



**COUNCIL OF
THE EUROPEAN UNION**

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COMPET 192
SOC 348
JUSTCIV 164**

ADDENDUM TO "I/A" ITEM NOTE

from: Council General Secretariat
to : COREPER /COUNCIL

Nos Cion props: 6174/04 COMPET 18 SOC 58 JUSTCIV 23 CODEC 192 and 8413/06
COMPET 83 SOC 171 JUSTCIV 102 CODEC 348

Subject: Proposal for a Directive of the European Parliament and of the Council on
services in the internal market **[first reading]**

- Adoption (**cp + s**) of
 - (a) common position
 - (b) statement of the Council's reasons
- Statements

COMMISSION STATEMENT RE ARTICLE 39

By one year before the date of transposition, at the latest, the Commission will provide assistance to Member States on the implementation of this Directive including the procedures laid down in Article 39(1) to (5).

COMMISSION STATEMENT RE ARTICLE 13(2)

The Commission confirms that in Article 13(2) of the Directive on services in the internal market the words "shall not exceed the cost of the procedure" may be interpreted as including costs incurred in the management, control and enforcement of the authorisation scheme.

COMMISSION STATEMENT RE RECITAL 41

The Commission confirms that in recital 41, protection of minors may be read as including the promotion of children's welfare and development.

COMMISSION STATEMENT RE BARRIERS TO MARKETING AND ADVERTISING

Before the end of 2007, the Commission will present a report on barriers to marketing and advertising in the EU. If necessary, the Commission will take appropriate measures to overcome barriers to the freedom to provide services.

STATEMENT BY THE FEDERAL REPUBLIC OF GERMANY

The Government of the Federal Republic of Germany would point out that in the Permanent Representatives Committee meeting on 24 May 2006 the Council Legal Service interpreted Article 17(15) (in the version of the text on which the common political position is based) as also excluding law on unfair competition from the scope of Article 16 of the Directive on services. That legal interpretation is expressly shared by the Federal Government and is the basis for its agreement to the common position. The Federal Government notes that neither the Commission nor any delegation argued to the contrary.
