Basic information

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

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs, Citizens' Rights	WIJSENBEEK Florus A. (ELDR)	02/09/1997

Committee for opinion	Rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	PEIJS Karla M.H. (PPE)	27/06/1997

Council of the European Union

Key events

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

Technical information

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

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

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A4-0152/1998 OJ C 167 01.06.1998, p. 0003	15/04/1998	
Text adopted by Parliament, single reading		T4-0252/1998 OJ C 167 01.06.1998, p. 0019-0027	12/05/1998	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	SEC(1997)1193	26/06/1997	Summary

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

1997/2153(COS) - 26/06/1997 - Non-legislative basic document

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

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

1997/2153(COS) - 12/05/1998 - Text adopted by Parliament, single reading

In adopting the report by Mr Florus WIJSENBEEK (ELDR, NL) Parliament welcomed the fact that the Commission had sought through an interpretative communication to dispel the uncertainties arising from the text of the second banking directive. It pointed out however the risk that this approach did

not follow the formal route of the Community legislative procedure and that Parliament would not be able to exercise its formal powers of codecision. With regard to the substance, Parliament considered that the notification procedure to the Commission, relating to a possible refusal in the interest of the general good by the authorities of the host Member State to grant authorization to perform cross-border banking services, should be removed.