




Procedure file

Basic information		
COS - Procedure on a strategy paper (historic)	1997/2153(COS)	Procedure completed
Banks: freedom to provide services and the general good. 2nd banking directive		
Subject 2.50.04 Banks and credit		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Legal Affairs, Citizens' Rights		02/09/1997
		ELDR WIJSENBEEK Florus A.	
	Committee for opinion	Rapporteur for opinion	Appointed
Council of the European Union	 Economic and Monetary Affairs, Industrial Policy		27/06/1997
		PPE PEIJS Karla M.H.	

Key events			
26/06/1997	Non-legislative basic document published	SEC(1997)1193	Summary
19/09/1997	Committee referral announced in Parliament		
15/04/1998	Vote in committee		Summary
15/04/1998	Committee report tabled for plenary	A4-0152/1998	
11/05/1998	Debate in Parliament		
12/05/1998	Decision by Parliament	T4-0252/1998	Summary
12/05/1998	End of procedure in Parliament		
01/06/1998	Final act published in Official Journal		

Technical information	
Procedure reference	1997/2153(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper

Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	JURI/4/09076

Documentation gateway

Non-legislative basic document		SEC(1997)1193	26/06/1997	EC	Summary
Committee report tabled for plenary, single reading		A4-0152/1998 OJ C 167 01.06.1998, p. 0003	15/04/1998	EP	
Text adopted by Parliament, single reading		T4-0252/1998 OJ C 167 01.06.1998, p. 0019-0027	12/05/1998	EP	Summary

Banks: freedom to provide services and the general good. 2nd banking directive

OBJECTIVE: this interpretative Communication from the European Commission seeks to provide more clarity and transparency in terms of the freedom to provide services and the interest of the general good in the Second Banking Directive (Directive 89/646/EEC). SUBSTANCE: contributions received from all the circles concerned (Member States, professional associations, credit institutions, consumer organizations, lawyers, etc.) had led the Commission to realize that there was still some uncertainty regarding the interpretation of basic concepts such as freedom to provide services and the interest of the general good, as set out in the Second Banking Directive. These uncertainties were such as to deter certain credit institutions from exercising the very freedoms which the Second Directive had set out to promote and, consequently, hampered the free movement of banking services within the European Union. The Commission, therefore, deemed it necessary to restate in a Communication the principles laid down by the Court of Justice and to set out its position regarding the application of those principles to the specific problems raised by the Second Banking Directive. The Communication provided all the parties concerned (national administrations, traders and consumers) with a reference document defining the legal framework within which, in the view of the Commission, banking activities benefiting from mutual recognition should be pursued. The Commission's interpretations and ideas were put forward in the light of Community policy regarding the information society, aimed at promoting the growth and movement of information-society services and, in particular, electronic commerce. They did not impose any obligation on the Member States. Lastly, they did not prejudge the interpretation that the Court of Justice might place on the matters at issue. The document is divided into two sections: - the first part analyses in turn the consultations on the notification procedure, the difficulties relating to the distinction between the freedom to provide services and the right of establishment as well as the question of the time when an activity falling within the scope of the freedom to provide services might begin; - the second part examines the question of notification of rules adopted in the interest of the general good, problems connected with the application of rules adopted in the interest of the general good as well as private international law. ?

Banks: freedom to provide services and the general good. 2nd banking directive

The Committee adopted the report by Florus WIJSENBEEK (ELDR, NL) on the Commission's interpretative communication on freedom to provide services and the interest of the general good in the second banking directive. Although the committee welcomes the Commission's paper, it points out that the interpretations it proposes would have no binding effect on Member States or the Court of Justice. The committee also takes the view that the substance of any such abstract matter as that set out in the Commission communication can only be conveyed coherently and comprehensibly by citing practical examples. ?

Banks: freedom to provide services and the general good. 2nd banking directive

In adopting the report by Mr Florus WIJSENBEEK (ELDR, NL) Parliament welcomed the fact that the Commission had sought through an interpretative communication to dispel the uncertainties arising from the text of the second banking directive. It pointed out however the risk that this approach did not follow the formal route of the Community legislative procedure and that Parliament would not be able to exercise its formal powers of codecision. With regard to the substance, Parliament considered that the notification procedure to the Commission, relating to a possible refusal in the interest of the general good by the authorities of the host Member State to grant authorization to perform cross-border banking services, should be removed. ?