



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 08.02.1996
COM(96) 22 final

96/0031 (COD)

Proposal for a
EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE

establishing a mechanism for the recognition of qualifications in respect of the
professional activities covered by the Directives on liberalization and
transitional measures and supplementing the general systems
for the recognition of qualifications

(presented by the Commission)

EXPLANATORY MEMORANDUM

I. Introduction

1. Current legal framework

Back in the 1960s the European Community chose to follow a sectoral approach to the recognition of professional qualifications and adopted numerous directives on the basis of Articles 49, 54, 57, 63 and 66 of the EC Treaty. Initially, several such directives - relating, in particular, to occupations and sectors in commerce, industry and small craft industries - were adopted in order to facilitate access to specific occupations by guaranteeing, subject to certain conditions, recognition in the host Member State of experience gained in the home Member State. These transitional measures were adopted pending mutual recognition of qualifications. Further directives, in some cases covering the same fields of activity, were adopted on the basis of Articles 54 and 63 with a view to removing before the end of the transitional period various barriers to freedom of establishment and freedom to provide services.

Starting in 1975, the Community's approach in the case of six health professions was progressively to coordinate education and training by establishing minimum qualitative and quantitative criteria (such as course content and duration) so as to permit automatic recognition of qualifications satisfying those criteria.

Since dealing with each sector in turn proved slow and laborious, the Community switched to a broad, horizontal approach. A general system for the recognition of diplomas and other training qualifications was introduced by Directive 89/48/EEC and supplemented, for training below the level of three years' higher education, by Directive 92/51/EEC. These systems are based on the assumption that any professional who is fully qualified in one Member State possesses the qualifications needed to practise the same profession in another Member State. Only where the training undergone differs substantially from that required by the host Member State may the latter require the shortfall to be made up (normally by means of an aptitude test or adaptation period). If there is no coordination of minimum training requirements, then the general systems do not permit automatic recognition of qualifications. Furthermore, unlike under the Directives on transitional measures, recognition of professional experience gained in the home Member State does not, in itself, entitle the migrant to immediate authorization to take up and pursue the same profession in the host Member State, but it is taken into account in assessing his qualifications, particularly when determining what further training or periods of work experience need to be completed in order to compensate - hence the term "compensation measures" - for any substantial differences between the education and training undergone by the migrant and that required in order to practise in the host Member State.

The further development of this approach has been influenced by political considerations based on the subsidiarity principle as outlined in particular at the Edinburgh Summit⁽¹⁾. In practical terms, these considerations have resulted in a re-examination of the relatively old directives on professional qualifications and in efforts to clarify and simplify Community legislation in this area.

Against this background the present proposal retains, in the interests of consistency, the broad, horizontal approach to the recognition of professional qualifications.

⁽¹⁾ Annexes 1 and 2 to Part A of the Presidency's Conclusions at the European Council in Edinburgh on 11 and 12 December 1992.

2. Main features of the proposal

- 2.1 The purpose of the proposal is to introduce machinery for the recognition of qualifications relating to professional activities not covered by the existing "general system" Directives. The machinery will permit migrants to apply for the recognition of their qualifications if they do not possess the professional experience required in order to invoke a "transitional measures" Directive. In that case, they may already invoke the relevant case-law of the Court of Justice (see particularly Case C-340/89, Vlassopoulou, [1991] ECR I-2357), which also provide certain procedural guarantees (reasoned decision, legal redress), but not the more specific procedural guarantees (for example, time-limit for the decision) provided by the general systems. This proposal also aims, therefore, to provide them with those more specific guarantees. The express stipulation of those guarantees in a directive that must be incorporated into each Member State's national law should enhance legal certainty at national level and ensure that individuals are better informed as to their rights.
- 2.2 The proposal is also designed to recast the main provisions of the "transitional measures" and "liberalization" Directives relating in particular to commerce, industry and small craft industries⁽²⁾, so as to clarify and simplify Community legislation in this area in line with the conclusions reached at the European Council in Edinburgh on 11 and 12 December 1992.
- 2.3 In order to facilitate any necessary updating of the categories of professional experience and the corresponding activities, powers are delegated to the Commission in the form of a committee procedure based on the model contained in Directive 92/51/EEC.
- 2.4 The coordinating group set up under Directive 89/48/EEC and also responsible for Directive 92/51/EEC will be assigned a similar task in respect of this proposal.

3. Repeal of certain provisions

- 3.1 Those directives which are based solely on Articles 54(2) and (3) and 63(2) and (3) of the Treaty and the sole purpose of which was the abolition of restrictions on grounds of nationality during the transitional period should be repealed. Articles 52 and 59, which have been directly applicable in the Member States since the end of the transitional period, have rendered redundant those directives, which were designed to ensure freedom of establishment and freedom to provide services, since the principle of national treatment has now been given direct effect by the Treaty itself⁽³⁾. However, certain liberalization directives (being based on Articles 54(2) and (3) and 63(2) and (3) of the Treaty) also contain provisions permitting recognition of proof as to the migrant's good character or repute and financial standing. Those provisions, which go beyond the (directly applicable) Articles 52 and 59, must be retained⁽⁴⁾.

⁽²⁾ With the exception of Directives 74/556/EEC and 74/557/EEC on trade and distribution in toxic products and Directive 77/92/EEC on insurance agents and brokers, owing to their special features (e.g. an additional certificate of aptitude for practising the profession).

⁽³⁾ Case 2/74, Reyners v Belgium, [1974] ECR 631; Case 33/74, Van Binsbergen v Bedrijfsvereniging Metaalnijverheid, [1974] ECR 1299.

⁽⁴⁾ Moreover, certain definitions will remain as references as those which figure in the general programme for establishment and provision of services (OJ No C 2, 15.1.1962). In this way, for example, Directive 63/607/EEC contains in Articles 2 and 4 certain definitions (of films and their "nationality") for the purpose of their application in a particular case, which will remain the definitions of reference for all new Community instruments which it is intended to adopt in the area of cinema.

- 3.2 Consideration should also be given to repealing the provisions granting Member States in which certain knowledge and skills are not required in order to take up and pursue the activity concerned the option of requesting from the Commission authorization to require from nationals of other Member States proof that they possess the qualifications required for the pursuit of the activity concerned in their home Member State⁽⁵⁾. These safeguard clauses are no longer compatible with the principle of non-discrimination, as developed in the Court of Justice's case-law, or with the mutual trust on which both general systems are based; moreover, the various problems which may arise in practice can be resolved through discussion within the group of coordinators (see commentary on Article 11 below). The same applies to the safeguard clauses in respect of Luxembourg⁽⁶⁾.
- 3.3 The "professional profiles" may also be regarded as redundant owing to the principle of mutual trust, which forms the basis for the general systems and for the Community law relating to the internal market. It was possible to justify the requirement for each Member State to provide a detailed description of the professional activities covered by a given directive before the network of administrative cooperation was set up in the form of the coordinating group under the "general system" Directives. The network now provides the means of resolving any difficulties arising from Member States' differing definitions of a profession.
- 3.4 Lastly, the repeal should be proposed of provisions stipulating nationality requirements for guards⁽⁷⁾ and for managerial posts in professional organizations which exercise public authority⁽⁸⁾. The directives should not be allowed to prejudge the way in which Article 55 of the EC Treaty is interpreted by the Court of Justice. The same applies to the derogations in respect of Luxembourg with regard to the election of management bodies of professional associations⁽⁹⁾.

