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Committee on Economic and Monetary Affairs

PROVISIONAL
2006/2101(INI)

INTEGRATED VERSION INCLUDING PROPOSAL FOR COMPROMISES

VERSION 14/07/06, 15.00pm

Caution: We don't have the voting list yet, so it is possible that some amendments will be put to the vote in a different order than listed here.

DRAFT REPORT

on services of general interest
(2005/2101(INI))

Committee on Economic and Monetary Affairs

Rapporteur: Bernhard Rapkay

Draftsman(*):

József Szájer, Committee on the Internal Market and Consumer Protection

(*) Enhanced cooperation between committees – Rule 47 of the Rules of Procedure

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on services of general interest
(2005/2101(INI))

The European Parliament,

- having regard to the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled ‘White Paper on services of general interest’ (COM(2004)0374),
- having regard to the communication from the Commission entitled ‘Implementing the Community Lisbon programme: Social services of general interest in the European Union’ (COM(2006)0177),
- having regard to Article 36 of the Charter of Fundamental Rights of the European Union on access to services of general economic interest,
- having regard to Articles 2, 5, 16, 73, 86, 87, 88 and 295 of the EC Treaty,

COMPROMISE PROPOSAL A - citations:

To adopt ame 4, 5 and 6 (but citation 12bis as new citation 2bis)

To withdraw ame 1, 2 and 3

Amendment by Małgorzata Handzlik

Amendment 1
Citation 5

deleted

- having regard to Articles I-3, I-5 and III-122 of the Treaty establishing a Constitution for Europe,
- having regard to its previous resolutions on services of general interest, particularly its resolution of 13 November 2001 on the Commission communication ‘Services of General Interest in Europe’ (COM(2000) 580)¹, its resolution of 14 January 2004 on the Commission green paper on services of general interest (COM(2003)0270)² and its resolution of 22 February 2005 on State aid in the form of public service compensation³,

¹ OJ C 140 E, 13.6.2002, p. 153.

² OJ C 92 E, 16.4.2004, p. 294.

³ OJ C 304 E, 1.12.2005, p. 117.

Amendment by Małgorzata Handzlik

Amendment 2

Citation 7

deleted

- having regard to its legislative resolution on the proposal for a directive of the European Parliament and of the Council on services in the internal market (COM(2004)0002)¹,
- having regard to the Presidency conclusions of the Lisbon European Council of 15 and 16 March 2000, of the Nice European Council of 7, 8 and 9 December 2000, of the Laeken European Council of 14 and 15 December 2001 and of the Barcelona European Council of 15 and 16 March 2002 on services of general interest,

Amendment by Donata Gottardi

Amendment 3

Citation 9

Deleted

Amendment by Jean-Paul Gauzès

Amendment 4

Citation 9

- having regard to the case-law of the European Court of Justice in the area of services of general interest, particularly the Teckal judgment of 18 November 1999², the Chronopost judgment of 3 July 2003³, the Altmark judgment of 24 July 2003⁴, the Stadt Halle judgment of 11 January 2005⁵, *(deletion)* the judgment of 13 January 2005⁶, *the Corbeau judgment of 19 May 1993 (Case C-320/91) and the Gemeente Almelo judgment of 27 April 1994 (Case C-393/92)*,

Amendment by Małgorzata Handzlik

Amendment 5

Citation 9

- having regard to the case-law of the Court of Justice in the area of services of general interest, particularly the Teckal judgement of 18 November 1999,⁷ the Chronopost

¹ Texts adopted, P6_TA(2006)0061.

² Case C-107/98, Teckal Srl/Comune di Viano and Azienda Gas-Acqua Consorziale (AGAC) di Reggio Emilia [1999], I-8121.

³ Joined Cases C-83/01 P, C-93/01 P and C-94/01 P, Chronopost and Others, [2003], I-6993.

⁴ Case C-280/00, Altmark Trans GmbH, Regierungspräsidium Magdeburg v Nahverkehrsgesellschaft Altmark GmbH [2003], I-7747.

⁵ Case C-26/03, Stadt Halle and RPL Lochau v Arbeitsgemeinschaft Thermische Restabfall- und Energieverwertungsanlage TREA Leuna, [2005], I-1.

⁶ Case C-84/03, Commission/Spain [2005], I-139.

⁷ Case C-107/98, Teckal Srl v. Comune di Viano and Azienda Gas-Acqua Consorziale (AGAC) di Reggio Emilia [1999], I-8121.

judgement of 3 July 2003,¹ the Altmark judgement of 24 July 2003,² *the Enirisorse judgement of 27 November 2003*,³ the Stadt Halle judgement of 11 January 2005,⁴ and the judgement of 13 January 2005,

- having regard to the case-law of the European Court of Justice in the area of services of general interest, particularly the Teckal judgment of 18 November 1999⁵, the Chronopost judgment of 3 July 2003⁶, the Altmark judgment of 24 July 2003⁷, the Stadt Halle judgment of 11 January 2005⁸ and the judgment of 13 January 2005⁹,
- having regard to rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Economic and Monetary Affairs and the opinions of the Committee on Internal Market and Consumer Protection, the Committee on Culture and Education, the Committee on Legal Affairs, the Committee on Employment and Social Affairs, the Committee on Transport and Tourism, the Committee on International Trade, the Committee on Industry, Research and Energy, and Committee on Regional Development (A6-0000/2006),

Amendment by Donata Gottardi

Amendment 6

Citation 12 a (new)

- *having regard to Commission Decision 2005/842/EC of 28 November 2005 on the application of Article 86(2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest,*

RECITAL A

COMPROMISE PROPOSAL B - Recital A (revised):
(including ame 9-13 and 15)

A. whereas *the Treaties provide for 'an open social market economy and* whereas *amongst others* the following *(deletion)* principles stand as terms of reference *are important in this context:*

¹ Joint Cases C-83/01 P, C-93/01 P and C-94/01 P, Chronopost and Others, [2003], I-6993.

² Case C-280/00, Altmark Trans GmbH, Regierungspräsidium Magdeburg v. Nahverkehrsgesellschaft Altmark GmbH [2003], I-7747.

³ Joint Cases C-34-38/01, Enirisorse SpA v. Amministrazione delle Finanze [2003] ECR I-14243.

⁴ Case C-26/03, Stadt Halle and RPL Lochau v. Arbeitsgemeinschaft Thermische Restabfall- und Energieverwertungsanlage TREA Leuna [2005], I-1.

⁵ Case C-107/98, Teckal Srl/Comune di Viano and Azienda Gas-Acqua Consorziale (AGAC) di Reggio Emilia [1999], I-8121.

⁶ Joined Cases C-83/01 P, C-93/01 P and C-94/01 P, Chronopost and Others, [2003], I-6993.

⁷ Case C-280/00, Altmark Trans GmbH, Regierungspräsidium Magdeburg v. Nahverkehrsgesellschaft Altmark GmbH [2003], I-7747.

⁸ Case C-26/03, Stadt Halle and RPL Lochau v. Arbeitsgemeinschaft Thermische Restabfall- und Energieverwertungsanlage TREA Leuna, [2005], I-1.

⁹ Case C-84/03, Commission/Spain [2005], I-139.

– solidarity, bringing people together based on the objectives of social, economic and territorial cohesion *and of sustainable development*,

– cooperation, enabling the realisation of the transnational and European aspirations in the EU Treaties and programmes, and

– *open borders and an internal market with the freedom of movement for persons, goods, services and capital, in order to integrate economies and societies and increase wealth and social well-being of European citizens*,

– competition, enabling the completion of the EU internal market on the basis of social market economy rules and governed by competition law, which is an essential area of democratic law (*deletion*) and above all, to *avoid* the abuse of *monopolies and* economic power and to guarantee *innovation, high quality at affordable price, diversification of consumer choices* and legal protection for consumers;

– *subsidiarity, based on Article 5 of the EC Treaty, ensuring the plurality of the Member States and the different traditions in the EU and that the EU acts as efficient and close as possible to the citizens, when, but only when, this will achieve a better result than actions on the national or sub-national level*,

– *proportionality, according to which any action by the Community shall not go beyond what is necessary to achieve the objectives of the Treaty*,

- *democracy, under which universal suffrage is the source of legitimacy for the national and local public authorities which determine and organise the missions, service provision and funding of services of general interest*,

Amendment by Sahra Wagenknecht

Amendment 7

Recital A

deleted

Amendment by Sophia in 't Veld

Amendment 8

Recital A

A. whereas, the (*deletion*) principles *of subsidiarity, proportionality and solidarity* stand as terms of reference for European integration (*deletion*);

Amendment by Werner Langen

Amendment 9

Recital A

- A. whereas *the Treaties provide for 'an open market economy with free competition' to be established in Europe which must pursue the objectives of social, economic and territorial cohesion on the basis of solidarity, cooperation and subsidiarity,*

Amendment by Mia De Vits, Gilles Savary, Ieke van den Burg

Amendment 10

Recital A

- A. whereas the following *five* principles, *in particular*, stand as terms of reference for European integration:
- solidarity, bringing people together based on the objectives of social, economic and territorial cohesion,
 - cooperation, enabling the realisation of the transnational and European aspirations in the EU Treaties and programmes, and
 - competition, enabling the completion of the EU internal market on the basis of social market economy rules and governed by competition law, which is an essential area of democratic law that aims, *(deletion)* above all, to curb the abuse of economic power and to guarantee legal protection for consumers,
 - *democracy, under which universal suffrage is the source of legitimacy for the national and local public authorities which determine and organise the missions, service provision and funding of services of general interest,*
 - *subsidiarity, based on Article 5 of the EC Treaty,*

Amendment by Piia-Noora Kauppi

Amendment 11

Recital A

- A. whereas the following *five* principles stand as terms of reference for European integration:
- solidarity, bringing people together based on the objectives of social, economic and territorial cohesion,
 - cooperation, enabling the realisation of the transnational and European aspirations in the EU Treaties and programmes, and
 - competition, enabling the completion of the EU internal market on the basis of social market economy rules and governed by competition law, which is an essential area of democratic law that aims not only to keep the power of the State in check, but also, and above all, to curb the abuse of economic power and to guarantee legal protection

for consumers,

– *subsidiarity, ensuring that the EU acts when, but only when, this will achieve a better result than actions on the national or sub-national level,*

– *proportionality, according to which any action by the Community shall not go beyond what is necessary to achieve the objectives of the Treaty,*

Amendment by Gunnar Hökmark

Amendment 12

Recital A

A. whereas ***amongst others*** the following ***(deletion)*** principles stand as terms of reference for European integration:

– *open borders and an internal market with the freedom of movement for persons, goods, services and capital, in order to integrate economies and societies and increase wealth and social well-being of European citizens,*

– *subsidiarity, in order to respect the plurality of the Member States and the different traditions in the EU and to make decision-making as efficient and close as possible to the citizens,*

– solidarity, bringing people together based on the objectives of social, economic and territorial cohesion,

– cooperation, enabling the realisation of the transnational and European aspirations in the EU Treaties and programmes, and,

– competition, enabling the completion of the EU internal market on the basis of social market economy rules and governed by competition law, ***in order to open up opportunities for entrepreneurs and companies, for innovation and competition across borders, in order to provide citizens with the best available services with value for money*** and above all, to ***avoid*** the abuse of ***monopolies and*** economic power and to guarantee legal protection for consumers,

Amendment by Alain Lipietz

Amendment 13

Recital A

A. whereas the following three principles stand as terms of reference for European integration:

– solidarity, bringing people together based on the objectives of social, economic and territorial cohesion ***and of sustainable development,***

– cooperation, enabling the realisation of the transnational and European aspirations in the EU Treaties and programmes, and

– competition, enabling the completion of the EU internal market on the basis of social market economy rules and governed by competition law, which is ***an instrument to achieve public interest objectives such as improving the quality of services, diversifying consumer choice and providing services at affordable prices, and*** an essential area of democratic law that aims not only to keep the power of the State in check, but also ***(deletion)*** to curb the abuse of economic power and to guarantee legal protection for consumers,

Amendment by Donata Gottardi

Amendment 14

Recital A

A. whereas European integration ***is based on values of progress and prosperity including:***

- solidarity, bringing people together based on the objectives of social, economic and territorial cohesion,
- cooperation, enabling the realisation of the transnational and European aspirations in the EU Treaties and programmes, and
- competition, enabling the completion of the EU internal market on the basis of social market economy rules and governed by competition law, which is an essential area of democratic law that aims not only to keep the power of the State in check, but also, and above all, to curb the abuse of economic power and to guarantee legal protection for consumers,

Amendment by Jean-Paul Gauzès

Amendment 15

Recital A

A. whereas the following three principles stand as terms of reference for European integration:

- solidarity, bringing people together based on the objectives of social, economic and territorial cohesion,
- cooperation, enabling the realisation of the transnational and European aspirations in the EU Treaties and programmes, and
- competition, enabling the completion of the EU internal market on the basis of social market economy rules and governed by competition law, which is an essential area of democratic law ***(deletion)***,

A. whereas the following three principles stand as terms of reference for European integration:

- solidarity, bringing people together based on the objectives of social, economic and territorial cohesion,
- cooperation, enabling the realisation of the transnational and European aspirations in the EU Treaties and programmes, and

- competition, enabling the completion of the EU internal market on the basis of social market economy rules and governed by competition law, which is an essential area of democratic law that aims not only to keep the power of the State in check, but also, and above all, to curb the abuse of economic power and to guarantee legal protection for consumers,

RECITAL A a (new)

COMPROMISE PROPOSAL C - Recital Abis (new) (revised):

To adopt ame 16, 17, 18.

Remark on ame 17: oral ame to replace "state power" with "burocratic power"

Amendment by Sophia in 't Veld

Amendment 16
Recital A a (new)

Aa. whereas, services of general interest are not only an important element of social and economic cohesion, but also contribute considerably to the competitiveness of the European economy,

Amendment by Werner Langen
Amendment 17
Recital A a (new)

Aa. whereas competition which is intended to facilitate the completion of the single market based on the rules of social market economy and is regulated by competition regulations, is a key democratic right in curbing not only State power but above all the misuse of economic power and protecting consumers' rights,

Amendment by Donata Gottardi
Amendment 18
Recital A a (new)

Aa. whereas the case law of the European Court of Justice and the Court of First Instance is now extensive, is continually developing and concerns various aspects of services of general interest, including State aids, equal treatment and/or distortion of competition,

Opinion of REGI, Recital A a (new) +

A. whereas the European structural and economic and social cohesion policy makes an important contribution to the establishment of sustainable and regionally balanced services of general interest in the Member States, for example traffic infrastructure, public utilities and waste disposal services,

RECITAL B

COMPROMISE PROPOSAL D - Recital B (revised)
(including ame 19-22)

deletion

~~**Remark on ame 26: to adopt ame 26 as recital Bbis (new).**~~

Amendment by Sahra Wagenknecht

Amendment 19

Recital B

deleted

Amendment by Sophia in 't Veld

Amendment 20

Recital B

deleted

Amendment by Corien Wortmann-Kool

Amendment 21

Recital B

deleted

Amendment by Werner Langen

Amendment 22

Recital B

deleted

Amendment by Gunnar Hökmark

Amendment 23

Recital B

B. whereas services of general interest constitute one of the areas in which the *balance* between *the rules of the internal market and the respect for the principle of subsidiarity call for further legal clarity, focused on the interest of the citizens,*

Amendment by Małgorzata Handzlik

Amendment 24

Recital B

B. whereas services of general interest constitute one of the areas (*deletion*) in which the need for policy measures and legislation is most keenly felt,

Amendment by Piia-Noora Kauppi

Amendment 25

Recital B

- B. whereas services of general interest constitute one of the areas in which the tension between these **five** principles is currently exerting the greatest pressure and in which the need for policy measures and legislation is most keenly felt,

Amendment by Alain Lipietz

Amendment 26

Recital B

- B. whereas services of general interest constitute one of the areas in which the tension between these three principles is currently exerting the greatest pressure and in which the need for policy measures and legislation is most keenly felt ; ***whereas, in this respect, Article 86(2) of the Treaty clearly states that undertakings entrusted with the operation of services of general economic interest are subject to competition rules only in so far as the application of such rules does not obstruct the performance, in law or in fact, of the particular tasks assigned to them,***

Amendment by Donata Gottardi

Amendment 27

Recital B

- B. ***whereas a balance must be struck between the three above-mentioned principles through legislative and political measures,***

Amendment by Mia De Vits, Gilles Savary, Ieke van den Burg

Amendment 28

Recital B

- B. whereas services of general interest constitute one of the areas in which the tension between these **(deletion)** principles is currently exerting the greatest pressure and in which the need for policy measures and legislation is most keenly felt,
- B. whereas services of general interest constitute one of the areas in which the tension between these three principles is currently exerting the greatest pressure and in which the need for policy measures and legislation is most keenly felt,

RECITAL B a (new)

To adopt ame 29-31

Amendment by Gilles Savary, Ieke van den Burg

Amendment 29

Recital B a (new)

Ba. having regard to the development in the cases brought before the Court of Justice of the European Communities relating to the compatibility of services of general interest with the internal market rules and European competition rules, and having regard to the need to respond to this by clarifying positive European law in this area,

Amendment by Gunnar Hökmark

Amendment 30

Recital B a (new)

Ba. whereas the evolution of markets and the way in which societies organise themselves is subject to dynamic development which is different in each Member State, the application of rigid rules and definitions would constitute an obstacle to achieving optimal economic and social results,

Amendment by Gunnar Hökmark

Amendment 31

Recital B b (new)

Bb. whereas it is impossible to define services of general interest uniformly in a social and economic environment as diverse as the one that can be found in the EU,

RECITAL C

COMPROMISE PROPOSAL F - Recital C:

(including ame 32, 34, 37)

whereas the availability of efficient services of general interest is an integral part of the economic, societal and social systems of all Member States (**deletion**), whereas this availability varies considerably from Member State to Member State and whereas the objective of successfully completing the EU internal market ***should enable Member States to introduce effective and efficient services of general interest, fully respecting the interest of citizen in his dual role of consumer (of services) and taxpayer as well as the Member States responsibilities and without interfering in the freedom of local and regional authorities to establish and implement*** (**deletion**) ***high-quality, frequency, affordability and accessibility of those services,***

