



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 31 January 2014
(OR. en)**

**Interinstitutional File:
2010/0095 (COD)**

**5975/14
ADD 1**

**CODIF 2
CODEC 273
ECO 17
INST 75
MI 111
PARLNAT 35**

PROPOSAL

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 20 December 2013

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No. Cion doc.: COM(2013) 932 final - Annexes 1 to 4

Subject: ANNEXES to Amended proposal for a DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL laying down a procedure for the
provision of information in the field of technical regulations and of rules on
Information Society services (codification) (Text with EEA relevance)

Delegations will find attached Commission document COM(2013) 932 final - Annexes 1 to 4.

Encl.: COM(2013) 932 final - Annexes 1 to 4



Brussels, 20.12.2013
COM(2013) 932 final

ANNEXES 1 to 4

ANNEXES

to

Amended proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
laying down a procedure for the provision of information in the field of technical
regulations and of rules on Information Society services (codification)
(Text with EEA relevance)

ANNEX I

Indicative list of services not covered by the second subparagraph of point (b) of Article 1(1)

1. SERVICES NOT PROVIDED 'AT A DISTANCE'

Services provided in the physical presence of the provider and the recipient, even if they involve the use of electronic devices:

- (a) medical examinations or treatment at a doctor's surgery using electronic equipment where the patient is physically present;
- (b) consultation of an electronic catalogue in a shop with the customer on site;
- (c) plane ticket reservation at a travel agency in the physical presence of the customer by means of a network of computers;
- (d) electronic games made available in a video-arcade where the customer is physically present.

2. SERVICES NOT PROVIDED 'BY ELECTRONIC MEANS'

- Services having material content even though provided via electronic devices:
 - (a) automatic cash or ticket dispensing machines (banknotes, rail tickets);
 - (b) access to road networks, car parks, etc., charging for use, even if there are electronic devices at the entrance/exit controlling access and/or ensuring correct payment is made,
- Off-line services: distribution of CD roms or software on diskettes,
- Services which are not provided via electronic processing/inventory systems:
 - (a) voice telephony services;
 - (b) telefax/telex services;
 - (c) services provided via voice telephony or fax;
 - (d) telephone/telefax consultation of a doctor;
 - (e) telephone/telefax consultation of a lawyer;
 - (f) telephone/telefax direct marketing.

3. SERVICES NOT SUPPLIED ‘AT THE INDIVIDUAL REQUEST OF A RECIPIENT OF SERVICES’

Services provided by transmitting data without individual demand for simultaneous reception by an unlimited number of individual receivers (point to multipoint transmission):

↓ 98/48/EC Art. 1 pt. 7 (adapted)

- (a) television broadcasting services (including near-video on-demand services), covered by point (e) of Article 1(1) of Directive 2010/13/EU ;
-

↓ 98/48/EC Art. 1 pt. 7

- (b) radio broadcasting services;
- (c) (televised) teletext.
-

ANNEX II

Indicative list of the financial services covered by Article 1(4)

- Investment services,
- Insurance and reinsurance operations,
- Banking services,
- Operations relating to pension funds,
- Services relating to dealings in futures or options.

Such services include in particular:

↓ 98/48/EC Art. 1 pt. 7 (adapted)

- (a) investment services referred to in the Annex to Directive 2004/39/EC ; services of collective investment undertakings;
- (b) services covered by the activities subject to mutual recognition referred to in Annex I to Directive 2013/36/EU of the European Parliament and of the Council¹ ;
- (c) operations covered by the insurance and reinsurance activities referred to in Directive 2009/138/EC of the European Parliament and of the Council² .

¹ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338) .

² Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1) .



ANNEX III

Part A

Repealed Directive with list of the successive amendments thereto (referred to in Article 10)

Directive 98/34/EC of the European Parliament
and of the Council
(OJ L 204, 21.7.1998, p. 37)

Directive 98/48/EC of the European
Parliament and of the Council
(OJ L 217, 5.8.1998, p. 18)

Part 1, Title H of Annex II to Act of
Accession 2004
(OJ L 236, 23.9.2003, p. 68)

Only as regards the reference to
point 2 of Directive 98/34/EC

Council Directive 2006/96/EC
(OJ L 363 of 20.12.2006, p. 81)

Only as regards the reference to
Article 1 of Directive 98/34/EC

Regulation (EU) No 1025/2012 of the
European Parliament and of the Council
(OJ L 316, 14.11.2012, p. 12)

Only Article 26(2)

Part B

List of time-limits for transposition into national law (referred to in Article 10)

Directive	Time-limit for transposition
98/34/EC	-
98/48/EC	5 August 1999
2006/96/EC	1 January 2007