4. Flanking measures

The 1974 Commission communication concerning the proofs, declarations and certificates relating to good repute, absence of previous bankruptcy, and nature and duration of activity in the home Member State needs to be updated. The Member States (in particular Greece, Spain, Portugal, Sweden, Finland and Austria, which joined the Community after the communication was adopted and whose authorities are thus not included in the current list) will have to provide complete, updated lists of the authorities competent to issue the documents in question. The EFTA countries - the Community's partners in the EEA - are to take the same action, albeit on a voluntary basis.

The updated communication will also cover the professional activities which are referred to in Council Directives 74/556/EEC, 74/557/EEC (toxic products and transitional measures), 75/368/EEC (various activities), 75/369/EEC (itinerant activities), 82/489/EEC (hairdressers) and 82/470/EEC (self-employed persons in certain services incidental to transport and travel agencies) and are not covered by the communication in question but which also contain provisions on good repute, the absence of previous bankruptcy and the duration and nature of the professional activities in the home Member State.

⁽⁵⁾ See, for example, Article 6 of Directive 68/366/EEC concerning transitional measures in respect of the food manufacturing and beverage industries.

⁽⁶⁾ See, for example, Article 6(3) of Directive 68/366/EEC and Article 5 of Directive 64/427/EEC.

⁽⁷⁾ See Article 4 of Directive 67/43/EEC.

⁽⁸⁾ See, for example, Article 5(2) of Directive 66/162/EEC on liberalization in the energy field.

⁽⁹⁾ See, for example, Article 4(3) of Directive 68/365/EEC.

II. Commentary on the Articles

Article 1 (Scope)

The scope is defined by reference to the categories of professional activity listed in Annex A to the proposal.

In order to take into account any technical and social developments, the Commission has consulted the main professional associations at European level. Almost without exception, they are opposed to the new Directive's scope differing in any way from that of the Directives on liberalization and transitional measures. But provision has been made for any updating that may prove necessary (see Article 10).

Most of the professional associations do not consider it appropriate at present to replace the old ISIC and NICE nomenclatures (used in the Directives on liberalization and transitional measures) by the NACE nomenclature (which has, for many years, been the official nomenclature for statistics compiled by EC departments). NACE is not always suitable for specifying the activities covered by the Directives. Several professional associations also expressed concern that adoption of a new nomenclature would entail unwanted changes in scope. Lastly, a change of nomenclature would oblige the Member States to repeat the process of incorporating the Directives concerned into national law.

Article 2 (Information)

This Article stipulates that the Member States are to supply information; corresponding provisions are contained in all the "transitional measure" Directives.

Article 3 (Recognition of qualifications)

This Article introduces machinery for the recognition of qualifications, so as to cover the professional activities excluded from the general systems by Article 2 of Directive 92/51/EEC. The recognition machinery introduced here is that which has been developed in the Court of Justice's case-law on the basis of Article 52 of the EC Treaty (particularly in its judgment in Case C-340/89, *Vlassopoulou*, [1991] ECR I-2357). However, the present proposal gives additional clarification as regards procedural guarantees by incorporating those provided for in Directives 89/48/EEC and 92/51/EEC (particularly regarding the time-limit for decisions).

This machinery will be of particular benefit to migrants who do not have the experience required in order to take up and pursue as a matter of course the same professional activity in the host Member State.

Article 4 (Recognition of professional experience)

The machinery for recognizing professional experience is unchanged from the "transitional measures" Directives.

The categories of professional experience also remain unchanged⁽¹⁰⁾ in relation to the transitional measures directive. Consultations with the professional organisations have revealed that the majority of these, like the Member States most concerned, are, at present, opposed to any simplification of the categories of professional experience. With a view to preventing any prejudging of future developments a committee procedure regarding modification has been introduced (see Article 10).

The professional activities concerned are defined by reference to the lists contained in Annex A. The various categories are listed according to the number of years' experience needed in order for the migrant's qualifications to be recognized, as currently stipulated in the "transitional measures" Directives.

Article 5 (Company manager)

A common definition based on that already used in a large number of directives is given for the concept of company manager.

This Article is also designed to facilitate the exercise of freedom of establishment and freedom to provide services.

Article 6 (Certificates of professional experience)

This provision is also common to most of the "transitional measures" Directives. Each Member State must accept, as proof that the requirements laid down by the Directive have been met, certificates issued by the migrant's Member State of origin or by the Member State from which he comes.

Article 7 (Proof of good repute, etc.)

Paragraph 1, which relates to the acceptance of extracts from the "judicial record" as proof of good repute and of not having previously been declared bankrupt, reproduces the wording used in all the directives that include such a provision.

Paragraphs 2 and 3, which relate to certificates issued or declarations made in the migrant's home Member State or in the Member State from which he comes in cases where the documents referred to in the first paragraph cannot be obtained, combine provisions from several directives in order to cover all the documents that may be required, according to the circumstances. Paragraph 2 covers not only proof that certain requirements as to good repute have been met (a requirement common to all the directives containing this kind of provision), but also proof of having not previously been declared bankrupt⁽¹¹⁾, proof of good character⁽¹²⁾, and proof of having not previously been the subject of professional or administrative disciplinary measures (for example, withdrawal of the right to hold certain offices, suspension from practice or striking-off)⁽¹³⁾. The same applies to paragraph 3.

Paragraph 6 (duration of validity of the documents referred to in paragraphs 1, 2 and 3 and 5) remains unchanged from the existing provisions. Paragraph 5 refers to insurance certificates.

⁽¹⁰⁾ With the sole exception of those mentioned in Article 4(2) of Directive 68/366/EEC, which it proposed to replace by those applying in other areas of the same Directive.

⁽¹¹⁾ Directive 67/43/EEC.

⁽¹²⁾ Directive 64/428/EEC.

⁽¹³⁾ Directive 66/162/EEC .

Paragraph 4 relates to the certificates issued by banks as proof of financial standing, these being currently required for mining and quarrying⁽¹⁴⁾, electricity, gas, water and sanitary services,⁽¹⁵⁾ and exploration (prospecting and drilling) for petroleum and natural gas⁽¹⁶⁾. This provision should be extended to cover other professional activities.

Article 8 (Amendment of the general system)

This Article extends to the general system the provisions contained in certain "transitional measures" Directives regarding mutual recognition of proof of financial standing and of insurance cover against the financial consequences of professional liability.

This Article also extends the General System to nurses, for example to the specialists who wish to exercise their profession in another member state when this requires for these activities the diploma in general nursing provided for by Directive 77/452/EEC concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care. Particularly Article 2 of Directive 89/48/EEC and Article 2 of the Directive 92/51/EEC excludes the professions which are covered by a specific Directive on recognition of diplomas such as Directive 77/452/EEC. These nurses only have recourse to Articles 48, 52 and 59 EC, as interpreted by the Court for the recognition of their diplomas with a view to exercising their profession: This is not a problem in the same way for other professions which are the subject of specific directives on recognition of diplomas.