Amendment by Corien Wortmann-Kool

Amendment 32

Recital C

- C. whereas the availability of efficient services of general interest is an integral part of the economic, societal and social systems of all Member States *(deletion)*, whereas this availability varies considerably from Member State to Member State and whereas the objective of successfully completing the EU internal market ***should enable Member States to introduce effective and efficient services of general interest, fully respecting their responsibilities and without interfering in the freedom of local and regional authorities to establish and implement their own priorities as regards the quality, frequency, affordability and accessibility of those services,***

Amendment by Gunnar Hökmark

Amendment 33

Recital C

- C. whereas the availability of efficient services of general interest is an integral part of the economic, societal and social systems of all Member States and ***their*** social model, whereas this availability varies considerably from Member State to Member State and whereas the objective of successfully completing the EU internal market must encourage support for ***and contribute to*** the introduction of effective and efficient services of general interest for all,

Amendment by Sophia in 't Veld

Amendment 34

Recital C

- C. whereas, ***the interest of citizen in his dual role of consumer (of services) and taxpayer must be the guiding principle in securing the provision of high-quality, accessible and affordable*** services of general interest *(deletion)*; whereas *(deletion)* the objective of successfully completing the EU internal market must encourage support for the ***provision of services of general interest that respond adequately and innovatively to citizens' needs,***

Amendment by Werner Langen

Amendment 35

Recital C

- C. whereas the availability of efficient services of general interest is an integral part of the economic, societal and social systems of all Member States and of the European social model, whereas this availability varies considerably from Member State to Member State ***(deleted)***,

Amendment by Donata Gottardi

Amendment 36

Recital C

- C. whereas the availability of efficient services of general interest is an integral part of the economic *(deletion)* and social systems of all Member States and of the European social model, whereas this availability varies considerably from Member State to Member State and whereas the objective of successfully completing the EU internal market must encourage support for the *maintenance and development* of effective and efficient services of general interest *which are universally accessible*,

Amendment by Sahra Wagenknecht

Amendment 37

Recital C

- C. whereas the availability of efficient services of general interest is an integral part of the economic, societal and social systems of all Member States and of the European social model, whereas this availability varies considerably from Member State to Member State and whereas the objective *must be to* encourage *high-quality* and efficient services of general interest for all,

Opinion of IMCO, Recital B (COVERED)

- B. whereas with regard to SGIs different historic and cultural traditions of the Member States must be taken into account; whereas organisation and availability of efficient SGIs represent key objectives in the Member States' economic and social policies,

Opinion of IMCO, Recital C (covered)

- C. whereas the availability of efficient services of general interest is an integral part of the economic, societal and social systems of all Member States and of the European social model, whereas this availability varies considerably from Member State to Member State and whereas the objective of successfully completing the EU internal market must encourage support for the introduction of effective and efficient services of general interest for all,

RECITAL C a (new)

COMPROMISE PROPOSAL G - Recital Cbis (new):

To adopt ame 38

To withdraw ame 39 and 40.

Amendment by Jean-Paul Gauzès

Amendment 38
Recital C a (new)

Ca. whereas services of general interest and services of general economic interest should be provided equally in all parts of the EU: whereas economic and social cohesion has as its objective the reduction of disparities between the levels of development of the various regions and the promotion of the overall harmonious development of the EU, especially in the new Member States,

Amendment by Sahra Wagenknecht
Amendment 39
Recital C a (new)

Ca. whereas experience with privatisation of services of general interest in the Member States is anything but satisfactory since it has generally led to an increase in costs and a deterioration of services and even the exclusion of economically disadvantaged population groups from enjoying these services,

Amendment by Sophia in 't Veld
Amendment 40
Recital C a (new)

Ca. whereas, the internal market, liberalisation and compliance with the rules on competition have, on the whole, led to improved access to services of general interest, new services with more choice, better quality and lower costs for consumers,

RECITAL D

COMPROMISE PROPOSAL H - Recital D (revised):
(including ame 41 and 42 and 45)

whereas, taking into account the principle of subsidiarity pursuant to Article 5(2) of the EC Treaty, it is for the Member States and their *regional and/or local authorities to define their services of general interest* to decide which services, are of general interest and *how they are organised, financed, delivered, evaluated and controlled, should be fully respected when drafting further legislation (deletion),*

Amendment by Bernhard Rapkay

Amendment 41
Recital D

D. whereas, taking into account the principle of subsidiarity pursuant to Article 5(2) of the EC Treaty, it is for the Member States and their local authorities to decide which services are of general interest *and how these are to be developed, organised, financed and controlled,*

Amendment by Piia-Noora Kauppi

Amendment 42

Recital D

- D. whereas, taking into account the principle of subsidiarity pursuant to Article 5(2) of the EC Treaty, it is for the Member States and their local authorities to decide which services, are of general interest and ***how they are organised, financed, delivered and evaluated,***

Amendment by Sophia in 't Veld

Amendment 43

Recital D

- D. whereas, taking into account the principle of subsidiarity pursuant to Article 5(2) of the EC Treaty ***the competent national, regional and local authorities should retain sole responsibility at all times for setting the framework of criteria and conditions for service provision, irrespective of the legal status of the provider and of whether the service is provided on the basis of free competition,***

Amendment by Thomas Mann

Amendment 44

Recital D

- D. whereas, taking into account the principle of subsidiarity pursuant to Article 5(2) of the EC Treaty, it is for the Member States and their local authorities to decide which services are of general interest and ***what form these services should take, including determining and developing their respective tasks and funding,***

JURI OPINION , PARAGRAPH 4 (covered)

4. emphasises the need to comply with and apply the subsidiarity principle enshrined in Article 5 of the EC Treaty in the area of essential services;

JURI OPINION , PARAGRAPH 5 (covered)

- 5.. states unequivocally that it is the sole task of the Member States and their appropriate authorities to define services of general interest and to make arrangements about their funding; services of general interest have grown historically in the 25 EU Member States and, with their basis in regional traditions, come in a very wide variety of forms; these well-functioning structures must not be destroyed by a European legislative framework;

- D. whereas, taking into account the principle of subsidiarity pursuant to Article 5(2) of the EC Treaty, it is for the Member States and their local authorities to decide which services are of general interest and what is the appropriate method of management,

RECITAL D a (new)

Amendment by Corien Wortmann-Kool
Amendment 45
Recital D a (new)

Da. whereas the freedom of a Member State, regional and/or local authorities to define their services of general interest and the way they want to implement, finance and organise them should be fully respected when drafting further legislation subject only to supervision in cases of manifest error,

RECITAL E

COMPROMISE PROPOSAL I - Recital E (revised):
(including ame 46-47, 49 and 50)

whereas, in the matter of compatibility between internal market and competition rules and the smooth operation of services of general interest, ***(deletion)*** legal certainty must be created in order to ***give the relevant national, regional and communal authorities the necessary room for manoeuvre in taking decisions and avoid conflicts and legal proceedings, with due respect to the internal market and the Parliament's legislative resolution on the Service Directive as well as clear implementation of internal market and competition rules,***

Amendment by Gunnar Hökmark

Amendment 46
Recital E

E. whereas, in the matter of compatibility between internal market and competition rules and the smooth operation of services of general interest, more legal certainty must be created in order to guarantee the competence of national, regional and local authorities for the provision of services of general interest, ***with due respect to the internal market and the Service Directive,***

Amendment by Werner Langen
Amendment 47
Recital E

E. whereas, in the matter of compatibility between internal market and competition rules and the smooth operation of services of general interest, more legal certainty must be created in order to ***give the relevant national, regional and communal authorities the necessary room for manoeuvre in taking decisions and avoid conflicts and legal proceedings,***

Amendment by Jean-Paul Gauzès

Amendment 48

Recital E

- E. whereas, in the matter of compatibility between internal market and competition rules and the smooth operation of services of general *economic* interest, ***an appropriate legal framework, based on the case-law of (deletion) the Court of Justice of the European Communities and drawn up with due regard for the principle of subsidiarity, might provide more legal certainty,***

Amendment by Donata Gottardi

Amendment 49

Recital E

- E. whereas, in the matter of compatibility between internal market and competition rules and the smooth operation of services of general interest, ***(deletion)*** legal certainty must be created in order to guarantee the competence of national, regional and local authorities for the provision of services of general interest,
- E. whereas, in the matter of compatibility between internal market and competition rules and the smooth operation of services of general interest, more legal certainty must be created in order to guarantee the competence of national, regional and local authorities for the provision of services of general interest,

RECITAL E a (new)

Amendment by Werner Langen

Amendment 50

Recital E a (new)

Ea. whereas, in the interests of consumers, derogations from the rules governing the internal market and competition should be interpreted restrictively,

Opinion of ITRE, paragraph 6 (COVERED, see recital D and E)

6. Stresses that the Member States and their competent authorities have sole responsibility for defining their services of general interest and laying down the rules governing their financing;

RECITAL F

**COMPROMISE PROPOSAL J - Recital F (revised):
(including ame 52, 55)**

whereas sectoral EU directives on services of general interest in network industries and other

sectors in which market opening has been achieved or *have been successful in providing modern services*, but they do not, however, *enable a general approach to be taken*,

Amendment by Sahra Wagenknecht

Amendment 51

Recital F

deleted

Amendment by Gunnar Hökmark

Amendment 52

Recital F

F. whereas sectoral EU directives on services of general *economic* interest in network industries and other sectors in which market opening has been achieved or begun *have been successful in providing better services at lower prices and* provide a reliable framework, *(deletion)*

Amendment by Werner Langen

Amendment 53

Recital F

F. whereas sectoral EU directives on services of general interest in network industries and other sectors in which market opening has been achieved or begun provide a reliable framework, *(deletion)*

Amendment by Małgorzata Handzlik

Amendment 54

Recital F

F. whereas sectoral EU directives on services of general interest in network industries and other sectors in which market opening has been achieved or begun provide a reliable framework, *(deletion)*

Amendment by Donata Gottardi

Amendment 55

Recital F

F. whereas sectoral EU directives on services of general interest in network industries and other sectors in which market opening has been achieved or begun provide a reliable framework, but they do not, however, *enable a general approach to be taken*,

Amendment by Alain Lipietz

Amendment 56

Recital F

F. whereas sectoral EU directives on services of general interest in network industries and other sectors in which market opening has been achieved or begun **currently** provide a **legal** framework, but they do not, however, offer sufficient legal certainty for all areas of services of general interest,

F. whereas sectoral EU directives on services of general interest in network industries and other sectors in which market opening has been achieved or begun provide a reliable framework, but they do not, however, offer sufficient legal certainty for all areas of services of general interest,

RECITAL F a (new)

COMPROMISE PROPOSAL K - Recital Fbis (new):

To withdraw ame 57

Amendment by Thomas Mann

Amendment 57

Recital F a (new)

Fa. whereas, in its White Paper on services of general interest, the Commission recognised that public service broadcasting was different from other services of general interest and acknowledged that the specificity of public service broadcasting should be taken into account at European level in any European legal instruments on services of general interest by virtue of its special importance for the democratic, social and cultural needs of each Member State and that it is therefore appropriate to exclude it from such regulatory frameworks,

Opinion of TRAN, Recital A +

A. whereas public transport is one of the fundamental sectors within services of general interest (SGIs); whereas it enables the basic requirements of the peoples of the European Union, with regard to both mobility and supply, to be met and whereas it makes a primordial contribution in this way to the Union's social, economic and territorial cohesion,

Opinion of TRAN, Recital C (COVERED)

C. whereas action must be taken to ensure a fair balance between transport activities and compliance with Community competition and internal market legislation, as soon as that legislation jeopardises the smooth running of transport services and, in particular, their quality, accessibility, continuity and efficiency,

RECITAL G

COMPROMISE PROPOSAL L - Recital G:
(including ame 60 and 63)

whereas the multitude of sector-specific initiatives relating to the opening of the internal market in the area of *services* and the *Parliament's resolution on* a services directive¹ ***enlarges the opportunities for competition and better operation also in the areas of services of general economic interest, which underlines the need for legal clarity regarding services of general interest,***

Amendment by Sophia in 't Veld

Amendment 58
Recital G

deleted

Amendment by Werner Langen

Amendment 59
Recital G

G. whereas sector-specific initiatives relating to the opening of the internal market in the area of services of general interest ***are preferable to a horizontal framework directive, so as better to meet the challenges of changing markets,***

Amendment by Gunnar Hökmark
Amendment 60
Recital G

G. whereas the multitude of sector-specific initiatives relating to the opening of the internal market in the area of services of general interest and the *Parliament's resolution on* a services directive² ***enlarges the opportunities for competition and better services also in the areas of services of general economic interest, which underlines the need for legal clarity regarding services of general interest,***

Amendment by Sahra Wagenknecht

¹ Commission Proposal of 25 February 2004 for a Directive of the European Parliament and of the Council on services in the internal market (COM(2004)0002). Amended by the proposal of 4 April 2006 (COM(2006)0160).

² Commission Proposal of 25 February 2004 for a Directive of the European Parliament and of the Council on services in the internal market (COM(2004)0002). Amended by the proposal of 4 April 2006 (COM(2006)0160).

Amendment 61

Recital G

- G. whereas the multitude of sector-specific initiatives relating to the opening of the internal market in the area of services of general interest and the Commission proposals for a services directive¹ ***increasingly undermine the ability of Member States to deliver services of general interest,***

Amendment by Małgorzata Handzlik

Amendment 62

Recital G

- G. whereas the multitude of sector-specific initiatives relating to the opening of the internal market in the area of services (***deletion***) create confusion and contain conceptual contradictions (***deletion***),

Amendment by Dariusz Rosati, Ieke van den Burg

Amendment 63

Recital G

- G. whereas the multitude of sector-specific initiatives relating to the opening of the internal market in the area of services of general interest (***deletion***) give rise to legal disputes and legal proceedings,

Amendment by Jean-Paul Gauzès

Amendment 64

Recital G

- G. whereas the multitude of sector-specific initiatives relating to the opening of the internal market in the area of services of general ***economic*** interest and the Commission proposals for a services directive² create confusion and contain ***conceptional*** contradictions that give rise to legal disputes and legal proceedings,
- G. whereas the multitude of sector-specific initiatives relating to the opening of the internal market in the area of services of general interest and the Commission proposals for a services directive³ create confusion and contain ***conceptional*** contradictions that give rise to legal disputes and legal proceedings,

¹ Commission Proposal of 25 February 2004 for a Directive of the European Parliament and of the Council on services in the internal market (COM(2004)0002). Amended by the proposal of 4 April 2006 (COM(2006)0160).

² Commission Proposal of 25 February 2004 for a Directive of the European Parliament and of the Council on services in the internal market (COM(2004)0002). Amended by the proposal of 4 April 2006 (COM(2006)0160).

³ Commission Proposal of 25 February 2004 for a Directive of the European Parliament and of the Council on services in the internal market (COM(2004)0002). Amended by the proposal of 4 April 2006 (COM(2006)0160).

RECITAL G a (new)

COMPROMISE PROPOSAL M - Recital Ga and Gb (new) (revised):
(including ame 76 and AMC 1 IMCO)

To withdraw ame 65

To adopt ame 76 modified as Gbis:

whereas services of general economic interest have a direct effect on the internal market for services, and a number of sectors which provide services of general economic interest have been successfully (deletion) modernised and integrated in these service markets (deletion); whereas this integration was done in a controlled way and accompanied by measures to protect the general interest, in particular the concept of universal services - split vote on the last sentence !

