


Procedure file

Basic information		
CNS - Consultation procedure Directive	1999/0013(CNS)	Procedure lapsed or withdrawn
Freedom to provide cross-border services: admission to the third-country nationals established within the Community		
Subject 2.40 Free movement of services, freedom to provide		

Key players			
European Parliament			
Council of the European Union			
Council configuration	Meeting	Date	
Competitiveness (Internal Market, Industry, Research and Space)	2163	25/02/1999	

Key events			
26/01/1999	Legislative proposal published	COM(1999)0003	Summary
25/02/1999	Debate in Council	2163	
11/01/2000	Vote in committee		Summary
10/01/2000	Committee report tabled for plenary, 1st reading/single reading	A5-0012/2000	
02/02/2000	Committee referral announced in Parliament		
02/02/2000	Debate in Parliament		
03/02/2000	Decision by Parliament	T5-0038/2000	Summary
07/05/2000	Modified legislative proposal published	COM(2000)0271	Summary
06/08/2004	Additional information		Summary

Technical information	
Procedure reference	1999/0013(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 049-p2
Stage reached in procedure	Procedure lapsed or withdrawn

Documentation gateway

Legislative proposal		COM(1999)0003	27/01/1999	EC	Summary
Economic and Social Committee: opinion, report		CES0551/1999 OJ C 209 22.07.1999, p. 0005	26/05/1999	ESC	
Committee report tabled for plenary, 1st reading/single reading		A5-0012/2000 OJ C 309 27.10.2000, p. 0003	11/01/2000	EP	
Text adopted by Parliament, 1st reading/single reading		T5-0038/2000 OJ C 309 27.10.2000, p. 0014-0077	03/02/2000	EP	Summary
Modified legislative proposal		COM(2000)0271	08/05/2000	EC	Summary

Additional information

European Commission	EUR-Lex
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Freedom to provide cross-border services: admission to the third-country nationals established within the Community

PURPOSE : to extend the freedom to provide cross-border services to third-country nationals established within the Community. **CONTENTS :** this proposal aims to ensure that nationals of a third-country legally established within the Community enjoy the freedom to provide services, on a temporary basis, without having to establish themselves in another Member State, regardless of their economic status in the member State in which they are established (connected to a company or an independent entrepreneur). The Directive shall not cover nationals of a third-country as recipients of crossborder services and provisions of services in the transport sector. It is the counterpart to the proposal for a Directive on the secondment of salaried persons from third countries in the context of the provision of cross-border services (see procedure 1999/0012 COD). For the purposes of this Directive, "service provider" means any person who is a third-country national and who, in the Member State of establishment, - has lawfully set up his main establishment from which he has maintained an actual, continuous link as a self-employed person with the economy of that Member State for at least 12 months; - has his residence, in accordance with the the legislation of that State; - is not also an employee. This Directive cannot be extended to service providers operating in the transport sector. When a provider of services who is from a third country, in the ordinary course of his business, intends to move to, and to reside in, one or more other Member States, the Member State in which he is established shall be obliged to issue him, on request, an EC service provision card which is valid for a maximum of 12 months. In order to obtain a card, confirmation shall be given that the service provider is affiliated to the social security system of the competent Member State against the risk of sickness and industrial accidents in that State. The card is renewable if the conditions as to its issue are fulfilled. The EC service provision card shall contain information such as details of the service provider, the period of validity, and the issuing authority and assuing Member State. A subsequent Proposal shall specify the format of the card according to a uniform Community model. The Member State in which services are provided shall permit entry into and residence on its territory of a self-employed person who is a third-country national for the purposes of one or more provisions of services, if such a person is in possession of the EC service card, and of an identity card or passport valid for the period in which the services are to be provided. This State would no longer be entitled to demand various other authorisations (visa, residence permit, work permit, etc). Any Member State in which a service is to be provided may require the service provider to declare, before he enters the territory, his intended presence, the period of presence provided for and the service provision or provisions for which he is moving. If the total period required for the service provision or provisions in question exceeds 6 months out of a period of 12 months, the Member State shall issue, after entry, a temporary residence permit showing that residence is authorised. The State that issues the card will have sole responsibility for the presence of the self-employed worker on the territory of the Community. That Member State shall not be allowed to refuse the readmission of the worker after the card has been issued. Moreover, the Member State shall not give more favourable treatment to self-employed persons established outside the Community than to those established in the Community. The Member States shall designate the authorities responsible for issuing the EC service provision card and the temporary residence permit. Furthermore, the Member States shall provide for cooperation between the public administrations. They shall take necessary measures to simplify as far as possible the formalities and the deadlines for the issue of cards. The Directive should enter into force no later than 30.06.2002.?

Freedom to provide cross-border services: admission to the third-country nationals established within the Community

The committee adopted the report (consultation procedure) by Maria BERGER (PES, D) approving the Commission proposal subject to a number of amendments designed to improve the drafting of the Directive and hence to tighten up and clarify the rules in order to prevent abuse. Other amendments were aimed at simplifying administrative procedures, for example by requiring Member States to designate only one authority responsible for issuing Service Provision Cards.

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within the Community

The European Parliament adopted a resolution, drafted by Ms. Maria BERGER (PES, A), approving the Commission's proposal subject to a number of amendments. The amendments cover the following aspects: - scope: the Directive shall apply to service providers who are nationals of a third country and who are lawfully established within the Community; the Directive shall not apply to recipients of cross-border services who are nationals of third countries or to provisions of services in the transport sector. - a 'service provider' must have had his residence, in accordance with the legislation of the Member State in which he is established, for at least 12 months; - stricter criteria for the issue of the card: (a) insurance against the risk of sickness and occupational accidents - proof from the social insurance institution of the Member State in which the service provider is established or a private insurance policy; (b) the service provider is not obliged for reasons to do with the right of residence to leave the territory of the Member State; (c) if there is nothing in the relevant rules in force in the Member State where the services are provided to prevent him from pursuing his activities; and (d) if no Member State challenges the validity of the service provision card on its territory. If any of these conditions ceases to apply after the issue of the card, the card will cease to be valid and the relevant Member State shall require the service provider to cooperate in the return of the EU service provision card. - provisions regarding the details to be contained in the service provision card. - the Commission will be assisted by an advisory committee in drawing up the specimen document to be issued and the technical specifications designed to prevent falsification; the Parliament shall be kept informed by the Commission of the committee proceedings on a regular basis. - designated Member States authorities shall grant information on service cards issued to authorities of the other Member States.?

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The Commission accepted certain proposals in whole or in part. It made reference to the parallel Directive under procedure COD/1999/0012. Those amendments not accepted by the commission include : - citing the elimination of legal uncertainties as a justification for the directive in the recitals. - the amendment relating to implementing measures is rejected since the adoption of this directive is the sole responsibility of the Council. - changes to the wording of the first article are rejected since the gist of the initial proposal is clear. - the title of the card; - criteria for the issue of the card which were not accepted for the parallel directive cited above.?

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As this proposal is no longer of topical interest, it has been withdrawn by the Commission.