Articles 9 and 10 (Updating)

Article 9 introduces a committee procedure for amending the provisions of Article 4 (categories of professional experience) and the lists appearing in Annex A (list of professional activities) of the Directive, in order to facilitate their updating in the light of the social and technical developments.

Article 10 continues the committee procedure provided for Articles 15, sections 3 to 7 of Directive 92/51/EEC. It involves the same committee.

Article 11 (Coordinating group and national authorities)

This Article extends the remit of the coordinating group set up under Directives 89/48/EEC and 92/51/EEC to cover the proposed Directive, and also includes the usual clause requiring Member States to designate the authorities responsible for handling applications from persons covered by the proposal.

Article 12 (Repeal)

This Article repeals the Directives on transitional measures and liberalization, the main provisions of which have been included in the proposal.

Article 13 (Reports)

This provision reproduces an existing one contained in Directives 89/48/EEC and 92/51/EEC. The reports stipulated will enable an assessment to be made of the new system's operation.

⁽¹⁴⁾ Directive 64/428/EEC.

⁽¹⁵⁾ Directive 66/162/EEC.

⁽¹⁶⁾ Directive 69/82/EEC.

Articles 14 to 16

These contain the standard final provisions.

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 49 and 57(1), the first and third sentences of Article 57(2), and Article 66 thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion delivered by the Economic and Social Committee⁽²⁾,

Acting in accordance with the procedure laid down in Article 189b of the Treaty,

- (1) Whereas, pursuant to the Treaty, all discriminatory treatment based on nationality with regard to establishment and provision of services is prohibited as from the end of the transitional period; whereas, therefore, certain provisions of the Directives applying to this subject have become redundant as regards the implementation of the rule of national treatment, since this rule is established, with direct effect, by the Treaty itself;
- (2) Whereas, however, certain of the Directives' provisions that facilitate the effective exercise of the right of establishment and the freedom to provide services should be retained, particularly where they usefully lay down how obligations under the Treaty are to be discharged;
- (3) Whereas, in order to facilitate the exercise of the freedom of establishment and the freedom to provide services in respect of a number of activities, Directives introducing transitional measures have been adopted pending mutual recognition of qualifications; whereas those Directives allow, as sufficient qualification for taking up the activities in question in Member States which have rules governing the taking-up of such activities, the fact that the activity in question has been pursued for a reasonable and sufficiently recent period of time, in the Member State from where the foreign national comes;
- (4) Whereas the main provisions of the said Directives should be replaced in line with the conclusions of the European Council in Edinburgh on 11 and 12 December 1992, regarding subsidiarity, the simplification of Community legislation and, in particular, the reconsideration by the Commission of the relatively old directives dealing with professional qualifications; whereas the directives in question should therefore be repealed;
- (5) Whereas appropriate procedures need to be introduced for updating the categories of professional experience and the lists of professional activities to which those categories refer;

⁽¹⁾ OJ No C

⁽²⁾ OJ No C

- (6) Whereas Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration⁽³⁾ and Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC⁽⁴⁾, as last amended by Commission Directive 95/43/EC⁽⁵⁾, do not apply to certain professional activities covered by the Directives applying to this subject-matter; whereas recognition machinery in respect of qualifications should, therefore, be introduced for those professional activities not covered by Directives 89/48/EEC and 92/51/EEC;
- (7) Whereas Member States should also be required, under the general system, to recognize certificates of sound financial standing issued by banks in other Member States and certificates of insurance against the financial consequences of professional liability issued by insurance undertakings in other Member States;
- (8) Whereas Directives 89/48/EEC and 92/51/EEC should be amended in order to facilitate the free movement of nurses who do not hold any of the qualifications listed in Article 3 of Directive 77/452/EEC of 27 June 1977 concerning the mutual recognition of diplomas, certificates, and other evidence of the formal qualifications of nurses responsible for general care, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services⁽⁶⁾, as last amended by the Act of Accession of Austria, Finland and Sweden;
- (9) Whereas this Directive should require regular reports to be drawn up on its implementation;
- (10) Whereas this Directive should be without prejudice to the application of Articles 48(4) and 55 of the Treaty,

HAVE ADOPTED THIS DIRECTIVE:

TITLE I

Scope

Article 1

1. Member States shall adopt the measures defined in this Directive in respect of establishment or provision of services in their territories by natural persons and companies or firms covered by Title I of the General Programmes⁽⁷⁾ (hereinafter called "beneficiaries") and wishing to pursue the activities listed in Annex A.
2. This Directive shall apply to nationals of Member States who wish to pursue in the host Member State, in a self-employed or employed capacity, the activities listed in Annex A.

⁽³⁾ OJ No L 19, 24.1.1989, p. 16.

⁽⁴⁾ OJ No L 209, 24.7.1992, p. 25.

⁽⁵⁾ OJ No L 184, 3.8.1995, p. 21.

⁽⁶⁾ OJ No L 176, 15.7.1977, p. 1.

⁽⁷⁾ OJ No 2, 15.1.1962, pp. 32/62 and 36/62.

Article 2

Member States in which the taking-up or pursuit of any activity referred to in Annex A is subject to possession of certain qualifications shall ensure that any applicant beneficiary is provided, before he establishes himself or before he begins to pursue any activity on a temporary basis, with information as to the rules governing the occupation which he proposes to pursue.

TITLE II

Additional measure on the recognition of qualifications

Article 3

1. Without prejudice to Article 4, a Member State may not, on the grounds of inadequate qualifications, refuse to permit a national of another Member State to take up or pursue any of the activities listed in Part One of Annex A on the same conditions as apply to its own nationals, without having first compared the skills certified by the qualifications obtained by the applicant with a view to pursuing the same activity elsewhere in the Community with those required under its own national rules. Where the comparative examination shows that the knowledge and skills certified by a qualification awarded by another Member State correspond to those required by the national rules, the host Member State cannot refuse the holder the right to pursue the activity in question. Where, however, the comparative examination shows only partial correspondence, the host Member State shall give the applicant the opportunity to demonstrate that he has acquired the knowledge and skills which were lacking.
2. Applications for recognition within the meaning of paragraph 1 shall be examined within the shortest possible time, and the competent authority in the host Member State shall state its reasons when giving a decision, which shall be taken no later than four months from the date on which the application and comprehensive supporting documentation were submitted. There shall be a right to appeal under national law against a decision, or against the absence of such decision.