To adopt recital A, B, D and E from IMCO in a modified way:

Whereas Art. 16 of the Treaty recognizes the importance of SGEIs, whereas Art. 43-49 of the Treaty provide the legal basis of the formulation of Community action with regard to the free provision of services, whereas Art. 86 and 87 of the Treaty and the jurisprudence of the Court of Justice give clear indications how to deal with state aid, modalities and levels of funding of Services of General Economic Interest, whereas Art. 95 of the Treaty is the appropriate legal basis to deal with issues related to public procurement procedures and matters related to these;

Amendment by Alain Lipietz

Amendment 65

Recital G a (new)

Ga. whereas the Commission's evaluation reports on the network industries do not demonstrate that liberalisation has led to a reduction of prices or the creation of more and better jobs; whereas these reports show increasing costs and other problems relating to the liberalisation process,

RECITAL G a (new)

Opinion of TRAN, Recital D (COVERED BY COMPROMISE M)

D. whereas, since the Treaty of Rome, transport has been covered by specific provisions, and Article 73, in particular, recognises the legality of State aid for the discharge of obligations 'inherent in the concept of a public service',

Opinion of IMCO, Recital D (COVERED BY COMPROMISE M)

D. whereas Articles 43 to 49 of the Treaty provide the legal basis for Community action in the sphere of SGEIs,

Opinion of IMCO, Recital E (COVERED BY COMPROMISE M)

E. whereas Article 86 of the Treaty and the jurisprudence of the Court of Justice give clear indications as to how to deal with state aid and modalities and levels of funding of SGEIs,

Opinion of IMCO, Recital F (COVERED BY COMPROMISE M)

F. whereas Article 36 of the Charter of fundamental Rights of the European Union (Charter) lays down that the Union recognises and respects access to services of general economic interest as provided for in national laws and practices,

Opinion of IMCO, Recital G (COVERED BY COMPROMISE M)

G. whereas Article 38 of the Charter lays down that the policies of the Union shall ensure a high level of consumer protection,

Opinion of IMCO, Recital H (COVERED BY COMPROMISE M)

H. whereas the jurisprudence of the Court of Justice specifies that reimbursements for public service obligations must not be treated as state aid as long as they are clearly defined, objective, proportional and subject to public tender,

Opinion of IMCO, Recital I (COVERED BY COMPROMISE M)

I. whereas services which combine economic and non-economic activities in an indivisible unit should be regarded as an economic activity,

RECITAL H

COMPROMISE PROPOSAL N - Recital H (revised):
(including ame 68 and 75 or ame 69 and 71-72)

whereas, while Article 16 and Article 86(2) of the EC Treaty refer to services of general economic interest, the Treaty offers no definition thereof, whereas services of general interest are not mentioned at all in the EC Treaty but were introduced only by the Commission in a communication and whereas, pursuant to the European Parliament legislative resolution of 16 February 2006, services of general economic interest are exempt from the scope of Article 16 of the *Services Directive* and services of general interest are completely exempt from the directive, *(deletion)*

Amendment by Sophia in 't Veld

Amendment 66

Recital H

deleted

Amendment by Małgorzata Handzlik

Amendment 67

Recital H

H. whereas, while Article 16 and Article 86(2) of the EC Treaty refer to services of general economic interest, the Treaty offers no definition thereof *and* services of general interest

are not mentioned at all, *their* clear distinction is not possible *on these grounds*,

Amendment by Werner Langen

Amendment 68

Recital H

H. whereas, while Article 16 and Article 86(2) of the EC Treaty refer to services of general economic interest, the Treaty offers no definition thereof, whereas services of general interest are not mentioned at all in the EC Treaty but were introduced only by the Commission in a communication *(deleted)*,

Amendment by Gunnar Hökmark

Amendment 69

Recital H

H. whereas, while Article 16 and Article 86(2) of the EC Treaty refer to services of general economic interest, the Treaty offers no definition thereof, whereas services of general interest are not mentioned at all in the EC Treaty but were introduced only by the Commission in a communication and whereas, pursuant to the European Parliament legislative resolution of 16 February 2006, services of general economic interest are exempt from the scope of Article 16 of the EC Treaty and services of general interest are completely exempt from the directive, *(deletion)*

Amendment by Alain Lipietz

Amendment 70

Recital H

H. whereas, while Article 16 and Article 86(2) of the EC Treaty refer to services of general economic interest, the Treaty offers no definition thereof, whereas services of general interest are not mentioned at all in the EC Treaty but were introduced only by the Commission in a communication and whereas, pursuant to the European Parliament legislative resolution of 16 February 2006, services of general economic interest are exempt from the scope of Article 16 of the EC Treaty and services of general interest are completely exempt from the directive, although a clear distinction is not possible in the absence of a definition, *which makes it even more necessary to establish a horizontal legal framework for services of general interest*,

Amendment by Bernhard Rapkay

Amendment 71

Recital H

H. whereas, while Article 16 and Article 86(2) of the EC Treaty refer to services of general economic interest, the Treaty offers no definition thereof, whereas services of general interest are not mentioned at all in the EC Treaty but were introduced only by the Commission in a communication and whereas, pursuant to the European Parliament legislative resolution of 16 February 2006, services of general economic interest are exempt from the scope of Article 16 of the *Services Directive* and services of general interest are completely exempt from the directive, although a clear distinction is not possible in the absence of a definition,

Amendment by Andreas Schwab

Amendment 72

Recital H

H. whereas, while Article 16 and Article 86(2) of the EC Treaty refer to services of general economic interest, the Treaty offers no definition thereof, whereas services of general interest are not mentioned at all in the EC Treaty but were introduced only by the Commission in a communication and whereas, pursuant to the European Parliament legislative resolution of 16 February 2006, services of general economic interest are exempt from the scope of Article 16 of the **Services Directive** and services of general interest are completely exempt from the directive, although a clear distinction is not possible in the absence of a definition,

Amendment by Gilles Savary, Alain Hutchinson, Véronique De Keyser

Amendment 73

Recital H

H. whereas:

- while Article 16 and Article 86(2) of the EC Treaty refer to services of general economic interest, the Treaty offers no definition thereof,
- *(deletion) services of general interest (deletion) were introduced only by the Commission in two communications, in 1996¹ and 2000²,*
- *following the work of both the European Parliament and the Council, the draft directive on services in the internal market excludes services of general interest of a non-economic nature, and whereas services of general economic interest are covered by the directive, except with regard to the application of Article 15(1)-(3) and Article 16,*
- *the draft directive does not make a clear distinction between services of general interest of a non-economic nature and services of general economic interest, and whereas this lack of a definition is a source of confusion and legal uncertainty for the Member States, operators and the public,*

Opinion of IMCO, Recital A (COVERED BY IMCO COMPROMISE)

A. whereas Services of General Interest (SGIs) and Services of General Economic Interest (SGEIs) are not subject to specific rules in the Treaty,

Opinion of IMCO, Recital C (COVERED BY COMPROMISE N)

C. whereas SGEIs have a direct effect on the internal market for services, and whereas Parliament approved by a substantial majority their inclusion within the scope of the proposal for a directive on services in the internal market (Services Directive),

¹ OJ C 281, 26.9.1996.

² OJ C 17, 19.1.2001, p. 4.

Amendment by Donata Gottardi

Amendment 74

Recital H

H. whereas, while Article 16 and Article 86(2) of the EC Treaty refer to services of general economic interest, the Treaty offers no definition thereof, whereas services of general interest are not mentioned *(deletion)* in the EC Treaty but were introduced *(deletion)* by the Commission in a communication and whereas, pursuant to the European Parliament legislative resolution of 16 February 2006, services of general economic interest are exempt from the scope of Article 16 *(deletion)* and services of general interest are completely exempt from the directive, ***and whereas, since a clear distinction is not possible, a definition is needed,***

H. whereas, while Article 16 and Article 86(2) of the EC Treaty refer to services of general economic interest, the Treaty offers no definition thereof, whereas services of general interest are not mentioned at all in the EC Treaty but were introduced only by the Commission in a communication and whereas, pursuant to the European Parliament legislative resolution of 16 February 2006, services of general economic interest are exempt from the scope of Article 16 of the EC Treaty and services of general interest are completely exempt from the directive, although a clear distinction is not possible in the absence of a definition,

RECITAL H a (new)

Amendment by Werner Langen

Amendment 75

Recital H a (new)

Ha. whereas, pursuant to the European Parliament legislative resolution of 16 February 2006, services of general economic interest are exempt from the scope of Article 16 of the Services Directive and services of general interest are completely exempt from the directive, although a clear distinction is not possible in the absence of a definition,

Amendment by Gunnar Hökmark

Amendment 76

Recital H a (new)

Ha. whereas services of general economic interest have a direct effect on the internal market for services, and a number of sectors which provide services of general economic interest have been successfully opened up to competition, thus modernising and integrating these service markets, increasing the number of competitors, reducing prices, and creating more jobs in these sectors; whereas this opening up was done in a controlled way and accompanied by measures to protect the general interest, in particular the concept of universal services,

Opinion of TRAN, Recital B (COVERED BY COMPROMISE N)

B. whereas the lack of a precise definition and description of services of general interest in Community law lays them open to growing legal uncertainty, as is shown by the

sometimes contradictory case-law of the Court of Justice of the European Communities,

RECITAL I

COMPROMISE PROPOSAL O - Recital I: (including ame 78 and 80)

whereas the different forms of administration and partnership between economic operators carrying out these services are being encouraged (*deletion*), and whereas this should occur in compliance with the responsibilities of the Member States regarding the provision and procurement of those services in the interests of effective and high-quality services (*deletion*),

Amendment by Małgorzata Handzlik

Amendment 77
Recital I

- I. whereas the different forms of administration and partnership between economic operators carrying out these services are being encouraged more strongly than ever, (*deletion*),

Amendment by Gilles Savary, Véronique De Keyser, Alain Hutchinson

Amendment 78
Recital I

- I. whereas the different forms of administration and partnership between economic operators carrying out these services are being encouraged more strongly than ever, and whereas this should occur in compliance with the responsibilities of the Member States regarding the provision and procurement of those services in the interests of effective and high-quality services (*deletion*),

Amendment by Sahra Wagenknecht
Amendment 79
Recital I

- I. whereas the different forms of administration and partnership between economic operators carrying out these services are being encouraged more strongly than ever, and whereas this should occur in compliance with the responsibilities of the Member States regarding the provision and procurement of those services in the interests of ***generally accessible*** and high-quality services,

Amendment by Corien Wortmann-Kool
Amendment 80
Recital I

- I. whereas the different forms of administration and partnership between economic operators carrying out these services are being encouraged (*deletion*), and whereas this should occur in compliance with the responsibilities of the Member States regarding the provision and

procurement of those services in the interests of effective and high-quality services in the future,

- I. whereas the different forms of administration and partnership between economic operators carrying out these services are being encouraged more strongly than ever, and whereas this should occur in compliance with the responsibilities of the Member States regarding the provision and procurement of those services in the interests of effective and high-quality services in the future,

RECITAL J

COMPROMISE PROPOSAL P - Recital J:
(including ame 81, 82 and 83)

whereas the Community objective of a high level of consumer protection ***together with strict compliance with the principle of subsidiarity*** should be brought into sharper focus ***(deleted)***,

Amendment by Andreas Schwab

Amendment 81
Recital J

- J. whereas the Community objective of a high level of consumer protection ***together with strict compliance with the principle of subsidiarity*** should be brought into sharper focus ***(deleted)***,

Amendment by Werner Langen
Amendment 82
Recital J

- J. whereas the Community objective of a high level of consumer protection ***together with strict compliance with the principle of subsidiarity*** should be brought into sharper focus ***(deleted)***,

Amendment by Corien Wortmann-Kool
Amendment 83
Recital J

- J. whereas the Community objective of a high level of consumer protection should ***be taken into account*** by ensuring that the right to information and the right of complaint enjoyed by recipients of services of general economic interest are reinforced ***(deletion)***,
- J. whereas the Community objective of a high level of consumer protection should be brought into sharper focus by ensuring that the right to information and the right of complaint enjoyed by recipients of services of general economic interest are reinforced, that their economic interests are duly respected and that their right to effective legal remedy in the event of a breach of these rights is recognised,

To adopt ame 84, 86 , 87 and 88

To withdraw ame 85

Amendment by Alain Lipietz

Amendment 84
Recital J a (new)

Ja. whereas the Charter of Fundamental Rights of the European Union recognises and respects access to services of general economic interest with a view to promoting the social and territorial cohesion of the Union,

Amendment by Alain Lipietz
Amendment 85
Recital J b (new)

Jb. whereas Articles 16, 86 and 95 of the Treaty provide a legal basis for a horizontal legal framework in the field of services of general economic interest; whereas the Parliament, in its previous resolutions on services of general interest, particularly in its resolution of 13 November 2001 on the Commission communication ‘Services of General Interest in Europe’, its resolution of 14 January 2004 on the Commission green paper on services of general interest² and its resolution of 22 February 2005 on State aid in the form of public service compensation³, has expressed itself in favour of a horizontal legal framework for such services,

Amendment by Alain Lipietz
Amendment 86
Recital J c (new)

Jc. whereas public authorities need strong and modern services of general interest in order to achieve public interest objectives, such as social and territorial cohesion, environmental protection and cultural diversity; whereas services of general interest should not only be protected but should also be further strengthened and developed,

Amendment by Alain Lipietz
Amendment 87
Recital J d (new)

Jd. whereas services of general interest account for more than 35% of total employment in the EU and are central to the development of a successful knowledge-based economy; whereas it is therefore essential to ensure that there is growth in public supply and sufficient expenditure on these services according to their needs, while observing strict

¹ OJ XXX

² OJ XXX

³ OJ XXX

control over the efficient use of these expenditure,

Amendment by Alain Lipietz
Amendment 88
Recital J e (new)

Je. whereas Article III-122 of the draft Constitutional Treaty, as approved by the Parliament, states that European laws shall establish the principles and conditions to provide, commission and fund services of general economic interest,

Opinion of TRAN, Recital E + (LAST PART OF SENTENCE SPLIT VOTE)

E. whereas the monitoring and assessment of services at national and Community level is essential to ensuring the quality and effectiveness of services of general economic interest (SGEIs), *including those in the transport sector,(-)*

OPINION OF JURI, PARAGRAPH 3 (covered)

3. calls on the Commission, furthermore, to clarify how its statement in the White Paper that the powers of the Community with regard to services of general interest are appropriate and sufficient can be reconciled with the competence assumed by it in Article III-122 of the Constitutional Treaty;

PARAGRAPH 1

Amendment by Małgorzata Handzlik

Amendment 89
Paragraph 1

deleted

Amendment by Bernhard Rapkay
Amendment 90
Paragraph 1

1. Considers that its previous resolutions on services of general interest of 13 November 2001, 14 January 2004 and of 22 February 2005 are still ***valid, particularly in view of***
 - the principle of subsidiarity,***
 - deregulation and***
 - services relating to water supply and waste water management;***

Amendment by Gunnar Hökmark

Amendment 91
Paragraph 1

1. Considers that its previous resolutions on services of general interest of 13 November 2001, 14 January 2004 and of 22 February 2005 are still relevant; *recalls that Parliament approved that services of general economic interests cover a very broad range of industries and that a framework directive could therefore not adequately embrace these differences; warns that a directive might undermine and confuse the sectoral liberalisation adopted by Parliament and Council;*

Opinion of REGI, paragraph 1

(COVERED BY COMPROMISE AND AME AND ORIGINAL TEXT ON PARA 1)

1. Proposes that the liberalisation of already open sectors be ensured; emphasises the common market's vital contribution to economic, social and territorial cohesion and stresses the importance of public services in relation to sustainable economic and social development and the need for socially and regionally equitable access to services of general interest; recommends an economic and social assessment of the continuation of the liberalisation process for specific sectors;
1. Considers that its previous resolutions on services of general interest of 13 November 2001, 14 January 2004 and of 22 February 2005 are still relevant;

PARAGRAPH 1 a (new)

COMPROMISE PROPOSAL R - par 1 (revised) and 1bis (compromise X on par 5)
(including ame 90 and 92)

Considers that its previous resolutions on services of general interest of 13 November 2001, 14 January 2004 and of 22 February 2005 are still *valid, particularly in view of*

- the principle of subsidiarity,

- deregulation and

- the achievement of the internal market and the need to provide services of high quality;

Recalls that the important factor is not who provides services of general interest, but rather that quality standards and an equitable social balance be maintained and the criteria be based on reliability of supply and continuity; recalls that Parliament approved that services of general economic interests cover a very broad range of industries;

Amendment by Gunnar Hökmark

Amendment 92

Paragraph 1 a (new)

1a. Recalls that the decisive factor is not who provides services of general interest, but rather that quality standards and an equitable social balance be maintained and the criteria be based on reliability of supply and continuity;

Amendment by Gunnar Hökmark

Amendment 93

Paragraph 1 b (new)

1b. Considers that there is no legal basis for a framework directive on services of general interest; notes that there is a need to further clarify how the responsibilities are shared between the EU and the Member States;

Opinion of EMPL, paragraph 7 (+)

7. Endorses the Commission's commitment to review, this year, the situation of SGIs and the need for any horizontal measures; urges the Commission, as part of an ongoing evaluation of SGIs, to take particular account of the impact on the situation of consumers and the workforce as well as on the environment; calls on the Commission to submit an independent report assessing the impact of trade liberalisation already carried out as a result of regional, bilateral or multilateral trade agreements on the organisation of SGIs in the Member States, particularly on the quality and price of services, the competitiveness of the sector, equality of access, security of supply, the environment, and social cohesion;

Opinion of ITRE, paragraph 2 (+)

2. Welcomes the Commission White Paper on services of general interest and the initiatives and reviews of important horizontal and sector-specific measures announced therein;

Opinion of IMCO, paragraph 1 (-)

1. Considers that guaranteed efficient and high quality SGEIs can only be achieved by enhancing competitiveness in these sectors and better cooperation between Member States, especially with regard to network based industries and the completion of cross-border linkages between services, and by promoting equal access for all; welcomes the new common policy of the Community on the energy sector;

Opinion of IMCO, paragraph 2 (COVERED see recital C and para 1)

2. Notes that SGEIs which have been opened up to competition have experienced an improvement in the quality of services, an increase in the number of competitors and a reduction in prices, all of which has resulted in the modernisation and integration of these services markets to the benefit of consumers; notes that this opening was done in a controlled way and was accompanied by measures to protect the general interest, in

particular the concept of universal services;

Opinion of IMCO, paragraph 3 (COVERED, see para 1)

3. Notes that the liberalisation of certain SGEIs has brought major benefits to consumers in terms of lower prices, better quality and greater choice;

Opinion of IMCO, paragraph 5 (+, WITH ORAL AME TO CHANGE "OPENING UP" TO "MODERNISE")

5. Notes that it is particularly important, so as to fully exploit the opportunities offered by the internal market, that the conditions and provisions regulating the opening up of markets guarantee fair, transparent and efficient competition, while maintaining social cohesion and universal service accessibility, and avoid abuses of dominant position and the formation of new monopolies which hamper access to the market for new participants, ;

Opinion of EMPL, paragraph 1 (+, ORAL AME TO CHANGE "GREEN PAPER" INTO "WHITE PAPER")

1. Notes that the debate on the GreenPaper confirmed that services of general interest (SGIs) are a pillar of the European social model, essential for ensuring social and territorial cohesion and the implementation of the Lisbon Strategy, and that the services market offers considerable potential for economic growth and job creation;

Opinion of ITRE, paragraph 4 (+)

4. Considers that it is essential to uphold and consolidate the European social model and high-quality public services to meet the public's needs and expectations, and that this creates an environment that is conducive to human progress and also helps the economy to perform better;

Opinion of EMPL, paragraph 2 (COVERED, see recital H)

2. Stresses that the market alone cannot ensure universal access to quality SGIs, which have an important role to play in promoting social, economic, and territorial cohesion in the EU; that public services and SGIs must be renewed and shaped on the basis of a European social model; and that a Community framework on SGIs should enhance the following objectives:

- equal universal access,
- guaranteed full territorial coverage and geographical and social accessibility, combined with high-quality service at affordable prices and uniformly high-quality standards, irrespective of the level of profitability of individual service providers, and socially acceptable concessionary charges for certain sections of the population, such as disabled persons and low-income groups, as well as mechanisms designed to combat social exclusion, measures designed to guarantee sustainable development, a high level of environmental protection and the elimination of regional disparities, legal certainty and compliance with the framework conditions for the provision of SGIs regardless of the

identity or nationality of the provider.

