider.
(1a) Member States may require that, where the services provider first moves from one Member State to another in order to provide services, he shall inform the competent authority in the host Member State in advance by way of a written declaration including the details of any insurance cover or other means of personal or collective protection with regard to professional liability. Such declaration shall be renewed once a year if the service provider intends to provide temporary or occasional services in Member State during that year. The service provider may supply the declaration by any means.	
2. Member States shall ensure that providers supply a recipient, at his request, with information on the insurance or guarantees referred to in paragraph 1, and in particular the contact details of the insurer or guarantor and the territorial coverage.	2. Member States shall ensure that providers supply a recipient, at his request, with information on the insurance or guarantees referred to in paragraph 1, and in particular the contact details of the insurer or guarantor and the territorial coverage.
3. When a provider establishes himself in their territory or provides, Member States may not require professional liability insurance or a guarantee from the provider where he is already covered by a guarantee which is equivalent, or essentially comparable as regards its purpose and the coverage it provides in terms of the insured risk, the insured sum or a ceiling for the guarantee and possible exclusions from the coverage, in another Member State in which the provider is already established. Where a Member State requires insurance against financial risks arising from professional liability, that Member State shall accept, from a service provider established in another Member State, as sufficient evidence an attestation of such insurance issued by a bank or insurance undertaking in the Member State where the provider is established.	3. When a provider establishes himself in their territory, Member States may not require professional liability insurance or a guarantee from the provider where he is already covered by a guarantee which is equivalent, or essentially comparable as regards its purpose and the coverage it provides in terms of the insured risk, the insured sum or a ceiling for the guarantee and possible exclusions from the coverage, in another Member State in which the provider is already established. Where equivalence is only partial, Member States may require a supplementary guarantee to cover those aspects not already covered. When a Member State requires service providers established in its territory to subscribe to professional liability insurance or to provide any other guarantee, that Member State shall accept as sufficient evidence attestations of such insurance coverage issued by credit institutions and insurers established in other Member States.
Where equivalence is only partial, Member States may require a supplementary guarantee to cover those aspects not	4. Paragraphs 1, 2 and 3 do not affect professional insurance or guarantee arrangements provided for in other Community instruments.
	5. For the implementation of paragraph 1, the Commission may, in accordance with the procedure referred to in Article 42(2), establish a list of services which exhibit the characteristics referred to in paragraph 1 and establish common criteria for defining, for the purposes of the insurance or guarantees referred to in that paragraph, what is appropriate to the nature and scope of the risk. In accordance with the procedure referred to in Article 42 (2) the

already covered. 4. Paragraphs 1, 2 and 3 do not affect professional insurance or guarantee arrangements provided for in other Community instruments. 5. For the implementation of paragraph 1, the Commission may, in accordance with the procedure referred to in Article 42(2), establish a list of services which exhibit the characteristics referred to in paragraph 1 and establish common criteria for defining, for the purposes of the insurance or guarantees referred to in that paragraph, what is appropriate to the nature and scope of the risk.	Commission may also establish a procedure which would, in the event of verifiable failure of the insurance market to provide adequate insurance and subject to specific conditions including notification to the Commission, allow Member States for a limited period of time to replace the obligation in this Article by an information requirement. 6. For the purpose of this Article -"direct and particular risk" means a risk arising directly from the delivery of the service; - "health and safety" means, in relation to a recipient or a third person, the prevention of death or serious personal injury; - "financial security" means, in relation to a recipient, the prevention of substantial losses of money or of value of property; - "professional liability insurance" means insurance taken out by a provider in respect of potential liabilities to recipients and, where applicable, third parties arising out of the provision of the service.

Article39 : Codes de conduite

Proposition de directive initiale de la Commission européenne

1. Les Etats membres, en collaboration avec la Commission, prennent les mesures d'accompagnement pour encourager l'élaboration, dans le respect du droit communautaire, de codes de conduite au niveau communautaire, notamment dans les domaines suivants :
   a) le contenu et les modalités des communications commerciales relatives aux professions réglementées en fonction des spécificités de chaque profession;
   b) les règles déontologiques des professions réglementées visant à garantir, en fonction des spécificités de chaque profession, notamment l'indépendance, l'impartialité et le secret professionnel;
   c) les conditions d'exercice des activités d'agents immobiliers.
2. Les Etats membres veillent à ce que les codes de conduite visés au paragraphe 1 soient accessibles à distance, par voie électronique, et transmis à la Commission.
3. Les Etats membres veillent à ce que les prestataires indiquent, à la demande du destinataire ou dans tout document d'information présentant de manière détaillée leurs services, les éventuels codes de conduite auxquels ils sont soumis ainsi que l'adresse où ces codes peuvent être consultés par voie électronique et dans quelles langues.
4. Les Etats membres prennent les mesures d'accompagnement pour encourager les ordres professionnels et organismes ou associations à mettre en œuvre au niveau national les codes de conduite adoptés au niveau communautaire.

Article 39 *Texte amendé par le PE*	**Article 39** *Texte amendé par le PE*
1. Member States shall, in cooperation with the Commission, take accompanying measures to encourage the drawing up at Community level, particularly by professional bodies, organisations and associations, of codes of conduct aimed at facilitating the provision of services or the establishment of a provider in another Member State, in conformity with Community law. 2. Member States shall ensure that the codes of conduct referred to in paragraph 1 are accessible at a distance, by electronic means. 3. Member States shall ensure that providers indicate, at the recipient's request, or in any information documents which present their services in detail, any codes of conduct to which they are subject and the address at which these codes may be consulted by electronic means, specifying the language versions available. 4. deleted	1. Member States shall, in cooperation with the Commission, take accompanying measures to encourage the drawing up at Community level, particularly by professional bodies, organisations and associations, of codes of conduct aimed at facilitating the provision of services or the establishment of a provider in another Member State, in conformity with Community law. 2. Member States shall ensure that the codes of conduct referred to in paragraph 1 are accessible at a distance, by electronic means. 3. Member States shall ensure that providers indicate, at the recipient's request, or in any information documents which present their services in detail, any codes of conduct to which they are subject and the address at which these codes may be consulted by electronic means, specifying the language versions available. 4. deleted