TITLE III

Recognition of professional qualifications on the basis of professional experience acquired in another Member State

Article 4

Where, in a Member State, the taking-up or pursuit of any activity listed in Annex A is subject to possession of general, commercial or professional knowledge and ability, that Member State shall accept as sufficient evidence of such knowledge and ability the fact that the activity in question has been pursued in another Member State. This must be done where the activity is mentioned in Annex A:

1. In the case of the activities in List I:
 - (a) six consecutive years in either a self-employed or a managerial capacity; or
 - (b) three consecutive years in a self-employed or managerial capacity, where the beneficiary proves that for the activity in question he has received at least three years' previous training attested by a certificate recognized by the State or regarded by a competent professional or trade body as fully satisfying its requirements; or
 - (c) three consecutive years in a self-employed capacity, where the beneficiary proves that he has pursued the activity in question for at least five years in an employed capacity; or

- (d) five consecutive years in a managerial capacity of which at least three years were spent in technical posts with responsibility for one or more departments of the undertaking, where the beneficiary proves that for the activity in question he has received at least three years' previous training attested by a certificate recognized by the State or regarded by a competent professional or trade body as fully satisfying its requirements.

In the cases referred to at (a) and (c), pursuit of the activity shall not have ceased more than ten years before the date on which the application under Article 6 is made.

2. In the case of the activities in List II:

- (a) six consecutive years in either a self-employed or a managerial capacity; or
- (b) three consecutive years in a self-employed or managerial capacity, where the beneficiary proves that for the activity in question he has received at least three years' previous training attested by a certificate recognized by the State or regarded by a competent professional or trade body as fully satisfying its requirements; or

four consecutive years in a self-employed or managerial capacity, where the beneficiary proves that for the activity in question he has received at least two years' previous training attested by a certificate recognized by the State or regarded by a competent professional or trade body as fully satisfying its requirements; or

- (c) three consecutive years in a self-employed or managerial capacity, where the beneficiary proves that he has pursued the activity in question for at least five years in an employed capacity; or
- (d) five consecutive years in an employed capacity, where the beneficiary proves that for the activity in question he has received at least three years' previous training attested by a certificate recognized by the State or regarded by a competent professional or trade body as fully satisfying its requirements; or

six consecutive years in an employed capacity, where the beneficiary proves that for the activity in question he has received at least two years' previous training attested by a certificate recognized by the State or regarded by a competent professional or trade body as fully satisfying its requirements.

In the cases referred to at (a) and (c), pursuit of the activity shall not have ceased more than ten years before the date on which the application provided for in Article 6 is made.

3. In the case of the activities in List III:

- (a) six consecutive years in either a self-employed or a managerial capacity; or
- (b) three consecutive years in a self-employed or managerial capacity, where the beneficiary proves that for the activity in question he has received at least three years' previous training attested by a certificate recognized by the State or regarded by a competent professional or trade body as fully satisfying its requirements; or
- (c) three consecutive years in a self-employed capacity, where the beneficiary proves that he has pursued the activity in question for at least five years in an employed capacity.

In the cases referred to at (a) and (c), pursuit of the activity shall not have ceased more than ten years before the date on which the application provided for in Article 6 is made.

4. In the case of the activities in List IV:

- (a) five consecutive years in either a self-employed or managerial capacity; or
- (b) two consecutive years in a self-employed or managerial capacity, where the beneficiary proves that for the activity in question he has received at least three years' previous training attested by a certificate recognized by the State or regarded by a competent professional or trade body as fully satisfying its requirements; or
- (c) three consecutive years in a self-employed or managerial capacity, where the beneficiary proves that for the activity in question he has received at least two years' previous training attested by a certificate recognized by the State or regarded by a competent professional or trade body as fully satisfying its requirements; or
- (d) two consecutive years in a self-employed or managerial capacity, where the beneficiary proves that he has pursued the activity in question for at least three years in an employed capacity; or
- (e) three consecutive years in an employed capacity, where the beneficiary proves that for the activity in question he has received at least two years' previous training attested by a certificate recognized by the State or regarded by a competent professional or trade body as fully satisfying its requirements.

5. In the case of the activities in List V:

- (a) three years in a self-employed or managerial capacity, provided that pursuit of the activity in question did not cease more than two years before the date on which the application provided for in Article 6 is made, unless the host Member State permits its nationals to interrupt their pursuit of that activity for a longer period; or
- (b) three years in a self-employed or managerial capacity, provided that pursuit of the activity in question did not cease more than two years before the date on which the application provided for in Article 6 is made.

6. In the case of the activities in List VI:

- (a) three consecutive years in either a self-employed or a managerial capacity; or
- (b) two consecutive years in a self-employed or managerial capacity, where the beneficiary proves that for the activity in question he has received previous training attested by a certificate recognized by the State or regarded by a competent professional or trade body as fully satisfying its requirements; or
- (c) two consecutive years in a self-employed or managerial capacity, where the beneficiary proves that he has pursued the activity in question for at least three years in an employed capacity; or
- (d) three consecutive years in an employed capacity, where the beneficiary proves that for the activity in question he has received previous training attested by a certificate recognized by the State or regarded by a competent professional or trade body as fully satisfying its requirements.

In the cases referred to at (a) and (c), pursuit of the activity shall not have ceased more than ten years before the date on which the application provided for in Article 6 is made.

Article 5

A person shall be regarded as having pursued an activity in a managerial capacity within the meaning of Article 4 if he has pursued such an activity in an industrial or commercial enterprise in the occupational field in question:

- (a) as manager of an undertaking or manager of a branch of an undertaking; or
- (b) as deputy to the proprietor or to the manager of an undertaking where such post involves responsibility equivalent to that of the proprietor or manager represented; or
- (c) in a managerial post with duties of a commercial nature and with responsibility for at least one department of the undertaking.

Article 6

Proof that the conditions laid down in Article 4 are satisfied shall be established by a certificate issued by the competent authority or body in the home Member State or in the Member State from where the applicant comes and which the applicant shall submit in support of his application for authorization to pursue the activity or activities in question in the host Member State.

TITLE IV

Recognition of other professional qualifications obtained in another Member State

Article 7

1. Where a host Member State requires its own nationals wishing to take up any activity referred to in Article 1(2) to furnish proof of good character and proof that they have not previously been declared bankrupt, or proof of either of these, it shall accept as sufficient evidence, in respect of nationals of the other Member States, the production of an extract from the "judicial record" or, failing this, of an equivalent document issued by a competent judicial or administrative authority in the home Member State or in the Member State from where the applicant comes showing that these requirements have been met.
2. Where a host Member State imposes on its own nationals wishing to take up any activity referred to in Article 1(2) certain requirements as to good character and requires them to prove that they have not previously been declared bankrupt and have not previously been the subject of professional or administrative disciplinary measures (for example, withdrawal of the right to hold certain offices, suspension from practice or striking-off), but proof cannot be obtained from the document referred to in paragraph 1, it shall accept as sufficient evidence in respect of nationals of other Member States a certificate issued by a competent judicial or administrative authority in the home Member State or in the Member State from where the applicant comes attesting that the requirements have been met. Such certificate shall relate to the specific facts regarded as relevant by the host Member State.