Opinion of ITRE, paragraph 3 (COVERED, see recital A)

3. Endorses the view that services of general interest represent one of the cornerstones of the European social model and that the objectives of an open, competitive internal market on the one hand and the development of universally accessible, high-quality services of general interest at affordable prices on the other, are mutually compatible;

OPINION OF JURI, PARAGRAPH 7 (COVERED)

7. points out that horizontal regulations striving for a uniform European social model are an inadmissible interference with the competence of the Member States;

PARAGRAPH 1 a (new)

Opinion of ITRE, paragraph 15 (+)

15. Requests that the Commission submit to Parliament a comprehensive analysis of the effects of liberalisation to date, in particular, on the situation of consumers and the employees concerned;

Opinion of ITRE, paragraph 12 (+)

12. Stresses that services of general interest should be of high quality, should encompass comprehensive coverage, should be provided at optimum cost, should respect social balance and should be provided on the basis of lasting security of supply and emphasises that the majority of services of general interest can be provided under conditions of fair competition, on the principle that private and public undertakings must receive equal treatment;

PARAGRAPH 2

COMPROMISE PROPOSAL S - par 2 (revised);
(including ame 95, 96, 97, 98 and 99)

Emphasises that *most* services of general economic interest are supplied in *the* European internal market and are therefore *as a matter of principle* subject to European internal market, public procurement, competition and State aid legislation *and Commission controls on abuses in so far as the application of such legislation does not obstruct the performance, in law or in fact, of the particular tasks assigned to them, as provided in Article 86(2) of the Treaty, provided that the application of such rules does not thwart the fulfilment, in law or de facto, of the general interest mission; emphasises that, in accordance with Article 16 of the EC Treaty concerning services of general interest, the Community and Member States are responsible, each within their respective powers, for ensuring that such services operate on the basis of principles and conditions which enable them to fulfil their missions;*

Amendment by Sahra Wagenknecht

Amendment 94

Paragraph 2

deleted

Amendment by Alain Lipietz

Amendment 95

Paragraph 2

2. Emphasises that services of general economic interest are supplied in a European internal market and are therefore subject to European internal market, public procurement, competition and State aid legislation ***in so far as the application of such legislation does not obstruct the performance, in law or in fact, of the particular tasks assigned to them, as provided in Article 86(2) of the Treaty;***

Amendment by Ieke van den Burg, Mia De Vits

Amendment 96

Paragraph 2

2. Emphasises that services of general economic interest are supplied in a European internal market and are therefore subject to European internal market, public procurement, competition and State aid legislation, ***provided that the application of such rules does not thwart the fulfilment, in law or de facto, of the general interest mission;***

Amendment by Werner Langen

Amendment 97

Paragraph 2

2. Emphasises that ***most*** services of general economic interest are supplied in ***the*** European internal market and are therefore subject to European internal market, public procurement, competition and State aid legislation ***and Commission controls on abuses;***

Amendment by Thomas Mann

Amendment 98

Paragraph 2

2. Emphasises that services of general economic interest are supplied in a European internal market and are therefore ***as a matter of principle*** subject to European internal market, public procurement, competition and State aid legislation,
2. Emphasises that services of general economic interest are supplied in a European internal market and are therefore subject to European internal market, public procurement, competition and State aid legislation;

PARAGRAPH 2 a (new)

Amendment by Werner Langen

Amendment 99

Paragraph 2 a (new)

2a. Emphasises that, in accordance with Article 16 of the EC Treaty concerning services of general interest, the Community and Member States are responsible, each within their respective powers, for ensuring that such services operate on the basis of principles and conditions which enable them to fulfil their missions;

Amendment by Thomas Mann

Amendment 100

Paragraph 2 a (new)

2a. Emphasises that public service broadcasting must be exempt from a European legal instrument on services of general interest;

PARAGRAPH 2 a (new)

Opinion of IMCO, paragraph 8 (+)

8. Underlines that especially after the enlargement of the European Union, cohesion has to be ensured in the field of SGEIs and that in the framework of structural policy, Member States' infrastructures for network-based SGEIs have to be interlinked and cross-border cooperation enhanced in order to create a real internal market and to facilitate standardisation;

Opinion of IMCO, paragraph 4 (+)

4. Takes into consideration the economic weight of these services and their importance for the production of other goods and the provision of other services; underlines that the way in which SGEIs are organised can affect the internal market, for example by prohibiting establishment in the country where the service is provided;

Opinion of ITRE, paragraph 11 (+)

11. Considers that it is necessary to develop models based on the approach that services of general interest contribute to overall sustainable development strategies such as social and territorial cohesion, environmental protection and cultural diversity;

Opinion of ITRE, paragraph 17 (+)?

17. Considers that the objective of competition rules should be to improve the quality of service provision, consumer choice and affordable prices and to realise other public interest objectives, including sustainable development;

Opinion of INTA, paragraph 18 (-)

18. Considers that certain products, particularly water, and the services relating to those products, constitute global public goods with a special status, that they have a considerable direct impact on the everyday life of people and should therefore be the subject of special treatment in the interest of sustainable development;

PARAGRAPH 3

COMPROMISE PROPOSAL T - par 3 (revised);
(including ame 101, 102, 107, 108 and 110 (technical ame 109))

Calls on the **Commission** to clarify the distinction between services of general interest and services of general economic interest **by developing criteria, taking into account national tradition**, based on the nature of collective goods and public funding or by solidarity mechanisms of services of general interest; underlines that for many services of general interest making the distinction between economic and non-economic aspects is extremely difficult due to the dynamic character of these services and their rapid development; welcomes, therefore, the fact that, in its White Paper, the European Commission indicates that "the effective performance of a general interest task prevails, in case of tension, over the application of Treaty rules"; recognises that broad areas of services of general interest must not be withdrawn from the scope of the rules of the internal market and competition through an attempt to define services of general interest; **notes that a precise definition of SGEI and SGI would run counter to the freedom of Member States to define their services of general interest;**

Amendment by Werner Langen

Amendment 101
Paragraph 3

3. *Recognises that broad areas of services of general interest must not be withdrawn from the scope of the rules of the internal market and competition through an attempt to define services of general interest;*

Amendment by Gunnar Hökmark
Amendment 102
Paragraph 3

3. *Calls on the legislator to clarify the distinction between services of general interest and services of general economic interest, based on the nature of collective goods and public funding of services of general interest; underlines that for many services of general interest making the distinction between economic and non-economic aspects is extremely difficult due to the dynamic character of these services and their rapid development;*

Amendment by Sophia in 't Veld

Amendment 103
Paragraph 3

3. ***Emphasises that it is not always possible to make a clear distinction (deletion) between two separate categories, namely services of general interest and Services of General Economic Interest (SGEI), as the qualification of services as 'non-economic' has two dimensions: the objective and purpose of the service and the legal form of the provider (public, private or other) and the economic context in which it operates (free market, regulated market, state monopoly, etc); whereas there are great differences across the Member States on both aspects, making a single European definition both impossible and contrary to the principles of subsidiarity and self-government;***

Amendment by Małgorzata Handzlik
Amendment 104
Paragraph 3

3. Recommends that, regarding services of general interest, a distinction be made between, on the one hand, ***(deletion) services (deletion)*** defined by the EC Treaty as services of general economic interest ***(deletion)*** and, on the other, ***(deletion)*** services mainly financed by public funds and defined as services of general interest ***(deletion)***;

Amendment by Alain Lipietz
Amendment 105
Paragraph 3

3. Recommends that, regarding services of general interest, a distinction be made between, on the one hand, market services mainly financed by the user, defined by the EC Treaty as services of general economic interest and subject to rules on public service obligations or universal services, and, on the other hand, non-market services mainly financed by public funds and defined as services of general interest of a non-economic nature, ***which therefore should not be subject to competition, public procurement, competition and State aid legislation;***

Amendment by Donata Gottardi
Amendment 106
Paragraph 3

3. Recommends that, regarding services of general interest, a distinction be made between, on the one hand, market services mainly financed by the user, ***mentioned*** by the EC Treaty as services of general economic interest and subject to rules on public service obligations or universal services - ***since they cannot be obtained under the desired conditions of solidarity unless they provide support and direction for the services themselves*** - and, on the other hand, non-market services mainly financed by public funds and ***considered*** as services of general interest of a non-economic nature;

Amendment by Jean-Paul Gauzès

Amendment 107

Paragraph 3

3. Recommends that, regarding services of general interest, a distinction be made between, on the one hand, market services ***provided in return for direct or indirect remuneration***, defined by the EC Treaty as services of general economic interest and subject to rules on public service obligations or universal services, and, on the other hand, non-market services ***not provided in return for direct or indirect remuneration*** and defined as services of general interest of a non-economic nature;

Amendment by Mia De Vits, Gilles Savary, Ieke van den Burg

Amendment 108

Paragraph 3

3. Recommends that, regarding services of general interest, a distinction be made between, on the one hand, market services mainly financed by the user, defined by the EC Treaty as services of general economic interest and subject to rules on public service obligations or universal services, and, on the other hand, non-market services mainly financed by public funds ***or by solidarity mechanisms*** and defined as services of general interest of a non-economic nature;

Amendment by Benoît Hamon, Gilles Savary

Amendment 109

Paragraph 3

Does not apply to English version.

3. Recommends that, regarding services of general interest, a distinction be made between, on the one hand, market services mainly financed by the user, defined by the EC Treaty as services of general economic interest and subject to rules on public service obligations or universal services, and, on the other hand, non-market services mainly financed by public funds and defined as services of general interest of a non-economic nature;

Opinion of REGI, paragraph 5 (covered)

5. Calls on the Commission to differentiate with due haste between services of general interest and services of general economic interest and calls for special criteria for this purpose, especially since the latter will be eligible for public financial assistance;

Opinion of REGI, paragraph 8 (COVERED)

8. Fears that the standardisation of public interest requirements proposed by the Commission and the uniform definition of services of general interest does not take into account the different historical and social conditions in the EU of 25;

Opinion of IMCO, paragraph 10 (COVERED)

10. Considers it indispensable that there should be a better clarification of the division between SGIs and SGEIs, as the latter are subject to the same internal market rules as all other services with the sole exception of the application of Article 86(2) of the Treaty; notes that in the framework of Article 86(2) of the Treaty, SGEIs should be treated on the same basis as all other economic services except in those cases where the application of these rules would put into question the provision of these services;

Opinion of EMPL, paragraph 3 (COVERED)

3. Notes that in so far as SGIs that correspond to an economic activity may fall within the scope of the proposal for a directive on services in the internal market (Services Directive); and that in the light of the case-law of the Court of Justice of the European Communities, an increasing number of services are being regarded as economic services, and there is an urgent need to define clearly and distinguish between economic and non-economic services; calls on the Commission to carry out a thorough impact assessment of SGIs falling within the scope of the Services Directive, with particular regard to the impact on consumers, the workforce and the environment;

PARAGRAPH 3 a (new)

COMPROMISE PROPOSAL U - par 3bis (new):

To withdraw ame 111-112

Opinion of EMPL, paragraph 5

5. Considers that the full involvement of the social partners, regional and local authorities, and civil society is essential for the best possible operation and regulation of SGIs;

Amendment by Alain Lipietz

Amendment 110

Paragraph 3 a (new)

3a. Considers however that in many cases there is a grey area between economic and non-economic services and that the boundaries between these two categories of activity are difficult to draw; considers that public interest should be taken into account in all activities, whether economic or non-economic; welcomes, therefore, the fact that, in its White Paper, the European Commission indicates that "the effective performance of a general interest task prevails, in case of tension, over the application of Treaty rules";

Amendment by Corien Wortmann-Kool

Amendment 111

Paragraph 3 a (new)

3a. Notes that a definition of services of general economic interest is neither desirable nor achievable given the wide range and variety in this regard between Member States, furthermore a definition would run counter to the freedom of Member States to define

their services of general interest;

Amendment by Sahra Wagenknecht
Amendment 112
Paragraph 3 a (new)

3a. *Emphasises that respect for the principle of subsidiarity referred to in Article 5(2) of the EC Treaty requires that the definition, formulation, organisation and financing of services of general interest and general economic interest are and remain a task for the Member States and their regional and local authorities;*

PARAGRAPH 4

COMPROMISE PROPOSAL V - par 4:
(including ame 116, 117 and 120)

Recalls the fact that the rules in force in this area are defined by the case-law of the Court of Justice and by the Commission's interpretation of individual cases and that the necessary legal certainty and adequate transparency have therefore not yet been achieved;

Amendment by Sophia in 't Veld

Amendment 113
Paragraph 4

deleted

Amendment by Donata Gottardi
Amendment 114
Paragraph 4

4. *Notes that the case-law of the Court of Justice, which is inevitably based on individual cases as part of a sectoral approach, has defined the rules in force, although the outcome is neither satisfactory nor sufficient;*

Amendment by Sahra Wagenknecht

Amendment 115
Paragraph 4

4. *Regrets the fact that the rules in force in this area are defined by the case-law of the Court of Justice and by the Commission's interpretation of individual cases and that they therefore infringe the principle of subsidiarity, as provided for in Article 5, paragraph 2, of the EC Treaty;*

Amendment by Werner Langen

Amendment 116
Paragraph 4

4. ***Notes that*** the rules in force in this area are defined by the case-law of the Court of Justice and by the Commission's interpretation of individual cases ***and that the necessary legal certainty has therefore not yet been achieved;***

Amendment by Dariusz Rosati, Ieke van den Burg
Amendment 117
Paragraph 4

4. ***Notes*** that the rules in force in this area are defined by the case-law of the Court of Justice and by the Commission's interpretation of individual cases, ***and considers this situation does not ensure adequate transparency and legal certainty in the provision of SGIs;***

Amendment by Alain Lipietz
Amendment 118
Paragraph 4

4. Regrets the fact that the rules in force in this area are defined by the case-law of the Court of Justice and by the Commission's interpretation of individual cases, ***without being able to rely on stable legislation;***

Amendment by Małgorzata Handzlik
Amendment 119
Paragraph 4

4. ***Notes*** the fact that the rules in force in this area are being ***explained*** by the case-law of the Court of Justice and by the Commission's interpretation of individual cases;

Amendment by Gunnar Hökmark
Amendment 120
Paragraph 4

4. ***Recalls*** the fact that the rules in force in this area are defined by the case-law of the Court of Justice and by the Commission's interpretation of individual cases;

Opinion of IMCO, paragraph 18

(+, SPLIT VOTE ON "AND THE JURISPRUDENCE OF THE COURT OF JUSTICE)

18. Considers that the Treaty and the jurisprudence of the Court of Justice give sufficient possibilities for the Member States to secure the overriding reasons related to the public interest with regard to the provision of SGIs;

4. Regrets the fact that the rules in force in this area are defined by the case-law of the Court of Justice and by the Commission's interpretation of individual cases;

PARAGRAPH 4 a (new)

COMPROMISE PROPOSAL W - par 4bis as 5bis (revised)
(including ame 121 and 122)

Requests furthermore clarification from the Commission in particular on two major questions: consequences of the jurisprudence of the Court of Justice based on a sectoral approach and application of competition law to services of general interest and services of general economic interest, especially with regard to the financing of these services;

Amendment by Gunnar Hökmark

Amendment 121

Paragraph 4 a (new)

4a. Requests a clarifying communication from the Commission setting out the consequences of the jurisprudence of the Court of Justice based on a sectoral approach and providing guidelines to the application of Community rules to services of general interest and services of general economic interest to the Member States, regional, and local authorities;

Amendment by Gunnar Hökmark

Amendment 122

Paragraph 4 b (new)

4b. Furthermore, calls on the Commission to advance a communication clarifying the application of competition law to services of general interest and services of general economic interest, especially with regard to the financing of these services;

PARAGRAPH 4 a (new)

Opinion of EMPL, paragraph 10 (+)

10. Draws particular attention to the fact that essential services must comprise a right of access, with particular regard to the principle of non-discrimination, which is a fundamental value of the EU, and that certain social groups, such as people with disabilities, must not be placed in a worse position in the future.