ANNEX IV

CORRELATION TABLE

Directive 98/34/EC	This Directive
Article 1, first subparagraph, introductory wording	Article 1(1), introductory wording
Article 1, first subparagraph, point (1)	Article 1(1), point (a)
Article 1, first subparagraph, point (2), first subparagraph	Article 1(1), point (b), first subparagraph
Article 1, first subparagraph, point (2), second subparagraph, first indent	Article 1(1), point (b), second subparagraph, point (i)
Article 1, first subparagraph, point (2), second subparagraph, second indent	Article 1(1), point (b), second subparagraph, point (ii)
Article 1, first subparagraph, point (2), second subparagraph, third indent	Article 1(1), point (b), second subparagraph, point (iii)
Article 1, first subparagraph, point (2), third subparagraph	Article 1(1), point (b), third subparagraph
Article 1, first subparagraph, point (2), fourth subparagraph, introductory wording	Article 1(2), introductory wording
Article 1, first subparagraph, point (2), fourth subparagraph, first indent	Article 1(2), point (a)
Article 1, first subparagraph, point (2), fourth subparagraph, second indent	Article 1(2), point (b)
Article 1, first subparagraph, point (3)	Article 1(1), point (c)
Article 1, first subparagraph, point (4)	Article 1(1), point (d)
Article 1, first subparagraph, point (5), first subparagraph	Article 1(1), point (e), first subparagraph
Article 1, first subparagraph, point (5), second subparagraph	Article 1(3)
Article 1, first subparagraph, point (5), third subparagraph	Article 1(4)
Article 1, first subparagraph, point (5), fourth subparagraph	Article 1(5)

Article 1, first subparagraph, point (5), fifth subparagraph, introductory sentence	Article 1(1), point (e), second subparagraph, introductory sentence
Article 1, first subparagraph, point (5), fifth subparagraph, first indent	Article 1(1), point (e), second subparagraph, point (i)
Article 1, first subparagraph, point (5), fifth subparagraph, second indent	Article 1(1), point (e), second subparagraph, point (ii)
Article 1, first subparagraph, point (11), first subparagraph	Article 1(1), point (f), first subparagraph
Article 1, first subparagraph, point (11), second subparagraph, introductory sentence	Article 1(1), point (f), second subparagraph, introductory sentence
Article 1, first subparagraph, point (11) second subparagraph, first indent	Article 1(1), point (f), second subparagraph, point (i)
Article 1, first subparagraph, point (11), second subparagraph, second indent	Article 1(1), point (f), second subparagraph, point (ii)
Article 1, first subparagraph, point (11), second subparagraph, third indent	Article 1(1), point (f), second subparagraph, point (iii)
Article 1, first subparagraph, point (11), third subparagraph	Article 1(1), point (f), third subparagraph
Article 1, first subparagraph, point (11), fourth subparagraph	Article 1(1), point (f), fourth subparagraph
Article 1, first subparagraph, point (12)	Article 1(1), point (g)
Article 1, second subparagraph	Article 1(6)
Article 5	Article 2
Article 6(1) and (2)	Article 3(1) and (2)
Article 6(3), introductory wording	Article 3(3), introductory wording
Article 6(3), second indent	Article 3(3), point (a)
Article 6(3), third indent	Article 3(3), point (b)
Article 6(3), fourth indent	Article 3(3), point (c)
Article 6(4), introductory wording	Article 3(4), introductory wording
Article 6(4), point (c)	Article 3(4), point (a)
Article 6(4), point (d)	Article 3(4), point (b)

Article 6(5) to (8)	Article 3(5) to (8)
Article 7	Article 4
Article 8	Article 5
Article 9(1) to (5)	Article 6(1) to (5)
Article 9(6), introductory wording	Article 6(6), introductory wording
Article 9(6), first indent	Article 6(6), point (a)
Article 9(6), second indent	Article 6(6), point (b)
Article 9(6), third indent	Article 6(6), point (c)
Article 9(7), first subparagraph, introductory wording	Article 6(7), first subparagraph, introductory wording
Article 9(7), first subparagraph, first indent	Article 6(7), first subparagraph, point (a)
Article 9(7), first subparagraph, second indent	Article 6(7), first subparagraph, point (b)
Article 9(7), second subparagraph	Article 6(7), second subparagraph
Article 10(1), introductory wording	Article 7(1), introductory wording
Article 10(1), first indent	Article 7(1), point (a)
Article 10(1), second indent	Article 7(1), point (b)
Article 10(1), third indent	Article 7(1), point (c)
Article 10(1), fourth indent	Article 7(1), point (d)
Article 10(1), fifth indent	Article 7(1), point (e)
Article 10(1), sixth indent	Article 7(1), point (f)
Article 10(2), (3) and (4)	Article 7(2), (3) and (4)
Article 11, first sentence	Article 8, first subparagraph
Article 11, second sentence	Article 8, second subparagraph
Article 12	Article 9
Article 13	-
-	Article 10

Article 14

Article 15

Annexe III

Annexe IV

Annexe V

Annexe VI

-

-

Article 11

Article 12

-

-

Annexe I

Annexe II

Annexe III

Annexe IV