3. Where the home Member State or the Member State from where the applicant comes does not issue the documents referred to in paragraphs 1 and 2, such documents shall be replaced by a declaration on oath - or, in those Member States where there is no provision for such declaration on oath, by a solemn declaration - made by the person concerned before a competent judicial or administrative authority or, where appropriate, a notary in that Member State; such authority or notary shall issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. The declaration of no previous bankruptcy may also be made before a competent professional or trade body in that Member State.
4. Where the host Member State requires proof of financial standing, it shall regard certificates issued by banks in the home Member State or in the Member State from where the applicant comes as equivalent to those issued in its own territory.
5. Where a Member State requires its own nationals wishing to take up or pursue any activity referred to in Article 1(2) to furnish proof that they are insured against the financial risks arising from their professional liability, it shall accept certificates issued by the insurance undertakings of other Member States as equivalent to those issued in its own territory. Such certificates shall state that the insurer has complied with the laws and regulations in force in the host Member State regarding the terms and extent of cover.
6. The documents referred to in paragraphs 1, 2, 3 and 5 may not be produced more than three months after their date of issue.

TITLE V

Supplement to the general system for the recognition of diplomas

Article 8

1. Directive 89/48/EEC is amended as follows:

- (a) the following paragraph is added to Article 2:

"Notwithstanding the preceding paragraph, where a nurse who does not hold one of the qualifications listed in Article 3 of Directive 77/452/EEC^(*) wishes to pursue in another Member State the activities of a nurse responsible for general care as defined in Article 1 of Directive 77/452/EEC, the provisions of this Directive shall apply.

^(*) OJ No L 176, 15.7.1977, p. 1."

- (b) the following paragraphs 5 and 6 are added to Article 6:

"5. Where proof of financial standing is required in order to take up or pursue a regulated profession in the host Member State, that Member State shall regard certificates issued by banks in the Member State of origin or in the Member State from where the foreign national comes as equivalent to those issued in its own territory.

6. Where the competent authority of the host Member State requires of its own nationals wishing to take up or pursue a regulated profession proof that they are insured against the financial risks arising from their professional liability, that Member State shall accept certificates issued by insurance undertakings of other Member States as equivalent to those issued in its own territory. Such certificates shall state that the insurer has complied with the laws and regulations in force in the host Member State regarding the terms and extent of cover. They may not be produced more than three months after their date of issue."

2. Directive 92/51/EEC is amended as follows:

(a) the following paragraph is inserted into Article 2:

"Notwithstanding the preceding paragraph, where a nurse who does not hold one of the qualifications listed in Article 3 of Directive 77/452/EEC^(*) wishes to pursue in another Member State the activities of a nurse responsible for general care as defined in Article 1 of Directive 77/452/EEC, the provisions of this Directive shall apply.

^(*) OJ No L 176, 15.7.1977, p. 1."

(b) the following paragraphs 5 and 6 are added to Article 10:

"5. Where proof of financial standing is required in order to take up or pursue a regulated profession in the host Member State, that Member State shall regard certificates issued by banks in the Member State of origin or in the Member State from where the foreign national comes as equivalent to those issued in its own territory.

6. Where the competent authority of the host Member State requires of its own nationals wishing to take up or pursue a regulated profession proof that they are insured against the financial risks arising from their professional liability, that Member State shall accept certificates issued by insurance undertakings of other Member States as equivalent to those issued in its own territory. Such certificates shall state that the insurer has complied with the laws and regulations in force in the host Member State regarding the terms and extent of cover. They may not be produced more than three months after their date of issue."

TITLE VI

Procedural provisions

Article 9

The provisions of Article 4 and the lists shown in Annex A may be amended in accordance with the procedure set out in Article 10.

Article 10

The Commission shall be assisted by the committee set up pursuant to Article 15(3) of Directive 92/51/EEC, composed of representatives of the Member States and chaired by a representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time-limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission shall defer application of the measures which it has decided for a period to be laid down in each act adopted by the Council, but which may in no case exceed three months from the date of communication.

The Council, acting by a qualified majority, may take a different decision within the time-limit referred to in the third paragraph.

Article 11

1. Member States shall designate, within the period stipulated in Article 14, the authorities and bodies responsible for issuing the certificates referred to in Articles 6 and 7(1), (2) and (3) and shall communicate this information forthwith to the other Member States and to the Commission.
2. The coordinating group set up under Article 9(2) of Directive 89/48/EEC shall also be responsible for:
 - facilitating the implementation of this Directive;
 - collecting all useful information for its application in the Member States.

TITLE VII **Final provisions**

Article 12

1. The Directives listed in Annex B are hereby repealed.
2. References to the repealed Directives shall be construed as references to this Directive.

Article 13

As from 1 January 1999, Member States shall communicate to the Commission every two years a report on the application of the system introduced.

In addition to general remarks, this report shall contain a statistical summary of the decisions taken and a description of the main problems arising from the application of this Directive.

Article 14

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1999. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.
2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 15

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Communities.

Article 16

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

PART ONE

Activities related to categories of professional experience

List I

(Major Groups covered by Directives: 64/427/EEC, as amended by
Directive 69/77/EEC; 68/366/EEC, 75/368/EEC, 75/369/EEC)

1

Directive 64/427/EEC
(corresponding liberalization Directive: 64/429/EEC)
NICE Nomenclature (corresponding to ISIC Major Groups 23-40)

Group	
Major Group 23	Manufacture of textiles
232	Manufacturing and processing of textile materials on woollen machinery
233	Manufacturing and processing of textile materials on cotton machinery
234	Manufacturing and processing of textile materials on silk machinery
235	Manufacturing and processing of textile materials on flax and hemp machinery
236	Other textile fibre industries (jute, hard fibres, etc.) cordage
237	Manufacture of knitted and crocheted goods
238	Textile finishing
239	Other textile industries
Major Group 24	Manufacture of footwear, other wearing apparel and bedding
241	Machine manufacture of footwear (except from rubber or wood)
242	Manufacture by hand and repair of footwear
243	Manufacture of wearing apparel (except furs)
244	Manufacture of mattresses and bedding
245	Skin and fur industries
Major Group 25	Manufacture of wood and cork, except manufacture of furniture
251	Sawing and industrial preparation of wood
252	Manufacture of semi-finished wood products
253	Series production of wooden building components including flooring
254	Manufacture of wooden containers
255	Manufacture of other wooden products (except furniture)
259	Manufacture of straw, cork, basketware, wicker-work and rattan products; brush-making
Major Group 26	260 Manufacture of wooden furniture
Major Group 27	Manufacture of paper and paper products
271	Manufacture of pulp, paper and paperboard
272	Processing of paper and paperboard, and manufacture of articles of pulp