Opinion of REGI, paragraph 2 (+)

2. Notes that local and regional authorities have proved to be the appropriate level, close to the citizen, for providing services of general interest, and that they are still the appropriate level for guaranteeing the right of involvement, consumer protection and public welfare in respect of such services; notes that the European level of government must help ensure

that the capacity of the local and regional level of government to provide such services is not jeopardised;

Opinion of REGI, paragraph 3 (covered)

3. Notes that in many Member States it is one of the tasks of local authorities to guarantee services of general interest, as well as universal access to such services, as regards security of supply, quality and fair charging; notes that the local authorities must, as a matter of principle, retain their capacity for action in respect of services of general interest when a definition of such services is drawn up at European level;

PARAGRAPH 5

COMPROMISE PROPOSAL X - par 5 (revised), to be placed under 1bis (new):
(including ame 91, 125, 127, 128, 129 and concl 14 of IMCO modified (and technical ame 130 and 131) while withdrawing ame 132)

Is therefore of the opinion that, in the interests of:

- local, regional and national authorities, in order that they, *where it is needed*, might provide and guarantee appropriate services in the interests of all citizens, *with due respect to the internal market and the Parliaments' resolution on the Service Directive*,

- the (public, profit-making or non-profit-making) companies that provide or offer these services, in order that they might be aware what conditions and obligations can be imposed on them by the authorities under the *internal market* and the legislation in force *given* the general interest *missions that are entrusted to them*, and

- service users, in order that they might be certain that the services *defined and developed by Member States and their local authorities in accordance with local conditions can be provided* subject to proper conditions on *competition where possible*, accessibility, quality, affordability, *innovation adaptability, continuity, durability, equality of treatment, long-term planning, predetermined quality, safety, universality*, etc.,

the Commission should come forward with legal clarifications, guidelines and principles on a number of problematic topics, in particular including the application of internal market and competition law in the field of SGIs and SGEIs while ensuring democratic accountability on the application of rules to services of general interest and services of general economic interest to the Member States, regional, and local authorities; notes that there is a need to clarify how responsibilities are shared between the EU and Member state and the sectoral approach which takes into account the specific situation in the relevant sectors should be an important element in this respect

Underlines in this context, that after due evaluation of the Treaty and the jurisprudence of the Court of Justice SGIs remain to be defined by the Member states; moreover, there is no

legal basis for a legal initiative regarding a non-application of the Treaty provisions to certain specific services;

Amendment by Sophia in 't Veld

Amendment 123

Paragraph 5

deleted

Amendment by Corien Wortmann-Kool

Amendment 124

Paragraph 5

deleted

Amendment by Gilles Savary, Véronique De Keyser, Alain Hutchinson

Amendment 125

Paragraph 5

5. Is therefore of the opinion that, in the interests of:

- local, regional and national authorities, in order that they might provide and guarantee appropriate services in the interests of all citizens within a clearly defined framework of competition and internal market rules,
- the (public, profit-making or non-profit-making) companies that provide or offer these services, in order that they might be aware what conditions and obligations can be imposed on them by the authorities under the legislation in force for ***pressing*** reasons of the general interest, and
- service users, in order that they might be certain that the services offered will be carried out subject to proper conditions on accessibility, quality, affordability, ***adaptability, continuity, durability, equality of treatment, long-term planning, predetermined quality, safety, universality***, etc.,

greater legal certainty must be created through a legal framework intended to define common concepts and principles;

Amendment by Sahra Wagenknecht

Amendment 126

Paragraph 5

5. Is therefore of the opinion that, in the interests of:

- local, regional and national authorities, in order that they might provide and guarantee appropriate services in the interests of all citizens (***deletion***),

- the (public, profit-making or non-profit-making) companies that provide or offer these services, in order that they might be aware what conditions and obligations can be imposed on them by the authorities under the legislation in force for vital reasons of the general interest, and
- service users, in order that they might be certain that the services offered will be carried out subject to proper conditions on accessibility, quality, affordability etc.,

greater legal certainty must be created (*deletion*);

Amendment by Gunnar Hökmark

Amendment 127

Paragraph 5

5. Is therefore of the opinion that, in the interests of:

- local, regional and national authorities, in order that they, ***where it is needed***, might provide and guarantee appropriate services in the interests of all citizens, ***with due respect to the internal market and the Service Directive***,
- the (public, profit-making or non-profit-making) companies that provide or offer these services, in order that they might be aware what conditions and obligations can be imposed on them by the authorities under the ***internal market and*** the legislation in force for vital reasons of the general interest, and
- service users, in order that they might be certain that the services offered will be carried out subject to proper conditions on ***competition where possible***, accessibility, quality, affordability, ***innovation*** etc.,
- greater legal certainty must be created through ***clarifying communications from the Commission that are*** intended to define common concepts and principles;

Amendment by Karsten Friedrich Hoppenstedt

Amendment 128

Paragraph 5

5. Is therefore of the opinion that, in the interests of:

- local, regional and national authorities, in order that they might provide and guarantee appropriate services in the interests of all citizens within a clearly defined framework of competition and internal market rules,
- the (public, profit-making or non-profit-making) companies that provide or offer these services, in order that they might be aware what conditions and obligations can be imposed on them by the authorities under the legislation in force for vital reasons of the general interest, and
- service users, in order that they might be certain that the services defined and developed by Member States and their local authorities in accordance with local conditions ***can be provided*** subject to proper conditions (*deletion*),

greater legal certainty must be created through a legal framework *focused on problematic areas* intended to define common concepts and principles *in controversial matters*;

Amendment by Jean-Paul Gauzès

Amendment 129

Paragraph 5

5. Is therefore of the opinion that, in the interests of:

- local, regional and national authorities, in order that they might provide and guarantee appropriate services in the interests of all citizens within a clearly defined framework of competition and internal market rules,
- the (public, profit-making or non-profit-making) companies that provide or offer these services, in order that they might be aware what conditions and obligations can be imposed on them by the authorities under the legislation in force, *given* the general interest *missions that are entrusted to them*, and
- service users, in order that they might be certain that the services offered will be carried out subject to proper conditions on accessibility, quality, affordability, *adaptability, continuity, durability, equality of treatment, long-term planning, predetermined quality, safety, universality*, etc.,

the means of using appropriate instruments to ensure greater legal certainty must be *explored, with the aim of defining* common concepts and principles;

Amendment by Donata Gottardi

Amendment 130

Paragraph 5

Not applicable to the English version.

Amendment by Werner Langen

Amendment 131

Paragraph 5

This amendment does not apply to the English version.

5. Is therefore of the opinion that, in the interests of:

- local, regional and national authorities, in order that they might provide and guarantee appropriate services in the interests of all citizens within a clearly defined framework of competition and internal market rules,
- the (public, profit-making or non-profit-making) companies that provide or offer these services, in order that they might be aware what conditions and obligations can be imposed on them by the authorities under the legislation in force for vital reasons of the general interest, and

- service users, in order that they might be certain that the services offered will be carried out subject to proper conditions on accessibility, quality, affordability etc.,
- greater legal certainty must be created through a legal framework intended to define common concepts and principles;

OPINION OF JURI, PARAGRAPH 1 (COVERED)

- 1.. is of the opinion that considerable doubts exist about a possible legal basis for action by the Community to create a framework directive for the area of services of general interest;

OPINION OF JURI, PARAGRAPH 2 (COVERED)

2. calls on the Commission, therefore, to explain in a clear and detailed manner the legal basis from which it derives the authority to create a legislative framework;

OPINION OF JURI, PARAGRAPH 6 (COVERED)

- 6.. harbours considerable doubts as to whether a European legal framework for services can bring about a genuine improvement in terms of proximity to the general public and of the efficiency of essential services;

PARAGRAPH 5 a (new)

Amendment 132

Paragraph 5 a (new)

5a. Takes the view that, in the case of services of general interest, the principle of subsidiarity must be strictly adhered to and that the coexistence of different national rules and the resultant competition between systems are the best preconditions for ensuring that citizens are served as well as possible;

Opinion of IMCO, paragraph 20 (COVERED)

20. Furthermore calls on the Commission to come forward with a clarificatory communication with regard to the application of competition law in the field of SGIs and SGEIs, especially with regard to the financing of these services;

Opinion of REGI, paragraph 6 (COVERED)

6. Welcomes the Commission's intention to consolidate the legal framework with regard to the admissibility of aid, rules on public procurement, the transparency of public and private financial relations and the admissibility of concession contracts connected with European competition law; calls, however, for better consultation within the Commission of the departments responsible in order to prevent discrepancies in the various legislation on services of general interest;

Opinion of ITRE, paragraph 5 (covered)

5. Stresses the importance of services of general interest for the European social model, but has reservations about horizontal rules that aim towards a uniform European social model and encroach on the competence of Member States;

Opinion of ITRE, paragraph 9 (+)

9. Considers that the Commission is responsible for overseeing compliance with EC competition rules and must take energetic action to remedy the current lack of legal certainty;

Opinion of IMCO, paragraph 14 (COVERED BY IMCO/ECON COMP PAR 1 a (new))

14. Considers, after due evaluation of the provisions of the Treaty and the jurisprudence of the Court of Justice, that there is no legal basis for a framework directive on SGIs if such a framework directive aimed at the non-application of the Treaty provisions to certain specific services;

Opinion of TRAN, paragraph 6 (COVERED)

6. Takes the view that, in accordance with the principle of subsidiarity, such a legal framework should also confer on public authorities, principally local and regional authorities, the right to determine the scale, scope, forms and structures of the provision of transport SGIs on their territory, notably the legal status of the service provider, taking into account the demographic and geophysical situation and specific characteristics of their region, to select management and financing methods and to establish assessment mechanisms;

Opinion of ITRE, paragraph 1 (COVERED)

1. Calls on the Commission to clarify as soon as possible the need for rules pursuant to Article III-122 of the draft Constitutional Treaty;

Opinion of ITRE, paragraph 7 (+)

7. Points out that the provision of services of general interest is also important for small and medium-sized firms;

Opinion of REGI, paragraph 3

(covered by compromise and amendments and original to para 5)

3. Notes that in many Member States it is one of the tasks of local authorities to guarantee services of general interest, as well as universal access to such services, as regards security of supply, quality and fair charging; notes that the local authorities must, as a matter of principle, retain their capacity for action in respect of services of general interest when a definition of such services is drawn up at European level;

Opinion of REGI, paragraph 7 (COVERED)

7. Points out that although the Constitutional Treaty mentions the possibility of an additional, higher regulatory framework for services of general economic interest alone, it neither calls for nor warrants a European model of uniform services of general interest;

Opinion of REGI, paragraph 10 (COVERED)

10. Calls on the Commission to make clear without delay whether it believes that an overriding framework directive over and beyond the planned clarification of concepts and

the elimination of legal uncertainties can provide additional legal clarity with regard to services of general interest; takes the view that any framework directive should contribute to legal certainty, take into account the subsidiarity principle and EU competition law and therefore also establish where European law is not to be applied.

Opinion of INTA, paragraph 3 (COVERED)

3. In the interests of greater legal certainty as regards the functioning of services of general interest, supports the political objective that the provision of services must be centred on freedom of choice for the level of government responsible and that such services must be provided on its own initiative, in cooperation with private undertakings or by third parties; considers that the Commission must seek to secure this objective in all the negotiations it conducts in the context of world trade;

Opinion of INTA, paragraph 4 (COVERED)

4. Stresses that the fundamental objectives pursued by SGIs (equality of access, security of supply, high quality, universal service, continuity, legal certainty, accountability, and consumer and user protection) can most often be achieved by means of appropriately regulated competition between private or public service providers, and that a needlessly restrictive attitude on the part of the Member States would risk closing off access for European operators to a number of international markets in services;

Opinion of INTA, paragraph 11 (COVERED)

11. Calls, nevertheless, for a precise clarification from the Commission of the limits on the right to regulate, with a view to assessing under what circumstances the application of commercial criteria such as the “necessity requirement” and the “least trade-restrictive requirement” endangers the public authorities’ freedom of regulation;

Opinion of INTA, paragraph 12 (-)

12. Considers that the legitimate requirements of general interest must not be used as a pretext for the improper closure of markets in services to international providers when the latter undertake to respect these requirements and are in a position to do so;

Opinion of IMCO, paragraph 15 (-)

15. Stresses that the specific issues related to SGIs do not allow for general solutions and that therefore a case-by-case approach to evaluate what is admissible with regard to state intervention in the framework of the provisions of the Treaty seems preferable on the grounds that technically a complete codification of the jurisprudence of the Court of Justice does not seem to be possible;

Opinion of IMCO, paragraph 19 (COVERED)

19. Requests a clarificatory communication from the Commission on the consequences of the jurisprudence of the Court of Justice and giving guidelines on the application of Community rules in the fields of SGIs and SGEIs to the Member States and regional local authorities;

Opinion of EMPL, paragraph 4 (COVERED)

4. Considers that the proposed application of the Services Directive to economic SGIs increases the need for a framework directive laying down quality standards; considers that the EU and the Member States, within their respective competences and within the scope of the Treaty, must ensure that SGIs operate on the basis of principles and conditions that enable them to fulfil their missions; believes that a framework directive should establish these principles and set these conditions without prejudice to the competence of Member States, in compliance with the Treaty, with the main emphasis on the social dimension of universal access to quality services at affordable cost; regrets that the Commission has not given a firm commitment to formulating a legal framework for SGIs;

Opinion of EMPL, paragraph 9 (COVERED)

9. In the light of the indeterminate delay in the adoption of the Treaty establishing a Constitution for Europe, calls on the Commission to submit a proposal for a framework directive on the basis of the existing Treaty provisions on the internal market (Article 95 of the EC Treaty), laying down at Community level the principles and objectives of SGIs to ensure that they cannot be rendered inoperative by the existing competition rules, and which must then be implemented by Member States in accordance with the distinctive features and requirements existing at national and regional and local level;

Opinion of IMCO, paragraph 6

(+, ORAL AME TO CHANGE "OPENING UP " TO "MODERNISE")

6. Underlines the importance of the experiences of the new Member States with regard to the transformation towards a market economy and the opening up of markets and asks the Commission to draw the necessary conclusions from this for further improvement of the regulatory framework

Opinion of IMCO, paragraph 9 (COVERED BY IMCO/ECON COMPROMISE 2)

9. Notes that SGEIs are included within the scope of the Services Directive; considers that the Services Directive will serve as a horizontal regulation on SGEIs, thus complementing the existing sector-specific legislation; notes that the Services Directive provides sufficient definitions for distinguishing between economic and non-economic services;

Opinion of IMCO, paragraph 17 (COVERED)

17. Notes that there is no need to confer additional legal powers on the EU in the area of SGIs; notes, however, that there is a need to clarify how responsibilities are shared between the EU and the Member States in so far as there might be distortions of the free provision of services between Member States;

Opinion of TRANS, paragraph 2(-)

2. Welcomes the fact that the proposed services directive does not require Member States to open up services of general interest to competition and does not interfere with the way in which Member States or regions organise or finance such services;

Opinion of REGI 9 (COVERED)

9. Takes the view, therefore, that in view of the subsidiarity principle and of EU competition law, responsibility for defining, organising, financing and monitoring services of general interest should rest with the national, regional and local authorities;

Opinion of TRAN, paragraph 7 (+)

7. Recalls the specific situation of the European Union's outermost regions, due to their particular constraints, vis-à-vis the SGI concept and the application of Community competition and internal market legislation and insists that the SGI concept must be expanded and provision made for the application of legislation adapted to cover the specific situation of those regions, with particular regard to transport activities.

PARAGRAPH 6

COMPROMISE PROPOSAL – Y - par 6 (revised):

(including ame 135, 136 and 137 and 203 - while withdrawing ame 138 and 139)

Emphasises that ***the need for*** existing ***or future*** sector-specific **regulations (deletion)** based upon the internal market rules and respect for subsidiarity; **sector-specific** rules (deletion) should not be called into question (deletion); ***recalls the success of these sector-specific regulations and recommends that the sectoral approach be expanded into other sectors;***

Amendment by Sophia in 't Veld

Amendment 133

Paragraph 6

deleted

Amendment by Sahra Wagenknecht

Amendment 134

Paragraph 6

deleted

Amendment by Gilles Savary

Amendment 135

Paragraph 6

6. Emphasises that ***the need for*** existing ***or future*** sector-specific **(deletion)** rules **(deletion)** should not be called into question **(deletion)**;

Amendment by Alain Lipietz

Amendment 136

Paragraph 6

6. Emphasises that ***the need for*** sector-specific Community rules in this area should not be called into question and that the need for sector-specific rules must be respected;

Opinion of IMCO, paragraph 11 (COVERED, see paa 5, 7 and 18)

11. Underlines that for those sectors that are excluded from the scope of the Services Directive, a sectoral approach seems to be appropriate so as to take account of the specific requirements and situations in the relevant sectors with a view to establishing an internal market for these services; notes that existing sectoral regulation should be constantly supervised;
6. Emphasises that existing sector-specific Community rules in this area should not be called into question and that the need for sector-specific rules must be respected;

PARAGRAPH 6 a (new)

Amendment by Gunnar Hökmark

Amendment 137

Paragraph 6 a (new)

6a. Recalls the success of these sector-specific regulations and recommends that the sectoral approach be expanded into other sectors;

Amendment by Harald Ettl

Amendment 138

Paragraph 6 a (new)

6a. Calls on the Commission to refrain from opening up any other market sectors, in particular water supplies and disposal, waste water disposal and local public transport;

Amendment by Sophia in 't Veld

Amendment 139

Paragraph 6 a (new)

6a. Calls for a detailed sector-by- sector analysis of the need for legal clarification;

Opinion of REGI, paragraph 4 (covered)

4. Considers a European monitoring role and the granting of appropriate powers to the national authorities to be key tools with a view to enforcing the sectoral regulations and taking the characteristics of the different industries and regions into account;

OPINION OF JURI, PARAGRAPH 8

8.. calls on the Commission to justify in detail and spell out clearly the need for any further sectoral obligations at Community level planned by the Commission.

