

Council of the European Union: Adoption of the Services Directive

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On 12 December 2006, the European Parliament and the Council signed the Directive on Services in the Internal Market (see IRIS 2006-9: 2, IRIS 2006-4: 8 and IRIS 2005-4: 3). The adoption of the Services Directive ends nearly three years of debate in, and between, the EU institutions since the presentation of a proposal of the European Commission in early 2004 setting out a general legal framework to reduce barriers to cross-border provision of services within the European Union.

Apart from some procedural amendments, the final version of the Directive corresponds to the common position of the Council, which is largely based on the changes adopted by the European Parliament in first reading. It includes the broad exclusion of audiovisual services ("... including cinematographic services, whatever their mode of production, distribution and transmission, and radio broadcasting;"), the introduction of a cultural safeguard clause seeking to secure measures taken at Community or national level to protect or promote cultural or linguistic diversity or media pluralism, as well as the recognition of the *lex specialis* rule (with an explicit reference to the Television without Frontiers Directive). Furthermore, it also confirms the introduction of a social safeguard clause, the replacement of the country of origin principle by a pragmatic principle as the regulatory basis for cross-border service provision in the EU, and the exclusion of services of general economic interest from major parts of the Directive.

Member States need to ensure the transposition of the Directive by 28 December 2009. Within the same deadline, they will have to engage in a major screening process for all national establishment schemes and requirements as well as national provisions governing the temporary provision of services, and report this to the European Commission.

Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on Services in the Internal Market

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006L0123:EN:HTML>