Major Group 28	280	Printing, publishing and allied industries
Major Group 29		Leather industry
	291	Tanneries and leather finishing plants
	292	Manufacture of leather products
ex Major Group 30		Manufacture of rubber and plastic products, man-made fibres and starch products
	301	Processing of rubber and asbestos
	302	Processing of plastic materials
	303	Production of man-made fibres
ex Major Group 31		Chemical industry
	311	Manufacture of chemical base materials and further processing of such materials
	312	Specialized manufacture of chemical products principally for industrial and agricultural purposes (including the manufacture for industrial use of fats and oils of vegetable or animal origin falling within ISIC Group 312)
	313	Specialized manufacture of chemical products principally for domestic or office use (excluding the manufacture of medicinal and pharmaceutical products (ISIC ex Group 319))
Major Group 32	320	Petroleum industry
Major Group 33		Manufacture of non-metallic mineral products
	331	Manufacture of structural clay products
	332	Manufacture of glass and glass products
	333	Manufacture of ceramic products, including refractory goods
	334	Manufacture of cement, lime and plaster
	335	Manufacture of structural materials, in concrete, cement and plaster
	339	Stone working and manufacture of other non-metallic mineral products
Major Group 34		Production and primary transformation of ferrous and non-ferrous metals
	341	Iron and steel industry (as defined in the ECSC Treaty, including integrated steelworks-owned coking plants)
	342	Manufacture of steel tubes
	343	Wire-drawing, cold-drawing, cold-rolling of strip, cold-forming
	344	Production and primary transformation of non-ferrous metals
	345	Ferrous and non-ferrous metal foundries
Major Group 35		Manufacture of footwear, other wearing apparel and bedding
	351	Forging, heavy stamping and heavy pressing
	352	Secondary transformation and surface-treatment
	353	Metal structures
	354	Boilermaking, manufacture of industrial hollow-ware
	355	Manufacture of tools and implements and finished articles of metal (except electrical equipment)
	359	Ancillary mechanical engineering activities

Major Group 36		Manufacture of machinery other than electrical machinery
	361	Manufacture of agricultural machinery and tractors
	362	Manufacture of office machinery
	363	Manufacture of metal-working and other machine-tools and fixtures and attachments for these and for other powered tools
	364	Manufacture of textile machinery and accessories, manufacture of sewing machines
	365	Manufacture of machinery and equipment for the food-manufacturing and beverage industries and for the chemical and allied industries
	366	Manufacture of plant and equipment for mines, iron and steel works foundries, and for the construction industry; manufacture of mechanical handling equipment
	367	Manufacture of transmission equipment
	368	Manufacture of machinery for other specific industrial purposes
	369	Manufacture of other non-electrical machinery and equipment
Major Group 37		Electrical engineering
	371	Manufacture of electric wiring and cables
	372	Manufacture of motors, generators, transformers, switchgear, and other similar equipment for the provision of electric power
	373	Manufacture of wearing apparel (except furs)
	374	Manufacture of mattresses and bedding
	375	Skin and fur industries
	376	Manufacture of electric appliances for domestic use
	377	Manufacture of lamps and lighting equipment
	378	Manufacture of batteries and accumulators
	379	Repair, assembly and specialist installation of electrical equipment
ex Major Group 38		Manufacture of transport equipment
	383	Manufacture of motor vehicles and parts thereof
	384	Repair of motor vehicles, motorcycles and cycles
	385	Manufacture of motorcycles, cycles and parts thereof
	389	Manufacture of transport equipment not elsewhere classified
Major Group 39		Miscellaneous manufacturing industries
	391	Manufacture of precision instruments and measuring and controlling instruments
	392	Manufacture of medico-surgical instruments and equipment and orthopaedic appliances (except orthopaedic footwear)
	393	Manufacture of photographic and optical equipment
	394	Manufacture and repair of watches and clocks
	395	Jewellery and precious metal manufacturing
	396	Manufacture and repair of musical instruments
	397	Manufacture of games, toys, sporting and athletic goods
	399	Other manufacturing industries
Major Group 40		Construction
	400	Construction (non-specialized); demolition
	401	Construction of buildings (dwellings or other)
	402	Civil engineering; building of roads, bridges, railways, etc.
	403	Installation work
	404	Decorating and finishing

Directive 68/366/EEC
(liberalization Directive 68/365/EEC)
NICE Nomenclature

Major Group 20A	200	Industries producing animal and vegetable fats and oils
	20B	Food manufacturing industries (excluding the beverage industry)
	201	Slaughtering, preparation and preserving of meat
	202	Milk and milk products industry
	203	Canning and preserving of fruits and vegetables
	204	Canning and preserving of fish and other sea foods
	205	Manufacture of grain mill products
	206	Manufacture of bakery products, including rusks and biscuits
	207	Sugar industry
	208	Manufacture of cocoa, chocolate and sugar confectionery
	209	Manufacture of miscellaneous food products
Major Group 21		Beverage industry
	211	Production of ethyl alcohol by fermentation, production of yeast and spirits
	212	Production of wine and other unmalted alcoholic beverages
	213	Brewing and malting
	214	Soft drinks and carbonated water industries
ex 30		Manufacture of rubber products, plastic materials, artificial and synthetic fibres and starch products
	304	Manufacture of starch products

Directive 75/368/EEC: activities listed in Article 5(1)
ISIC Nomenclature

ex 04		Fishing
	043	Inland water fishing
ex 38		Manufacture of transport equipment
	381	Shipbuilding and repairing
	382	Manufacture of railroad equipment
	386	Manufacture of aircraft (including space equipment)
ex 71		Activities allied to transport and activities other than transport coming under the following groups:
	ex 711	Sleeping- and dining-care services; maintenance of railway stock in repair sheds; cleaning of carriages
	ex 712	Maintenance of stock for urban, suburban and interurban passenger transport
	ex 713	Maintenance of stock for other passenger land transport (such as motor cars, coaches, taxis)
	ex 714	Operation and maintenance of services in support of road transport (such as roads, tunnels and toll-bridges, goods depots, car parks, bus and tram depots)
	ex 716	Activities allied to inland water transport (such as operation and maintenance of waterways, ports and other installations for inland water transport; tug and piloting services in ports, setting of buoys, loading and unloading of vessels and other similar activities, such as salvaging of vessels, towing and the operation of boathouses)

73		Communication: postal services and telecommunications
ex 85		Personal services
	854	Laundries and laundry services, dry-cleaning and dyeing
	ex 856	Photographic studios: portrait and commercial photography, except journalistic photographers
	ex 859	Personal services not elsewhere classified (maintenance and cleaning of buildings or accommodation only)

4

Directive 75/369/EEC
(Article 6: where the activity is regarded as being of
an industrial or small-craft nature)

ISIC Nomenclature

The following itinerant activities:

- (a) the buying and selling of goods:
 - by itinerant tradesmen, hawkers or pedlars (ex ISIC Group 612);
 - in covered markets other than from permanently fixed installations and in open-air markets;
- (b) activities covered by transitional measures already adopted that expressly exclude or do not mention the pursuit of such activities on an itinerant basis.

List II

(Directive 82/470/EEC Article 6(3))

Groups 718 and 720 of the ISIC Nomenclature

The activities comprise in particular:

- organizing, offering for sale and selling, outright or on commission, single or collective items (transport, board, lodging, excursions, etc.) for a journey or stay, whatever the reasons for travelling (Article 2(B)(a)).