Opinion of ITRE, paragraph 14 (+)

14. Considers that the gradual opening-up of the services sector in the European Union must proceed on the basis of maintaining the universal service requirement and complying with European minimum standards;

Opinion of ITRE, paragraph 16 (-)

16. Considers that additional sector-specific obligations at EU level are not required at present, and that priority should be given instead to applying the existing sector-specific legislation; notes, however, that careful attention should be paid to developments in the various sectors, particularly with regard to security of supply;

PARAGRAPH 7

COMPROMISE PROPOSAL Z - par 7 (revised) and 7bis (new):
(including ame 145, 147, 148, 149, and 151 - while withdrawing ame 150 and 152)

Calls on the Commission to create more legal certainty in the area of social and health care services *of general interest* and to come forward with *proposal for a sector-specific directive of the Council and the Parliament in the field of health care (and social services) in full compliance with the principle of subsidiarity; ~~split vote on social services!~~ " in those fields where it is appropriate;"*

Amendment by Sophia in 't Veld

Amendment 140
Paragraph 7

deleted

Amendment by Sahra Wagenknecht
Amendment 141
Paragraph 7

deleted

Amendment by Werner Langen
Amendment 142
Paragraph 7

deleted

Amendment by Alain Lipietz

Amendment 143

Paragraph 7

7. Calls on the Commission to create more legal certainty in the area of social and healthcare services and, ***in full compliance with the principle of subsidiarity***, to come forward with proposals ***for sector-specific EU legislation in order to ensure universal access to these services and to guarantee that public authorities at all levels are able to organise and finance their specific missions;***

Amendment by Mia De Vits, Ieke van den Burg

Amendment 144

Paragraph 7

7. Calls on the Commission to create more legal certainty in the area of social, health care ***and culture*** services ***of general interest*** and to come forward with proposals ***for a sector-specific directive of the Council and the Parliament*** to this end;

Amendment by Othmar Karas

Amendment 145

Paragraph 7

7. Calls on the Commission to create more legal certainty in the area of social and health care services ***of general interest*** and to come forward with ***a proposal for a sector-specific directive of the Council and the Parliament*** to this end;

Amendment by Donata Gottardi

Amendment 146

Paragraph 7

7. Calls on the Commission to create ***(deletion)*** legal certainty in the area of social and health care services and to come forward with proposals to this end, ***using the following criteria as a guide: universality, accessibility (cost and timescale), equal treatment, continuity, quality, sustainability, security;***

Amendment by Gunnar Hökmark

Amendment 147

Paragraph 7

7. Calls on the Commission to ***(deletion)*** come forward with proposals ***on the health care services;***

Amendment by Jean-Paul Gauzès

Amendment 148

Paragraph 7

7. Calls on the Commission to create more legal certainty in the area of social and health care services ***of general interest*** and to come forward with ***a proposal of a sector-specific directive of the Council and the Parliament*** to this end;

Opinion of EMPL, paragraph 6 (COVERED, see para 7)

6. Welcomes the Commission's commitment to submit a communication on social and health services;

Opinion of IMCO, paragraph 12 (COVERED)

12. Welcomes the new communication of the Commission on social services of general interest and the systematic approach to identifying the specific characteristics of social and health services;

7. Calls on the Commission to create more legal certainty in the area of social and health care services and to come forward with proposals to this end;

PARAGRAPH 7 a (new)

Amendment by Gunnar Hökmark

Amendment 149

Paragraph 7 a (new)

7a. Calls on the Commission to create more legal certainty in the area of social services of general interest;

Amendment by Benoît Hamon, Gilles Savary

Amendment 150

Paragraph 7 a (new)

7a. Considers that a proposal for a directive on social services of general interest is preferable to a mere communication, since real legislation would provide more legal certainty, and because the codecision procedure would make it possible to take into account the interests of all the players, in the context of a democratic debate involving all the parties, so as to crystallise the general European interest;

Amendment by Gilles Savary, Ieke van den Burg

Amendment 151

Paragraph 7 a (new)

7a. Calls on the Commission to issue minimum social rules for the takeover of staff and for guaranteed continued employment in cases where there is a change in public service operator;

Amendment by Corien Wortmann-Kool

Amendment 152

Paragraph 7 a (new)

7a. Considers that at a European level, liberalisation of water supply (including wastewater disposal) should not be carried out in view of the distinctive regional characteristics of

the sector and local responsibility for the provision of drinking water as well as various other conditions relating to drinking water. Requests that the Commission promote the modernisation and improvement of efficiency in water services. National benchmarking initiatives for which indicators and methods are to developed by Member States can be a valuable alternative to realising modernisation;

Opinion of INTA, paragraph 5 (COVERED)

5. Stresses the contribution by services of general economic interest and non-economic services to promoting social and territorial cohesion and ensuring public access to affordable, high quality services, giving particular attention to agricultural regions, regions undergoing industrial conversion and regions confronted with serious ongoing geographic or demographic problems, such as the sparsely populated regions of the far north, islands and cross-border and mountain regions;

Opinion of INTA, paragraph 7 (-)

7. Points out that no new obligations may be entered into in respect of education and health services, and that cultural services, in particular audiovisual services, must remain exempt, as is currently the case;

Opinion of TRAN, paragraph 1 (+)

1. Highlights the need to preserve balance in and the smooth functioning of transport services by promoting services of general interest and public service obligations of a high standard which are geared to meeting the essential needs of population groups and which receive the requisite financial support from the public authorities;

Opinion of INTA, paragraph 8 (-)

8. Stresses that water quality guarantees and universal access to drinking water are essential for the people of Europe and of the world, particularly in less developed countries, which means that this sector must not be open to liberalisation and deregulation;

Opinion of INTA, paragraph 9 (-)

9. Calls on the Commission to not enter into new obligations with respect to infrastructure services of general interest, such as energy and water provision and waste water treatment, until such time as a framework directive defines which services public authorities at all levels in EU Member States may designate as services of general interest with reference to public interest objectives;

Opinion of TRAN, paragraph 3 (-)

3. Points out that promoting access to public transport services at an affordable cost for as many people as possible is also consistent with the objective of reducing greenhouse gases and external transport costs in general; also draws attention to the value of public transport in the context of rising oil prices and the risk of inadequate refining capacity at global level in the near future;

Opinion of TRAN, paragraph 4 (+)

4. Takes the view that the special conditions for the functioning of services of general interest in transport should be treated through sectoral legislation adapted to this sector (state aid rules, public procurement, and so on); recalls, however, that, as an SGI activity, transport should also be subject to the application of general rules which would be contained in a general legislative framework defining the concept and criteria, that would apply to economic and non-economic SGIs as well as the principles guaranteeing the proper functioning of these activities, such as continuity, accessibility, consumer protection and user protection;

Opinion of TRAN, paragraph 5 (+)

5. Urges the Council, therefore, to adopt a common position as soon as possible on the revision of Regulation (EEC) No 1191/69 of 26 June 1969 on action by Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway (Meijer report - A5-0364/2001);

PARAGRAPH 8

COMPROMISE PROPOSAL AA - par 8 (revised);
(including ame 155 and 157)

Recommends that, when a competent authority *identifies* the supply of a service *as a service* of general economic interest (*deletion*), the public service obligation *should be assigned either by way of a fair and transparent tendering procedure or by way of a suitable legal act that must satisfy transparency criteria and be based on equal conditions for all competitors*COMPROMISE PROPOSAL AA - par 8:
(including ame 155 and 157)

Amendment by Sahra Wagenknecht

Amendment 153
Paragraph 8

deleted

Amendment by Alexander Radwan
Amendment 154
Paragraph 8

deleted

Amendment by Sophia in 't Veld

Amendment 155
Paragraph 8

8. Recommends that, when a competent authority intends to define the supply of a service of general economic interest (*deletion*), the public service obligation *should be assigned*

either by way of a fair and transparent tendering procedure or by way of an official act that must satisfy transparency criteria and be based on equal conditions for all competitors;

Amendment by Alain Lipietz
Amendment 156
Paragraph 8

8. Recommends that, when a **democratically accountable** competent authority intends to define the supply of a service of general economic interest, the authority in question pass a suitable legal act clearly defining in advance and laying down the public service obligations to which the supplier of the service must adhere;

Amendment by Donata Gottardi

Amendment 157
Paragraph 8

8. Recommends that, when a competent authority **identifies** the supply of a service **as a service** of general economic interest, the authority in question pass a suitable legal act clearly defining in advance and laying down the public service obligations to which the supplier of the service must adhere;
8. Recommends that, when a competent authority intends to define the supply of a service of general economic interest, the authority in question pass a suitable legal act clearly defining in advance and laying down the public service obligations to which the supplier of the service must adhere;

PARAGRAPH 8 a (new)

Opinion of ITRE, paragraph 10, (+)

10. Welcomes the proposed Community legal framework for State aid in the form of compensation for public service obligations and the plan to revise the transparency directive;

PARAGRAPH 9

COMPROMISE PROPOSAL BB - par 9 (revised):
(including ame 162, 164 and 165 (and technical amendment 167))

Recommends that, when a competent authority intends to finance services of general economic interest other than through direct funding from its general budget, the authority in question should choose, **a form of funding that is** in compliance with the provisions of the EC Treaty, particularly of Art. 86 (2), **especially when:** granting exclusive and special rights,

granting compensation for the supply of public services, setting up a fund for the supply of public services, **in all cases this will require a transparent tariff system as well as appropriate and transparent financing;**

Amendment by Alexander Radwan
Amendment 158
Paragraph 9

deleted

Amendment by Sahra Wagenknecht
Amendment 159
Paragraph 9

deleted

Amendment by Thomas Mann
Amendment 160
Paragraph 9

deleted

Amendment by Piia-Noora Kauppi
Amendment 161
Paragraph 9

deleted

Amendment by Sophia in 't Veld

Amendment 162
Paragraph 9

9. Recommends that, when a competent authority intends to finance services of general economic interest other than through direct funding from its general budget, the authority in question should choose **a form of funding that is** in compliance with the provisions of the EC Treaty, particularly of Art. 86 (2) **(deletion);**

Amendment by Małgorzata Handzlik
Amendment 163
Paragraph 9

9. Recommends that, when a competent authority intends to finance services of general economic interest other than through direct funding from its general budget, the authority in question should choose one of the **(deletion)** forms of funding in compliance with the provisions of the EC Treaty **(deletion);**

Amendment by Karsten Friedrich Hoppenstedt

Amendment 164
Paragraph 9

9. Recommends that, when a competent authority intends to finance services of general economic interest other than through direct funding from its general budget, the authority in question should choose ***in particular*** one of the following forms of funding, in compliance with the provisions of the EC Treaty, particularly of Article 86(2): granting exclusive and special rights, granting compensation for the supply of public services, setting up a fund for the supply of public services, creating a ***appropriate*** tariff system;

Amendment by Gilles Savary, Benoît Hamon, Ieke van den Burg
Amendment 165
Paragraph 9

9. Recommends that, when a competent authority intends to finance services of general economic interest other than through direct funding from its general budget, the authority in question should choose, ***in particular***, of the following forms of funding, in compliance with the provisions of the EC Treaty, particularly of Article 86(2): granting exclusive and special rights, granting compensation for the supply of public services, setting up a fund for the supply of public services, creating a ***balanced*** single-tariff system ***or other appropriate and transparent forms of financing***;

Amendment by Alain Lipietz
Amendment 166
Paragraph 9

9. Recommends that, when a ***democratically accountable*** competent authority intends to finance services of general economic interest other than through direct funding from its general budget, the authority in question should choose one of the following forms of funding, in compliance with the provisions of the EC Treaty, particularly of Article 86(2): granting exclusive and special rights, granting compensation for the supply of public services, setting up a fund for the supply of public services, creating a single-tariff system;

Amendment by Jean-Paul Gauzès
Amendment 167
Paragraph 9

Does not apply to English version.

Opinion of EMPL, paragraph 8 (COVERED, see para 11 - 14)

8. Welcomes the Commission's commitment to clarifying how public service compensation may avoid classification as State aid within the meaning of Article 87(1) of the EC Treaty; affirms the need for the general features and principles of SGIs to be defined at Community level to avoid the possibility of their being overridden by competition rules; points out that the Commission's explanations on this subject reflect a narrow vision of the public interest and hence of the mission of essential service provision and that the framework for essential services is in need of a more comprehensive definition, with

particular reference to overriding reasons of public interest, systems of mutual assistance, the special nature of the undertakings involved, and their funding in the health-care and social welfare sectors;

Opinion of IMCO, paragraph 7 (-)

7. Considers that Article 86(2) of the Treaty provides sufficient guarantees for the Member States to ensure that SGEIs are provided according to the universal service obligations established by Community law or by the Member States; follows the interpretation of the Court of Justice that there is a parallel between this evaluation and the examination of proportionality in the framework of Article 49 of the Treaty;
9. Recommends that, when a competent authority intends to finance services of general economic interest other than through direct funding from its general budget, the authority in question should choose one of the following forms of funding, in compliance with the provisions of the EC Treaty, particularly of Article 86(2): granting exclusive and special rights, granting compensation for the supply of public services, setting up a fund for the supply of public services, creating a single-tariff system;

PARAGRAPH 10

COMPROMISE PROPOSAL CC - par 10 (revised):
(including ame 169, 170, 171, 172 and 176)

Recommends that, when a competent authority intends to grant compensation for the supply of public services in order to ensure the funding of a service of general interest, this compensation should not be considered State aid in the meaning of Article 87 of the EC Treaty, provided that:

- *the beneficiary must be entrusted with a clearly defined public service mission;*
- *the parameters for calculating the compensation payments must be established in advance in an objective and transparent manner;*
- *the level of compensation does not exceed the costs incurred in the discharge of the public service obligations, allowing a reasonable profit;*
- *the beneficiary is chosen in a public tender or compensation does not exceed the costs of a well-run undertaking that is adequately equipped with the means to provide the public service;*
- *a transparent procedure has been issued;*

stresses, however, that the amount of compensation may not exceed what is necessary for the operation of the service and must not be used to finance activities outside the scope of the service in question (cross-subsidies); compensation must be available to all operators entrusted with providing services of general interest, irrespective of their legal status;

Amendment by Sahra Wagenknecht

Amendment 168

Paragraph 10

10. Recommends that **(deletion)** the funding of a service of general interest **(deletion)** should not be considered State aid in the meaning of Article 87 of the EC Treaty **(deletion)**;

Amendment by Corien Wortmann-Kool

Amendment 169

Paragraph 10

10. **(deletion)** When a competent authority intends to grant compensation for the supply of public services in order to ensure the funding of a service of general interest, this compensation should not be considered State aid in the meaning of Article 87 of the EC Treaty, provided that:
- *the beneficiary must be entrusted with a clearly defined public service mission;*
 - *the parameters for calculating the compensation payments must be established in advance in an objective and transparent manner;*
 - *compensation must not exceed the cost incurred in the discharge of the public service minus the revenues earned with providing the service (the compensation may, however, include a reasonable profit); and*
 - *the beneficiary is chosen in a public tender or compensation does not exceed the costs of a well-run undertaking that is adequately equipped with the means to provide the public service;*

Amendment by Sophia in 't Veld

Amendment 170

Paragraph 10

10. Recommends that, when a competent authority intends to grant compensation for the supply of public services **(deletion)**, such compensation should not be considered State aid in the meaning of Article 87 of the Treaty, provided *that all the Altmark criteria are met; stresses, however, that the amount of compensation may not exceed what is necessary for the operation of the service and must not be used to finance activities outside the scope of the service in question (cross-subsidies); compensation must be available to all operators entrusted with providing services of general interest, irrespective of their legal status;*

Amendment by Gilles Savary, Ieke van den Burg

Amendment 171

Paragraph 10

10. Recommends that, when a competent authority intends to grant compensation for the supply of public services in order to ensure the funding of a service of general interest, this compensation should not be considered State aid in the meaning of Article 87 of the EC Treaty, provided that:
- the principle or formula used to calculate the compensatory payments are defined by means of an objective and transparent procedure, and

- the level of compensation ***does not exceed the costs incurred in the discharge of the public service obligations, allowing a reasonable profit;***

Amendment by Piia-Noora Kauppi

Amendment 172

Paragraph 10

10. Recommends that, when a competent authority intends to grant compensation for the supply of public services in order to ensure the funding of a service of general interest, this compensation should not be considered State aid in the meaning of Article 87 of the EC Treaty, provided that:
 - the principle or formula used to calculate the compensatory payments are defined by means of an objective and transparent procedure, and
 - the level of compensation ***does not exceed the costs incurred in the discharge of the public service obligations;***

Amendment by Donata Gottardi

Amendment 173

Paragraph 10

10. Recommends that, when a competent authority intends to grant compensation for the supply of public services in order to ensure the funding of a service of general interest, this compensation should not be considered State aid in the meaning of Article 87 of the EC Treaty, provided that:
 - the principle or formula used to calculate the compensatory payments are defined by means of an objective and transparent procedure, and
 - the level of compensation complies with principle ***that the compensation should be neither too low nor too high;***

Amendment by Małgorzata Handzlik

Amendment 174

Paragraph 10

10. Recommends that when a competent authority intends to grant compensation for the supply of public services in order to ensure the funding of a service of general interest, this compensation should not be considered to be State aid in the meaning of Article 87 of the Treaty, provided that:
 - the principle or formula used to calculate the compensatory payments are defined ***in advance***, by means of an objective and transparent procedure, and
 - the level of compensation complies with principle of covering costs ***as defined in the third 'Altmark criterion'***;

Amendment by Alain Lipietz

Amendment 175
Paragraph 10

10. Recommends that, when a **democratically accountable** competent authority intends to grant compensation for the supply of public services in order to ensure the funding of a service of general interest, this compensation should not be considered State aid in the meaning of Article 87 of the EC Treaty, provided that:
- the principle or formula used to calculate the compensatory payments are defined by means of an objective and transparent procedure, and
 - the level of compensation complies with principle of covering costs;

Amendment by Werner Langen
Amendment 176
Paragraph 10

10. Recommends that, when a competent authority intends to grant compensation for the supply of public services in order to ensure the funding of a service of general interest, this compensation should not be considered State aid in the meaning of Article 87 of the EC Treaty, provided that:
- the principle or formula used to calculate the compensatory payments are defined by means of an objective and transparent procedure, and
 - the level of compensation complies with principle of covering costs;
 - **a call of tenders has been issued;**
10. Recommends that, when a competent authority intends to grant compensation for the supply of public services in order to ensure the funding of a service of general interest, this compensation should not be considered State aid in the meaning of Article 87 of the EC Treaty, provided that:
- the principle or formula used to calculate the compensatory payments are defined by means of an objective and transparent procedure, and
 - the level of compensation complies with principle of covering costs;

PARAGRAPH 11

COMPROMISE PROPOSAL DD - par 11:
(including ame 178 and 179)

Points to the importance of applying the provisions of Commission Decision of 28 November 2005 on the application of Article 86(2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest must be implemented clearly; ***emphasises, however, the payment of pure compensation for public service obligations should not be deemed to be State aid, and that the law should be amended accordingly;***

Amendment by Sahra Wagenknecht

Amendment 177

Paragraph 11

deleted

Amendment by Piia-Noora Kauppi

Amendment 178

Paragraph 11

11. Emphasises, again in this connection, that Commission Decision of 28 November 2005 on the application of Article 86(2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest must be implemented clearly; ***emphasises, however, the payment of pure compensation for public service obligations should not be deemed to be State aid, and that the law should be amended accordingly;***

Amendment by Donata Gottardi

Amendment 179

Paragraph 11

11. ***Points to the importance of applying the provisions of*** Commission Decision of 28 November 2005 on the application of Article 86(2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest¹ must be implemented clearly;
11. Emphasises, again in this connection, that Commission Decision of 28 November 2005 on the application of Article 86(2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest² must be implemented clearly;

Opinion of INTA, paragraph 16 (COVERED)

16. Recalls that, as regards the financing of services of general interest in respect of which commitments on market access have been entered into, the EU obtained a restriction to protect the granting of subsidies to the public sector; calls for this possibility to be maintained throughout the GATS negotiations;

PARAGRAPH 12

COMPROMISE PROPOSAL EE - par 12 (revised)
(including ame 181, 182, 183 184 and 185 –while withdraw 187)

¹ OJ L 312, 29.11.2005, p. 67.

² OJ L 312, 29.11.2005, p. 67.

