Services in the internal market: notification procedure for authorisation schemes and requirements related to services

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The Committee on the Internal Market and Consumer Protection adopted the report by Sergio GUTIÉRREZ PRIETO (S&D, ES) on the 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.

As a reminder, the proposal aims to increase the efficiency of the notification procedure for better application of the Services Directive in order to facilitate the freedom of establishment of service providers and the freedom to provide services in the single market.

The committee recommended that the European Parliaments position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows.

Derogations from the notification obligation: in order to ensure that the notification obligation on such authorities is proportionate, Members considered that draft measures implementing authorisation schemes or requirements which have already been notified to the Commission and adopted by the Member State concerned at national level should not be subject to notification.

In addition, 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.

Members also considered that the obligation to notify a draft measure prior to its adoption 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 security, public health or the protection of the environment.

This exception shall not be used to circumvent the implementation of the notification procedure laid down in this Directive. As a result, Member States should notify all such adopted measures to the Commission, together with their content and the reasons for the urgency that triggered their adoption, without undue delay and in any case not later than the day on which those urgent measures were adopted.

Consultation: the Commission shall facilitate the possibility to comment on the notifications made by Member States within the consultation period and inform the Member State concerned of relevant feedback, if it considers this to be necessary.

Alerts: the proposal provides that if the Commission expresses concerns (an alert) about the compatibility of the notified draft measure with the Services Directive, the notifying Member State may not adopt the measure in question for a period of three months after the closure of the consultation period organised between the notifying Member State, the other Member States and the Commission.

Members consider that the receipt of an alert shall not prevent the Member State from adopting the corresponding legislation, Regulation or administrative act after the period of three months has passed.