List III

(Directive 82/489/EEC)

ex 855		Hairdressing, excluding services of chiropodists and professional beauticians' and hairdressers' training schools
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List IV

(Directive 82/470/EEC, Article 6(1))

Groups 718 and 720 of the **ISIC Nomenclature**:

The activities comprise in particular:

- acting as an intermediary between contactors for various methods of transport and persons who dispatch or receive goods and who carry out related activities:
 - (aa) by concluding contracts with transport contractors, on behalf of principals;
 - (bb) by choosing the method of transport, the firm and the route considered most profitable for the principal;
 - (cc) by arranging the technical aspects of the transport operation (e.g. packing required for transportation); by carrying out various operations incidental to transport (e.g. ensuring ice supplies for refrigerated wagons);
 - (dd) by completing the formalities connected with the transport such as the drafting of way bills; by assembling and dispersing shipments;
 - (ee) by coordinating the various stages of transportation, by ensuring transit, reshipment, transshipment and other termination operations;
 - (ff) by arranging both freight and carriers and means of transport for persons dispatching goods or receiving them;
- assessing transport costs and checking the detailed accounts;
- taking certain temporary or permanent measures in the name of and on behalf of a shipowner or sea transport carrier (with the port authorities, ship's chandlers, etc.)

(The activities listed under Article 2(A)(a), (b) and (d))

List V

Directives 70/523/EEC and 64/222/EEC

(a)

Directive 70/523/EEC

Activities of self-employed persons in the wholesale coal trade and activities of intermediaries in the coal trade (ex Group 6112, **ISIC Nomenclature**)

(b)

Directive 64/222/EEC

(liberalization Directive 64/224/EEC)

1. professional activities of an intermediary who is empowered and instructed by one or more persons to negotiate or enter into commercial transactions in the name of and on behalf of those persons;
2. professional activities of an intermediary who, while not being permanently so instructed, brings together persons wishing to contract directly with one another or arranges their commercial transactions or assists in the completion thereof;
3. professional activities of an intermediary who enters into commercial transactions in his own name on behalf of others;
4. professional activities of an intermediary who carries out wholesale selling by auction on behalf of others;

5. professional activities of an intermediary who goes from door to door seeking orders;
6. provision of services, by way of professional activities, by an intermediary in the employment of one or more commercial, industrial or small craft undertakings.

List VI

Directives 68/364/EEC, 68/368/EEC, 75/368/EEC, 75/369/EEC, 82/470/EEC

1

Directive 68/364/EEC
(liberalization Directive 68/363/EEC)

ISIC ex Group 612 Retail trade

Excluded activities:

012	Letting-out for hire of farm machinery
640	Real estate, letting of property
713	Letting-out for hire of automobiles, carriages and horses
718	Letting-out for hire of railway carriages and wagons
839	Renting of machinery to commercial undertakings
841	Booking of cinema seats and renting of cinematograph films
842	Booking of theatre seats and renting of theatrical equipment
843	Letting-out for hire of boats, bicycles, coin-operated machines for games of skill or chance
853	Letting of furnished rooms
854	Laundered linen hire
859	Garment hire

2

68/368/EEC
(liberalization Directive 68/367/EEC)

ISIC Nomenclature

ISIC ex Major Group 85:

1. Restaurants, cafés, taverns and other drinking and eating places (ISIC Group 852)
2. Hotels, rooming houses, camps and other lodging places (ISIC Group 853)

3

75/368/EEC (Article 7)

All the activities listed in the Annex to Directive 75/368/EEC, except those referred to in Article 5 of the Directive (List I, No 3 of this proposal).

ISIC Nomenclature

ex 62	Banks and other financial institutions
ex 620	Patent buying and licensing companies

ex 71	Transport
ex 713	Road passenger transport, excluding transportation by means of motor vehicles
ex 719	Transportation by pipelines of liquid hydrocarbons and other liquid chemical products
ex 82	Community services
827	Libraries, museums, botanical and zoological gardens
ex 84	Recreation services
843	Recreation services n.e.c.: <ul style="list-style-type: none"> - sporting activities (sports grounds, organizing sporting fixtures, etc.), except the activities of sports instructors - games (racing stables, areas for games, racecourses, etc.) - other recreational activities (circuses, amusement parks and other entertainments)
ex 85	Personal services
ex 851	Domestic services
ex 855	Beauty parlours and services of manicurists, excluding services of chiropodists and professional beauticians' and hairdressers' training schools
ex 859	Personal services not elsewhere classified, except sports and paramedical masseurs and mountain guides, divided into the following groups <ul style="list-style-type: none"> - disinfecting and pest control - hiring of clothes and storage facilities - marriage bureaux and similar services - astrology, fortune-telling and the like - sanitary services and associated activities - undertaking and cemetery maintenance - couriers and interpreter-guides

4

75/369/EEC (Article 5)

The following itinerant activities:

- (a) the buying and selling of goods:
 - by itinerant tradesmen, hawkers or pedlars (ex ISIC Group 612);
 - in covered markets other than from permanently fixed installations and in open-air markets;
- (b) activities covered by transitional measures already adopted that expressly exclude or do not mention the pursuit of such activities on an itinerant basis.

82/470/EEC (Article 6(2))

(Activities listed in Article 2(A)(c) and (e), (B)(b), (C) and (D))

These activities comprise in particular:

- hiring railway cars or wagons for transporting persons or goods;
- acting as an intermediary in the sale, purchase or hiring of ships;
- arranging, negotiating and concluding contracts for the transport of emigrants;
- receiving all objects and goods deposited, on behalf of the depositor, whether under customs control or not, in warehouses, general stores, furniture depots, coldstores, silos, etc.
- supplying the depositor with a receipt for the object or goods deposited;
- providing pens, feed and sales rings for livestock being temporarily accommodated while awaiting sale or while in transit to or from the market;
- carrying out inspection or technical valuation of motor vehicles;
- measuring, weighing and gauging goods.

PART TWO**Activities other than those covered in Part One****1**

Directives 63/261/EEC, 63/262/EEC, 65/1/EEC, 67/530/EEC, 67/531/EEC,
67/532/EEC, 68/192/EEC, 68/415/EEC and 71/18/EEC

ISIC Nomenclature

ex Major Group 01 Agriculture

In particular:

- (a) general agriculture including the growing of field crops and viticulture; growing of fruits, nuts, seeds, vegetables, flowers, both in the open and under glass;
- (b) raising of livestock, poultry, rabbits, fur-bearing or other animals, bees; the production of meat, milk, wool, skins and fur, eggs, honey;
- (c) agricultural, animal husbandry and horticultural services on a fee or contract basis.

2

Directive 63/607/EEC
(Films)

3

Directive 64/223/EEC
ISIC Nomenclature

ex Group 611 Activities of self-employed persons in wholesale trade (with the exception of wholesale trade in medicinal and pharmaceutical products, in toxic products and pathogens, and in coal).