Emphasises that it is for the competent authority to decide whether to supply a service of general interest directly *by a unit of its own* or to entrust supply thereof to external **profit or non-profit** service providers, *while exercising the same control as that provided for directly supplied services and in which case a call for tenders must be issued; moreover the principle of local and regional self-government should be respected, which gives the competent authority the right to choose how best, taking into account the public interest, each service should be delivered;*

Amendment by Alain Lipietz

Amendment 180

Paragraph 12

12. Emphasises that it is for *the citizens, through their democratically elected public authorities, to choose how they intend to organise the proprietorship of their services of general interest: whether services of general interest are to be provided by public authorities directly, by local public corporations, by state-owned or semi-state firms, by companies wholly owned by private capital or not-for-profit organisations, or whether there should be preferential treatment of social companies belonging to the third sector, etc.;*

Amendment by Mia De Vits, Ieke van den Burg

Amendment 181

Paragraph 12

12. Emphasises that it is for the competent authority to decide whether to supply a service of general interest directly, *either itself or through a legal entity over which it exercises control comparable to the control that it exercises over its own departments*, or to entrust supply thereof to external service providers;

Amendment by Donata Gottardi

Amendment 182

Paragraph 12

12. Emphasises that *anyone supplying a service of general interest may choose to entrust to external service providers parts of the services which are essentially secondary and instrumental in nature, while exercising the same control as that provided for directly supplied services;*

Amendment by Piia-Noora Kauppi

Amendment 183

Paragraph 12

12. Emphasises that it is for the competent authority to decide whether to supply a service of general interest directly or to entrust supply thereof to external service providers; *moreover the principle of local and regional self-government should be respected, which gives the competent authority the right to choose how best, taking into account the public interest, each service should be delivered;*

Amendment by Werner Langen
Amendment 184
Paragraph 12

12. Emphasises that it is for the competent authority to decide whether to supply a service of general interest directly or to entrust supply thereof to external service providers, ***in which case a call for tenders must be issued***;

Amendment by Karsten Friedrich Hoppenstedt
Amendment 185
Paragraph 12

12. Emphasises that it is for the competent authority to decide whether to supply a service of general interest directly ***by a unit of its own*** or to entrust supply thereof to external service providers;

Amendment by Jean-Paul Gauzès
Amendment 186
Paragraph 12

12. Emphasises that it is for the competent authority to decide whether to supply a service of general ***economic*** interest directly or to entrust supply thereof to external service providers;

Opinion of IMCO, paragraph 13 (COVERED)

13. Points out, in that connection, that the allocation of responsibilities between local authorities, for example on the basis of laws, regulations or public law agreements or through the establishment of special purpose associations, is subject to national law governing the organisation of public administrations;

Opinion of ITRE, paragraph 8 (COVERED)

8. Considers that freedom to choose at the relevant level should be a key element in the provision of services of general interest, regardless of whether the relevant national, regional or local authority provides the service itself or in cooperation with private undertakings, or entrusts the task to other entities in accordance with the applicable public procurement rules ; points out that local authorities are free to determine how the services of general interest for which they are responsible under national law are managed;
12. Emphasises that it is for the competent authority to decide whether to supply a service of general interest directly or to entrust supply thereof to external service providers;

PARAGRAPH 12 a (new)

Amendment by Werner Langen

Amendment 187

Paragraph 12 a (new)

- 12a. Takes the view that competition is decisive for ensuring the highest possible standards in services of general interest;

PARAGRAPH 13

Amendment by Sahra Wagenknecht

Amendment 188

Paragraph 13

deleted

Amendment by Sophia in 't Veld

Amendment 189

Paragraph 13

deleted

Amendment by Bernhard Rapkay

Amendment 190

Paragraph 13

13. Is of the opinion that outsourcing the supply of a service of general interest imposes on the authority in question the obligation to assign the service on the basis of a public service contract; this principle should, however, allow the competent authority the opportunity to transfer a public service contract ***where an in-house structure exists and*** in emergencies, where there is little impact on trade between Member States ***(in accordance with the Commission's 'decision' on Article 86, paragraph 2 ECT)*** or the particular characteristics of specific services of general economic interest directly without such a procedure to an operator of its choice; the Commission, together with the Member States and Parliament, should define this exception and the relevant criteria ***(deletion) in the procurement directives or*** in the form of a regulation;

Amendment by Werner Langen

Amendment 191

Paragraph 13

13. Is of the opinion that outsourcing the supply of a service of general interest imposes on the authority in question the obligation to assign the service on the basis of a public service contract ***(deletion)***;

Amendment by Gunnar Hökmark, Corien Wortmann-Kool

Amendment 192

Paragraph 13

13. Is of the opinion that outsourcing the supply of a service of general interest imposes on the authority in question the obligation to assign the service on the basis of a public service contract *open for tender*; *calls on* the Commission *to clarify* the relevant criteria, analogous to the 'Altmark criteria', *(deletion)*;

Amendment by Małgorzata Handzlik

Amendment 193

Paragraph 13

13. Is of the opinion that outsourcing the supply of a service of general interest imposes on the authority in question the obligation to assign the service on the basis of a public service contract; this principle should, however, allow the competent authority the opportunity to transfer a public service contract in *an emergency*, where *it does not affect* trade between Member States or the particular characteristics of specific services of general economic interest, directly without such a procedure to an operator of its choice; the Commission *(deletion)* ought to define this exception and the relevant criteria, analogous to the 'Altmark criteria' *as well as 'Enirisorse criteria'*;

Amendment by Jean-Paul Gauzès

Amendment 194

Paragraph 13

13. Is of the opinion that outsourcing the supply of a service of general interest imposes on the authority in question the obligation to assign the service on the basis of a public service contract, *following competitive tendering*; this principle should, however, allow the competent authority the opportunity to transfer a public service contract in emergencies, where there is little impact on trade between Member States or the particular characteristics of specific services of general economic interest directly without such a procedure to an operator of its choice; the Commission, together with the Member States and Parliament, should define this exception and the relevant criteria, analogous to the 'Altmark criteria', in the form of a regulation;
13. Is of the opinion that outsourcing the supply of a service of general interest imposes on the authority in question the obligation to assign the service on the basis of a public service contract; this principle should, however, allow the competent authority the opportunity to transfer a public service contract in emergencies, where there is little impact on trade between Member States or the particular characteristics of specific services of general economic interest directly without such a procedure to an operator of its choice; the Commission, together with the Member States and Parliament, should define this exception and the relevant criteria, analogous to the 'Altmark criteria', in the form of a regulation;

PARAGRAPH 13 a (new)

COMPROMISE PROPOSAL FF - par 13 and 13bis (new) (revised):

Is of the opinion that outsourcing the supply of a service of general interest **normally** imposes on the authority in question the obligation to assign the service on the basis of a public service contract, **following a public tender procedure**.

Notes that the principle of awarding a public service contract should to allow the competent authority the opportunity to transfer a public service contract in emergencies; (deletion) calls on the Commission, together with the Member States and Parliament, to clarify the relevant criteria (deletion) in the procurement directives or in the form of a regulation; in this context, affirms that local authorities should be able to assign service tasks directly to inter-communal companies or similar forms of joint arrangements, or to companies that they own or control, provided that such bodies carry out the essential part of their activities for the controlling authority or authorities, and do not compete on external markets but only a domestic organisational practice and an arrangement must be found which does not categorically exclude private participation from the outset;

Amendment by Harald Ettl

Amendment 195

Paragraph 13 a (new)

- 13a. *Considers also in this connection that the current development of law in the light of the recent case law of the Court of Justice on in-house services goes too far, since certain outsourced means of supplying and organising services of general interest through institutions controlled by the public authorities can be prohibited even where there are no adverse effects on the internal market;*

Amendment by Werner Langen

Amendment 196

Paragraph 13 a (new)

- 13a. *Notes that the principle of awarding a public service contract should to allow the competent authority the opportunity to transfer a public service contract in emergencies, where there is little impact on trade between Member States directly without such a procedure to an operator of its choice; the Commission, together with the Member States and Parliament, should define this exception and the relevant criteria, analogous to the ‘Altmark criteria’, in the form of a regulation;*

PARAGRAPH 14

Amendment by Andreas Schwab

Amendment 197

Paragraph 14

14. Calls in this connection, and in the interests of possible improvements in efficiency through the involvement of new operators and ways of providing services of general interest, for ***a clarification of the scope of European law on the award of contracts, in which the transfer of tasks between local authorities on the basis of laws, regulations, public service agreements or the formation of special purpose associations falls within the scope of the Member States as regards organisation and does not contain procurement procedures falling within the scope of European procurement directives; takes the view that the completion or irrevocability of the transfer cannot be a determining factor;***

Amendment by Piia-Noora Kauppi

Amendment 198

Paragraph 14

14. ***Considers further that, in accordance with the principles of subsidiarity and local self-government, local authorities should be able to decide on the most cost-effective and responsive way of delivering services to their citizens, including by innovative ways of service delivery such as public-private and public-public partnerships, concessions, involvement of local citizens;***

Amendment by Werner Langen

Amendment 199

Paragraph 14

14. Calls in this connection, and in the interests of possible improvements in efficiency through the involvement of new operators and ways of providing services of general interest, for more legal certainty as a matter of urgency as regards the different forms of inter-authority organisations (cooperation between local authorities ***(deletion)*** public-private partnership, awarding of concessions) a clarification of European law and competition, on the award of contracts and on state aid, and of the general criteria applicable throughout Europe; ***the corresponding procurement directives should make clear that cooperation between local authorities does not constitute demand for a market service, but only a domestic organisational practice and an arrangement must be found which does not categorically exclude private participation from the outset;***

Amendment by Gilles Savary, Ieke van den Burg

Amendment 200

Paragraph 14

14. Calls in this connection, and in the interests of possible improvements in efficiency through the involvement of new operators and ways of providing services of general interest, for more legal certainty as a matter of urgency as regards the different forms of inter-authority organisations (cooperation between local authorities, self-supply in the

context of the in-house award of contracts, public-private partnership, awarding of concessions); ***stresses that there should be legal clarification concerning the outsourcing of public services, which is different in kind from public contracts; calls on (deletion) the Commission to spell out the rules for awarding such outsourced services and to make a clear distinction between those rules and (deletion) the rules governing public contracts;***

Amendment by Sahra Wagenknecht

Amendment 201

Paragraph 14

14. Calls in this connection ***(deletion)*** for more legal certainty as a matter of urgency as regards the different forms of inter-authority organisations (cooperation between local authorities, self-supply in the context of the in-house award of contracts, public-private partnership, awarding of concessions), ***and*** a clarification of European law on competition, on the award of contracts and on State aid ***(deletion)***;

Amendment by Alain Lipietz

Amendment 202

Paragraph 14

14. Calls in this connection, and in the interests of possible improvements in efficiency through the involvement of new operators and ways of providing services of general interest, for more legal certainty as a matter of urgency as regards the different forms of inter-authority organisations (cooperation between local authorities, self-supply in the context of the in-house award of contracts, public-private partnership, awarding of concessions), a clarification of European law on competition, on the award of contracts and on State aid, and of the general criteria applicable throughout Europe; ***emphasises that any company that is more than 50% owned by public funds, when all public authorities taken together, could be regarded as a public entity;***

Amendment by Gunnar Hökmark, Corien Wortmann-Kool

Amendment 203

Paragraph 14

14. Calls in this connection, and in the interests of possible improvements in efficiency through the involvement of new operators and ways of providing services of general interest, for more legal certainty as a matter of urgency as regards the different forms of inter-authority organisations (cooperation between local authorities, self-supply in the context of the in-house award of contracts, public-private partnership, awarding of concessions), a clarification of European law on competition, on the award of contracts and on State aid, and of the general criteria applicable throughout Europe; ***underlines the need for further sectoral directives based upon the internal market rules and respect for subsidiarity;***

Amendment by Donata Gottardi

Amendment 204
Paragraph 14

14. Calls in this connection, and in the interests of possible improvements in efficiency through the involvement of new operators and ways of providing services of general interest, for **(deletion)** legal certainty **(deletion)** as regards the different forms of **(deletion)** organisations (cooperation between local authorities, self-supply in the context of the in-house award of contracts, public-private partnership, awarding of concessions), **and** a clarification of European law on competition, on the award of contracts and on State aid, and of the general criteria applicable throughout Europe **as a matter of urgency**;

Amendment by Jean-Paul Gauzès
Amendment 205
Paragraph 14

14. Calls in this connection, and in the interests of possible improvements in efficiency through the involvement of new operators and ways of providing services of general **economic** interest, for more legal certainty as a matter of urgency as regards the different forms of inter-authority organisations (cooperation between local authorities, self-supply in the context of the in-house award of contracts, public-private partnership, awarding of concessions), a clarification of European law on competition, on the award of contracts and on State aid, and of the general criteria applicable throughout Europe;

Amendment by Małgorzata Handzlik

Amendment 206
Paragraph 14

14. Calls in this connection, and in the interest of possible improvements in efficiency through the involvement of new operators and ways of providing services of general interest, for more legal certainty **(deletion)** as regards the different forms of inter-authority organisations (cooperation between local authorities, self-supply in the context of the in-house award of contracts, public-private partnership, awarding of concessions), a clarification of European law on competition, on the award of contracts and on State aid, and of the general criteria applicable throughout Europe;
14. Calls in this connection, and in the interests of possible improvements in efficiency through the involvement of new operators and ways of providing services of general interest, for more legal certainty as a matter of urgency as regards the different forms of inter-authority organisations (cooperation between local authorities, self-supply in the context of the in-house award of contracts, public-private partnership, awarding of concessions), a clarification of European law on competition, on the award of contracts and on State aid, and of the general criteria applicable throughout Europe;

PARAGRAPH 14 a (new)

COMPROMISE PROPOSAL GG - par 14 and 14bis (new) (revised)

(including ame 197, 198 and 200 and 208 – while withdrawing ame 209)

Calls in this connection, and in the interests of possible improvements in efficiency through the involvement of new operators and ways of providing services of general interest, for more legal certainty as a matter of urgency as regards the different forms of inter-authority organisations (cooperation between local authorities **(deletion)** public-private partnership, awarding of concessions) a clarification of European law and competition, on the award of contracts and on state aid, and of the general criteria applicable throughout Europe; **stresses that there should be legal clarification concerning the outsourcing of public services, which is different in kind from public contracts; calls on **(deletion)** the Commission to spell out the rules for awarding such outsourced services and to make a clear distinction between those rules and **(deletion)** the rules governing public contracts;**

Considers further that, in accordance with the principles of subsidiarity and local self-government, local authorities should be able to decide on the most cost-effective and responsive way of delivering services to their citizens, including by innovative ways of service delivery such as public-private and public-public partnerships, concessions, involvement of local citizens **and non-profit organisations**; takes the view that the completion or irrevocability of the transfer cannot be a determining factor;

Approves the definition of in-house management laid down in the proposal for a regulation on public passenger transport services by rail and by road (COM(2005)319), namely: 'Any competent local authority may decide to provide public transport services itself or to award public service contracts directly to an internal operator, on condition that the internal operator and any entity over which the latter exerts even a minimal influence perform all their public passenger transport activity within the territory of the competent authority and do not take part in competitive tenders organised outside the territory of the competent authority', and calls for this to be confirmed and anchored **under the legal clarification which is the subject of this resolution;**

Amendment by Bernhard Rapkay

Amendment 207

Paragraph 14 a (new)

14a. Considers further that, local authorities should be able to decide on the most cost-effective and responsive way of delivering services to their citizens; in this context, affirms that local authorities should be able to assign service tasks directly to inter-communal companies or similar forms of joint arrangements, or to companies that they own or control, provided that such bodies carry out the essential part of their activities for the controlling authority or authorities, and do not compete on external markets; therefore calls for clarification in regard to the above issues;

Amendment by Gilles Savary, Ieke van den Burg

- 14a. Approves the definition of in-house management laid down in the proposal for a regulation on public passenger transport services by rail and by road (COM(2005)319), namely: 'Any competent local authority may decide to provide public transport services itself or to award public service contracts directly to an internal operator, on condition that the internal operator and any entity over which the latter exerts even a minimal influence perform all their public passenger transport activity within the territory of the competent authority and do not take part in competitive tenders organised outside the territory of the competent authority', and calls for this to be confirmed and anchored in the horizontal legal framework which is the subject of this resolution;**

- 14a. Proposes that the definition on an in-house situation contain the following wording:**
'An in-house situation exists where:

-the territorial authority (or authorities) exercises (or exercise) effective controls on the service provider; and

- the service provider devotes the main part of its activities to the territorial authority or authorities;

PARAGRAPH 15

15. Is of the opinion that the competent authority should see to it that in the sectors in which it has laid down rules for public universal service obligations or particular objectives, the types of regulation and instruments appropriate to each sector should be applied on the basis of transparent rules;

PARAGRAPH 16

COMPROMISE PROPOSAL HH - par 16 (revised):
(including ame 212 and 213)

Is also of the opinion that **guidelines at national and local level are necessary in the following areas** in the interests of transparency and consumer protection, **(deletion)** in the following areas:

- defining the procedures for access to existing networks where access is necessary for the provision of services;**
- defining the price and/or tariff conditions for the supply of services;**

- securing competition and opportunities for new entrepreneurs where possible;

– rules on out-of-court settlements between the supplier of services and the user, regardless of the possibility of legal action; and

– consultation of and, as appropriate, referral to the competition authorities regarding any element that might point to a breach of the national competition rules or of those laid down in the EC Treaty;

Amendment by Corien Wortmann-Kool
Amendment 210
Paragraph 16

deleted

Amendment by Sophia in 't Veld
Amendment 211
Paragraph 16

deleted

Amendment by Gunnar Hökmark
Amendment 212
Paragraph 16

16. Is also of the opinion that regulatory instruments must, in the interests of transparency and consumer protection, provide for rules to be passed in the following areas:

– defining the procedures for access to existing networks where access is necessary for the provision of services;

– defining the price and/or tariff conditions for the supply of services;

- securing competition and opportunities for new entrepreneurs where possible;

– rules on out-of-court settlements between the supplier of services and the user, regardless of the possibility of legal action; and

– consultation of and, as appropriate, referral to the competition authorities regarding any element that might point to a breach of the national competition rules or of those laid down in the EC Treaty;

Amendment by Werner Langen
Amendment 213
Paragraph 16

16. Is also of the opinion that ***guidelines are necessary in the following areas*** in the interests of transparency and consumer protection, (***deletion***) in the following areas:

- defining the procedures for access to existing networks where access is necessary for the provision of services;
- defining the price and/or tariff conditions for the supply of services;
- rules on out-of-court settlements between the supplier of services and the user, regardless of the possibility of legal action; and
- consultation of and, as appropriate, referral to the competition authorities regarding any element that might point to a breach of the national competition rules or of those laid down in the EC Treaty;

Amendment by Thomas Mann
 Amendment 214
 Paragraph 16

16. Is also of the opinion that, ***where this is appropriate for the respective services sector***, regulatory instruments must, in the interests of transparency and consumer protection, provide for rules to be passed in the following areas:
- defining the procedures for access to existing networks where access is necessary for the provision of services;
 - defining the price and/or tariff conditions for the supply of services;
 - rules on out-of-court settlements between the supplier of services and the user, regardless of the possibility of legal action; and
 - consultation of and, as appropriate, referral to the competition authorities regarding any element that might point to a breach of the national competition rules or of those laid down in the EC Treaty;

Amendment by Sahra Wagenknecht
 Amendment 215
 Paragraph 16

16. Is also of the opinion that ***(deletion)***, in the interests of transparency and consumer protection, ***rules should be passed on a voluntary basis in the Member States*** in the following areas:
- defining the procedures for access to existing networks where access is necessary for the provision of services;
 - defining the price and/or tariff conditions for the supply of services;
 - rules on out-of-court settlements between the supplier of services and the user, regardless of the possibility of legal action; and
 - consultation of and, as appropriate, referral to the competition authorities regarding any element that might point to a breach of the national competition rules or of those laid down in the EC Treaty;

Amendment by Donata Gottardi

16. Is also of the opinion that regulatory instruments must, in the interests of transparency and consumer protection, provide for rules to be passed ***on the basis of the following criteria:***
- defining the procedures for access to existing networks where access is necessary for the provision of services;
 - defining the price and/or tariff conditions for the supply of services;
 - rules on out-of-court settlements between the supplier of services and the user, regardless of the possibility of legal action; and
 - consultation of and, as appropriate, referral to the competition authorities regarding any element that might point to a breach of the national competition rules or of those laid down in the EC Treaty;
16. Is also of the opinion that regulatory instruments must, in the interests of transparency and consumer protection, provide for rules to be passed in the following areas:
- defining the procedures for access to existing networks where access is necessary for the provision of services;
 - defining the price and/or tariff conditions for the supply of services;
 - rules on out-of-court settlements between the supplier of services and the user, regardless of the possibility of legal action; and
 - consultation of and, as appropriate, referral to the competition authorities regarding any element that might point to a breach of the national competition rules or of those laid down in the EC Treaty;

PARAGRAPH 17

COMPROMISE PROPOSAL II - par 17:

(including ame 218, 222 and 224 and 225– while withdrawing ame 226-227)

Recommends, in the interests of high-quality and efficient services of general interest, ***encouraging voluntary benchmarking and quality measurement mechanisms at national and European level; the exchange of experience and the promotion of best practices should be supported and involve all stakeholders concerned. Such measures could address the following aspects:***

- comprehensive evaluation methods, including economic, social and environmental criteria, should be developed;

– protection and safety of service users,

– appropriateness and proportionality of the standard in relation to the cost of the service,

– the widest possible dissemination and publication of the standard and

– simple and effective monitoring of adherence to the standard, which could be laid down on the basis of a charter or of a code of conduct;

Amendment by Sophia in 't Veld

Amendment 217

Paragraph 17

deleted

Amendment by Bernhard Rapkay

Amendment 218

Paragraph 17

17. Recommends, in the interests of high-quality and efficient services of general interest, ***to encourage voluntary and regular benchmarking and quality measurement mechanisms at national and at European level while ensuring participation of all relevant stakeholders (namely public authorities, service providers, social partners, consumer organisations)*** in order to guarantee fulfilment of public service obligations, of a universal service or of specific objectives imposed on the supplier and/or provider of a service of general interest; when defining such quality standards, the following points should be taken into account:

- protection and safety of service users,
- appropriateness and proportionality of the standard in relation to the cost of the service,
- the widest possible dissemination and publication of the standard and
- simple and effective monitoring of adherence to the standard, which could be laid down on the basis of a charter or of a code of conduct;

Amendment by Corien Wortmann-Kool

Amendment 219

Paragraph 17

17. ***Stresses the importance of reliable conditions for the provision of general interest services (high quality, availability throughout the respective territory, optimum price, social balance and sustainable security of supply), and emphasises that the decisive factor is not who performs such services but that the conditions laid down for citizens and consumers are complied with and that continuous updating of such conditions is ensured within the legislative process;***

Amendment by Małgorzata Handzlik

Amendment 220

Paragraph 17

17. Recommends, in the interest of high-quality and efficient services of general interest, that

objective and transparent quality standards be laid down on a voluntary basis *(deletion)*;

Amendment by Sahra Wagenknecht
Amendment 221
Paragraph 17

17. Recommends, in the interests of high-quality and efficient services of general interest, that objective and transparent quality standards be laid down ***in the Member States*** in order to guarantee fulfilment of public service obligations, of a universal service or of specific objectives imposed on the supplier and/or provider of a service of general interest; when defining such quality standards, the following points should be taken into account:
- ***participation of employees and consumer protection associations in setting standards,***
 - protection and safety of service users,
 - appropriateness and proportionality of the standard in relation to the cost of the service,
 - the widest possible dissemination and publication of the standard and
 - simple and effective monitoring of adherence to the standard, which could be laid down on the basis of a charter or of a code of conduct;

Amendment by Piia-Noora Kauppi
Amendment 222
Paragraph 17

17. Recommends, in the interests of high-quality and efficient services of general interest, ***encouraging voluntary benchmarking and quality measurement mechanisms at national and European level; the exchange of experience and the promotion of best practices should be supported and involve all stakeholders concerned. Such measures could address the following aspects:***
- protection and safety of service users,
 - appropriateness and proportionality of the standard in relation to the cost of the service,
 - the widest possible dissemination and publication of the standard and
 - simple and effective monitoring of adherence to the standard, which could be laid down on the basis of a charter or of a code of conduct;

Amendment by Donata Gottardi
Amendment 223
Paragraph 17

17. Recommends, in the interests of high-quality and efficient services of general interest, that objective and transparent quality standards be laid down on a voluntary basis ***by***

means of a charter or code of conduct in order to guarantee fulfilment of public service obligations, of a universal service or of specific objectives imposed on the supplier and/or provider of a service of general interest; when defining such quality standards, the following points should be taken into account:

- protection and safety of service users,
- appropriateness and proportionality of the standard in relation to the cost of the service,
- the widest possible dissemination and publication of the standard and simple and effective monitoring of adherence to the standard, which could be laid down on the basis of a charter or of a code of conduct;

Opinion of ITRE, paragraph 13 (COVERED, see para 17)

13. Expects services of general interest to be evaluated in a comprehensive manner and political, social, economic and environmental criteria to be considered; considers that proposals for uniform evaluation instruments should be formulated as soon as possible;

17. Recommends, in the interests of high-quality and efficient services of general interest, that objective and transparent quality standards be laid down on a voluntary basis in order to guarantee fulfilment of public service obligations, of a universal service or of specific objectives imposed on the supplier and/or provider of a service of general interest; when defining such quality standards, the following points should be taken into account:

- protection and safety of service users,
- appropriateness and proportionality of the standard in relation to the cost of the service,
- the widest possible dissemination and publication of the standard and
- simple and effective monitoring of adherence to the standard, which could be laid down on the basis of a charter or of a code of conduct;

PARAGRAPH 17 a (new)

Amendment by Jean-Paul Gauzès

Amendment 224

Paragraph 17 a (new)

17a. Proposes that a transparent evaluation of the quality of services of general economic interest, and of how they work, be carried out with the involvement of all the parties concerned (public authority responsible for defining the service, operator, consumers and staff of the undertaking), and calls on the Commission to propose a

methodology for this in an appropriate legal framework, to be adopted by the European Parliament and the Council under the codecision procedure;

Amendment by Alain Lipietz
Amendment 225
Paragraph 17 a (new)

- 17a. Considers that not only economic criteria should be taken into account when assessing and monitoring services of general economic interest, and that comprehensive evaluation methods, including social and environmental criteria, should be developed;***

Opinion of IMCO, paragraph 16 (+)

16. Stresses the importance of strengthening Member States' supervisory capacities in order to ensure that public policy objectives, including affordability and quality standards, are effectively achieved; stresses further that it is necessary for the relevant public authorities to have adequate instruments and expertise at their disposal to be able to enforce competition and to ensure consumer protection;

Opinion of IMCO, paragraph 21 (+)

21. Is convinced that benchmarking is a vital instrument for maintaining and developing high-quality, accessible, affordable and efficient SGIs, and that the systematic evaluation and monitoring of performance of SGIs at Community level as well as at national level is crucial and must be based on common and broad criteria; asks the Commission therefore to propose a system for benchmarking SGIs in the framework of the Lisbon process.

Amendment by Alain Lipietz
Amendment 226
Paragraph 17 b (new)

- 17b. Recommends the creation of an EU-level observatory of services of general economic interest, working in connection with all interested bodies (providers of services of general economic interest, users, national agencies and regulating bodies, social partners, etc.);***

Amendment by Alain Lipietz
Amendment 227
Paragraph 17 c (new)

- 17c. Recommends the development of EU-level services of general economic interest in cases where they would bring a clear added value, as has been demonstrated by the creation of Galileo and by the Trans-European Networks ;***

PARAGRAPH 18

Amendment by Sophia in 't Veld

Amendment 228

Paragraph 18

deleted

Amendment by Sahra Wagenknecht

Amendment 229

Paragraph 18

deleted

Amendment by Alain Lipietz

Amendment 230

Paragraph 18

18. Calls on the Commission, on the basis *of Article 192 of the Treaty, which allows the Parliament to request the Commission to submit a proposal, of Article 9 of the 2003 inter-institutional agreement on "better regulation", which provides that the Commission should take into account such requests, and of the Parliament's* resolution of 14 January 2004, its resolution of 9 March 2005 on the mid-term review of the Lisbon strategy, its resolution of 15 March 2006 on the input to the Spring 2006 European Council in relation to the Lisbon Strategy and the present resolution, to come forward with an appropriate *(deleted)* framework *directive, along the lines of Article III-122 of the draft Constitutional Treaty as approved by the Parliament;*

Amendment by Ieke van den Burg

Amendment 231

Paragraph 18

18. Calls on the Commission, on the basis of its resolution of 14 January 2004, its resolution of 9 March 2005 on the mid-term review of the Lisbon strategy, its resolution of 15 March 2006 on the input to the Spring 2006 European Council in relation to the Lisbon Strategy and the present resolution, to come forward with an appropriate legal framework *that provides for overall consistency of principles and rules for the horizontal range of services of general economic interest in the internal market, and that enables the Parliament and the Council to exercise their codecision rights fully;*

Amendment by Piia-Noora Kauppi

Amendment 232

Paragraph 18

18. Calls on the Commission, on the basis of its resolution of 14 January 2004, its resolution of 9 March 2005 on the mid-term review of the Lisbon strategy, its resolution of 15 March 2006 on the input to the Spring 2006 European Council in relation to the Lisbon Strategy

and the present resolution, to come forward with an appropriate legal framework, *including proposing modifications of the existing legal framework*;

Amendment by Gunnar Hökmark

Amendment 233

Paragraph 18

18. Calls on the Commission, on the basis of its resolution of 14 January 2004, its resolution of 9 March 2005 on the mid-term review of the Lisbon strategy, its resolution of 15 March 2006 on the input to the Spring 2006 European Council in relation to the Lisbon Strategy and the present resolution, to come forward with an appropriate legal *clarification and further sector-specific legislation*;

18. Calls on the Commission, on the basis of its resolution of 14 January 2004, its resolution of 9 March 2005 on the mid-term review of the Lisbon strategy¹, its resolution of 15 March 2006 on the input to the Spring 2006 European Council in relation to the Lisbon Strategy² and the present resolution, to come forward with an appropriate legal framework;

PARAGRAPH 18 a (new)

COMPROMISE PROPOSAL JJ - par 18 and 18bis (revised)
(including ame 231, 232, 233, 234 and 235 and ITRE conclusion 18)

Calls on the Commission, on the basis of its resolution of 14 January 2004, its resolution of 9 March 2005 on the mid-term review of the Lisbon strategy, *(deletion)* and the present resolution, to come forward with

Option A:

an appropriate legal instrument and further sector-specific legislations, reminds that codecision rights, where foreseen by the Treaty, should be fully exercised by all parties involved in the field of SGIs and SGEIs;

Option B:

appropriate legal initiatives reminds that codecision rights, where foreseen by the Treaty, should be fully exercised by all parties involved in the field of SGIs and SGEIs;

Option C:

Emphasises the request made in its resolution of 9 March 2005 on the mid-term review of the Lisbon strategy for the establishment of a Community legal framework on services of general interest.

¹ OJ C 320 E, 15.12.2005, p. 164.

² Texts adopted, P6_TA(2006)0092.

~~Calls on the Commission to organise a pro-active approach of participation regarding relevant stakeholders in the field of the future public services, in particular regarding social partners, consumer organisations, NGOs, and regional and local bodies; underlines the importance to ensure that the public and users be actively involved in defining, evaluating and assessing missions; and to institutionalise a common, pluralistic evaluation procedure;~~

Amendment by Harald Ettl, Ieke van den Burg

Amendment 234

Paragraph 18 a (new)

18a. Calls on the Commission to organise a pro-active approach of participation regarding relevant stakeholders in the field of the future public services, in particular regarding social partners, consumer organisations, NGOs, and regional and local bodies;

Amendment by Gilles Savary, Benoît Hamon, Mia De Vits, Véronique De Keyser, Alain Hutchinson

Amendment 235

Paragraph 18 a (new)

18a. Wishes the Commission, accordingly, to propose a framework directive on the arrangements for and organisational objectives of services of general interest, on the basis of Article 95 of the EC Treaty; expects such a framework directive to lay down the Community principles underpinning services of general interest, at an appropriate level of subsidiarity; to prescribe and define the Community principles contained in democratic and transparent rules; to ensure that the public and users be actively involved in defining, evaluating and assessing missions; and to institutionalise a common, pluralistic evaluation procedure;

Opinion of ITRE, paragraph 18 (COVERED see para 5 and 18)

18. Emphasises the request made in its resolution of 9 March 2005 on the mid-term review of the Lisbon strategy¹ for the establishment of a Community legal framework on services of general interest.

Opinion of INTA, paragraph 1 (+)

1. Considers that the WTO Doha round must focus on development and, accordingly, that negotiations on trade in services must serve both the interests of the EU and the economic growth of the poorest countries;

Opinion of INTA, paragraph 2 (-)

2. Recalls that GATS is causing concern among the citizens of Europe; stresses, therefore, the vital need for transparency in the negotiation process, and for the assessment of the impact of liberalisation on public services;

¹ *Texts Adopted*, P6_TA(2005)0069.

Opinion of INTA, paragraph 6 (-)

6. Maintains that trade in services of general interest should be taken into account in all negotiations and processes aimed at the liberalisation of trade in which the EU is involved;

Opinion of INTA, paragraph 10 (+)

10. Recalls, firstly, that the principles of GATS do not impose either privatisation or deregulation, nor do they prescribe a particular degree of liberalisation as such or exclude the imposition of public service obligations; secondly, recalls that under GATS, WTO members have the right 'to regulate (...) the supply of services within their territories in order to meet national policy objectives';

Opinion of INTA, paragraph 13 (-)

13. Points out that the international agreements concluded by the Community and the obligations attaching thereto must be compatible with internal Community policies and rules;

Opinion of INTA, paragraph 14 (-)

14. Emphasises, therefore, that specific commitments entered into in the context of GATS negotiations must not go beyond granting to foreign service providers the market access and national treatment that Community service providers enjoy within the internal market in sectors open to competition, in accordance with the rules in force; account must, however, be taken in this connection of the extent to which liberalisation has been implemented in various sections of the internal market, and a prior evaluation of the economic, social and environmental impact of the liberalisation process should be carried out;

Opinion of INTA, paragraph 15 (-)

15. Recalls that no balanced liberalisation of international trade can take place without a concomitant opening of the markets in goods and services, and that it must be possible for the technical skills of the major service providers from the developed world to be placed at the service of the developing countries, which implies some reciprocity in the opening of services markets within and outside the European Union;

Opinion of INTA, paragraph 17 (-)

17. Stresses, in the context of the new multilateral GATS negotiation method, the need for the European Union to ensure that the new process takes due account of the scope for flexibility offered by GATS, particularly Article XIX which states that the process of liberalization shall take place with due respect for national policy objectives and the level of development of individual Members, and that there shall be appropriate flexibility for individual developing countries for opening fewer sectors and liberalizing fewer types of transactions;

Opinion of INTA, paragraph 19 (-)

19. Calls for the EU to defend this point of view in the WTO negotiations and to support the principle that opening up the market in services relating to the treatment, supply and purification of water should comply with the objectives of sustainable development;

Opinion of INTA, paragraph 20 (-)

20. Stresses that LDCs should not be placed under pressure to liberalise their services, particularly SGIs; considers that any failure of the current round of multilateral negotiations might lead, in the context of bilateral agreements, to additional pressure on poor countries to open their markets, particularly those relating to services;

Opinion of INTA, paragraph 21 (+)

21. Stresses that some developing countries and LDCs are finding it difficult to regulate service sectors which were formerly the responsibility of the public authorities or were in state ownership; calls, therefore, on the Commission to ensure that requests to developing countries relating to SGIs are accompanied by technical assistance and economic cooperation measures;

Opinion of INTA, paragraph 22 (-)

22. Considers that any proposals by the Commission in the debate on the reform of the WTO, and in particular proposals relating to services, should be discussed in good time and in depth with the European Parliament and its relevant committee;

Opinion of INTA, paragraph 23 (-)

23. Welcomes the fact that the Commission has publicised the Community's package of offers in the current GATS negotiations; considers, however, that the Commission should discuss current developments in greater detail with Parliament and its relevant committees.

PARAGRAPH 19

19. Instructs its President to forward this resolution to the Council and the Commission.