4

Directive 64/428/EEC
NICE Nomenclature

Major group	Group	
11		Mining and preparation of solid fuels
	111	Mining and preparation of coal
	112	Mining and preparation of lignite
12		Mining of metalliferous ores
	121	Mining of iron ore
	122	Mining of non-ferrous metalliferous ores and related activities
ex 13	ex 130	Extraction of petroleum and natural gas (excluding prospecting and drilling)
14	140	Extraction of building materials and fireclays
19	190	Extraction of other minerals and of peat

5

**Directive 65/264/EEC
(cinema)**

6

**Directive 66/162/EEC
ISIC Nomenclature**

Division 5 Electricity, gas, steam, water and sanitary services

7

**Directive 67/43/EEC
ISIC Nomenclature**

ex Group 640 Real estate
(excluding 6401)

Group 839 Business services not elsewhere classified (excluding
journalism, activities of customs agents, advice on economic,
financial, commercial, statistical, and labour and employment
matters, debt collection)

8

**Directive 67/654/EEC
ISIC Nomenclature**

Major Group 02 Forestry and logging
021 Forestry
022 Logging

9

**Directives 68/369/EEC and 70/451/EEC
ISIC Nomenclature**

ex Group 841 Production, distribution and projection of films

10

**Directive 69/82/EEC
ISIC Nomenclature**

ex Major Group 13
ex 130 Exploration (prospecting and drilling)
for petroleum and natural gas

11

**Directive 70/522/EEC
ISIC Nomenclature**

ex Group 6112 Coal

Repealed Directives

Part One: Liberalization Directives

- 63/261/EEC: Council Directive of 2 April 1963 laying down detailed provisions for the attainment of freedom of establishment in agriculture in the territory of a Member State in respect of nationals of other countries of the Community who have been employed as paid agricultural workers in that Member State for a continuous period of two years
- 63/262/EEC: Council Directive of 2 April 1963 laying down detailed provisions for the attainment of freedom of establishment on agricultural holdings abandoned or left uncultivated for more than two years
- 63/607/EEC: Council Directive of 15 October 1963 implementing in respect of the film industry the provisions of the General Programme for the abolition of restrictions on freedom to provide services
- 64/223/EEC: Council Directive of 25 February 1964 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities in wholesale trade
- 64/224/EEC: Council Directive of 25 February 1964 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of intermediaries in commerce, industry and small craft industries
- 64/428/EEC: Council Directive of 7 July 1964 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in mining and quarrying (ISIC Major Groups 11-19)
- 64/429/EEC: Council Directive of 7 July 1964 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in manufacturing and processing industries falling within ISIC Major Groups 23-40 (industry and small craft industries)
- 65/1/EEC: Council Directive of 14 December 1964 laying down detailed provisions for the attainment of freedom to provide services in agriculture and horticulture
- 65/264/EEC: Second Council Directive of 13 May 1965 implementing in respect of the film industry the provisions of the General Programmes for the abolition of restrictions on freedom of establishment and freedom to provide services
- 66/162/EEC: Council Directive of 28 February 1966 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons engaging in the provision of electricity, gas, water and sanitary services (ISIC Division 5)
- 67/43/EEC: Council Directive of 12 January 1967 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons concerned with: 1. Matters of "real estate" (excluding 6401) (ISIC Group ex 640); 2. The provision of certain "business services not elsewhere classified" (ISIC Group 839)
- 67/530/EEC: Council Directive of 25 July 1967 concerning the freedom of nationals of a Member State established as farmers in another Member State to transfer from one holding to another

- 67/531/EEC: Council Directive of 25 July 1967 concerning the application of the laws of Member States relating to agricultural leases to farmers who are nationals of other Member States
- 67/532/EEC: Council Directive of 25 July 1967 concerning freedom of access to cooperatives for farmers who are nationals of one Member State and established in another Member State
- 67/654/EEC: Council Directive of 24 October 1967 laying down detailed provisions for the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in forestry and logging
- 68/192/EEC: Council Directive of 5 April 1968 concerning freedom of access to the various forms of credit for farmers who are nationals of one Member State and established in another Member State
- 68/363/EEC: Council Directive of 15 October 1968 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in retail trade (ISIC ex Group 612)
- 68/365/EEC: Council Directive of 15 October 1968 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in the food manufacturing and beverage industries (ISIC Major Groups 20 and 21)
- 68/367/EEC: Council Directive of 15 October 1968 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in the personal services sector (ISIC ex Major Group 85); 1. Restaurants, cafes, taverns and other drinking and eating places (ISIC Group 852); 2. Hotels, rooming houses, camps and other lodging places (ISIC Group 853)
- 68/369/EEC: Council Directive of 15 October 1968 concerning the attainment of freedom of establishment in respect of activities of self-employed persons in film distribution
- 68/415/EEC: Council Directive of 20 December 1968 concerning freedom of access to the various forms of aid for farmers who are nationals of one Member State and established in another Member State
- 69/82/EEC: Council Directive of 13 March 1969 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons engaging in exploration (prospecting and drilling) for petroleum and natural gas (ISIC ex Major Group 13)
- 70/451/EEC: Council Directive of 29 September 1970 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in film production
- 70/522/EEC: Council Directive of 30 November 1970 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in the wholesale coal trade and activities of intermediaries in the coal trade (ISIC ex Group 6112)
- 71/18/EEC: Council Directive of 16 December 1970 laying down detailed provisions for the attainment of freedom of establishment in respect of self-employed persons providing agricultural and horticultural services

Part Two: Directives that provide for transitional measures

- 64/222/EEC: Council Directive of 25 February 1964 laying down detailed provisions concerning transitional measures in respect of activities in wholesale trade and activities of intermediaries in commerce, industry and small craft industries
- 64/427/EEC: Council Directive of 7 July 1964 laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in manufacturing and processing industries falling within ISIC Major Groups 23-40 (Industry and small craft industries), as amended by Council Directive 69/77/EEC of 4 March 1969
- 68/364/EEC: Council Directive of 15 October 1968 laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in retail trade (ISIC ex Group 612)
- 68/366/EEC: Council Directive of 15 October 1968 laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in the food manufacturing and beverage industries (ISIC Major Groups 20 and 21)
- 68/368/EEC: Council Directive of 15 October 1968 laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in the personal services sector (ISIC ex Major Group 85); 1. Restaurants, cafes, taverns and other drinking and eating places (ISIC Group 852); 2. Hotels, rooming houses, camps and other lodging places (ISIC Group 853)
- 70/523/EEC: Council Directive of 30 November 1970 laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in the wholesale coal trade and in respect of activities of intermediaries in the coal trade (ISIC ex group 6112)
- 75/368/EEC: Council Directive of 16 June 1975 on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of various activities (ex ISIC Division 01 to 85) and, in particular, transitional measures in respect of those activities
- 75/369/EEC: Council Directive of 16 June 1975 on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of itinerant activities and, in particular, transitional measures in respect of those activities
- 82/470/EEC: Council Directive of 29 June 1982 on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in certain services incidental to transport and travel agencies (ISIC Group 718) and in storage and warehousing (ISIC Group 720)
- 82/489/EEC: Council Directive of 19 July 1982 laying down measures to facilitate the effective exercise of the right of establishment and freedom to provide services in hairdressing

DOCUMENTS

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Catalogue No: CB-CO-96-022-EN-C

ISBN 92-77-99669-2

Office for Official Publications of the European Communities
L-2985 Luxembourg