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Information and Notices

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Notice (see page 3 of the cover)

EN

⁽¹⁾ Text with EEA relevance

I

(Information)

COMMISSION

Ecu ⁽¹⁾

29 August 1997

(97/C 264/01)

Currency amount for one unit:

Belgian and Luxembourg franc	40,7031	Finnish markka	5,93062
Danish krone	7,50707	Swedish krona	8,59918
German mark	1,97139	Pound sterling	0,676561
Greek drachma	310,255	United States dollar	1,09704
Spanish peseta	166,531	Canadian dollar	1,52226
French franc	6,63547	Japanese yen	131,042
Irish pound	0,736815	Swiss franc	1,62999
Italian lira	1930,20	Norwegian krone	8,16365
Dutch guilder	2,22053	Icelandic krona	78,6909
Austrian schilling	13,8732	Australian dollar	1,49359
Portuguese escudo	200,123	New Zealand dollar	1,71628
		South African rand	5,14788

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day. Users of the service should do as follows:

- call telex number Brussels 23789,
- give their own telex code,
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu,
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic fax answering service (No 296 10 97/296 60 11) providing daily data concerning calculation of the conversion rates applicable for the purposes of the common agricultural policy.

⁽¹⁾ Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, p. 1).
Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

Notice of initiation of anti-dumping proceedings concerning imports of stainless steel bright bars originating in India

(97/C 264/02)

The Commission has received a complaint pursuant to Article 5 of Council Regulation (EC) No 384/96⁽¹⁾, as amended by Regulation (EC) No 2331/96⁽²⁾ (hereinafter referred to as the 'Basic Regulation'), alleging that imports of stainless steel bright bars originating in India are being dumped and are thereby causing material injury to the Community industry.

1. Complaint

The complaint was lodged on 16 July 1997 by Eurofer on behalf of producers representing a major proportion of the Community stainless steel bright bars production.

2. Product

The product allegedly being dumped is stainless steel bars and rods, not further worked than cold-formed or cold-finished, containing by weight 2,5 % or more of nickel, of circular cross section and of a diameter of 80 mm or more, or of circular cross section and of a diameter of 25 mm or more but less than 80 mm, or of circular cross section and of a diameter of less than 25 mm as well as of other cross sections, currently classifiable within CN codes 7222 20 11, 7222 20 21, 7222 20 31 and 7222 20 81. These CN codes are only given for information and have no binding effect on the classification of the product.

3. Allegation of dumping

The allegation of dumping is based on a comparison of normal value established on the basis of domestic prices in India with the export prices of the product concerned to the Community. On this basis the dumping margin is substantial.

4. Allegation of injury

It is alleged that imports from India have increased significantly in absolute terms and in terms of market share.

It is further alleged that the volume and prices of the imported products have, among other consequences, had a negative impact on the quantities sold, the market share and the level of prices charged by the Community producers, resulting in substantial adverse effects on the financial situation of the Community industry and significant job losses.

5. Procedure for determination of dumping and injury

Having determined, after consulting the Advisory Committee, that the complaint has been lodged by or on behalf of the Community industry and that there is sufficient evidence to justify the initiation of proceedings, the Commission has commenced an investigation pursuant to Article 5 of the Basic Regulation.

(a) Sampling for the investigation of dumping

In view of the large number of exporters in the country concerned, the Commission will apply sampling techniques in accordance with Article 17 of the Basic Regulation for the investigation of dumping.

All exporters, or representatives acting on their behalf, are hereby requested to make themselves known by contacting the Commission and to provide the following information specific to each exporting company within the specific time limit for sampling specified in paragraph 7 (b) below:

- the turnover (in domestic currency) and the volume (in million tonnes) of stainless steel bright bars sold for export to the Community during the financial year 1996.
- the turnover (in domestic currency) and the volume (in million tonnes) of stainless steel bright bars sold on the domestic market during the financial year 1996,
- the production volume (in million tonnes) of stainless steel bright bars during the financial year 1996,
- any other relevant information,
- an indication of whether the company would eventually agree to their inclusion in the sample which implies replying to a questionnaire and accepting an on-the-spot investigation of their responses.

(b) Final selection of the sample

Interested parties who wish to submit comments on the above approach or to be consulted on the final selection of the sample are requested to make themselves known by contacting the Commission and to submit all relevant information within the specific time limit for sampling specified in paragraph 7 (b) below.

The Commission intends to make the final selection of the samples after having consulted parties concerned that have expressed a willingness to be included in the sample.

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 317, 6. 12. 1996, p. 1.

Companies included in the sample must reply to a questionnaire and cooperate with any verification visit.

If sufficient cooperation of the parties selected for the sample is not forthcoming, the Commission may apply the provisions of Article 17 (4) of the Basic Regulation.

(c) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will, subject to possible information and comments received concerning the samples, send questionnaires to the companies selected for the purpose of the samples, to the authorities of the exporting country concerned and to importers known to be concerned.

Exporters which submit a request for individual examination, with a view to the application of Articles 17 (3) and 9 (6) of the Basic Regulation, have to submit a duly completed questionnaire within the general time limit set in paragraph 7 (a) of the present notice. It is in their interest, therefore, to request a questionnaire immediately from the Commission or alternatively, from their national authorities. However, such parties should be aware that the Commission may decide, in accordance with Article 17 (3) of the Basic Regulation, that it cannot assess them individually if such assessment would be unduly burdensome and would prevent the timely completion of the investigation.

Importers wishing to reply to a questionnaire should request from the Commission the questionnaire not later than 15 days from the publication of this notice, as their reply should also be received within the general time limit.

(d) Collection of information and holding of hearings

All interested parties, provided they can show that they are likely to be affected by the results of the investigation, are hereby invited to make their views known in writing and to provide supporting evidence.

Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

6. Community interest

In accordance with Article 21 of the Basic Regulation, and in order that an informed decision may be reached as to whether, in the event that the allegations of dumping and injury are substantiated, the adoption of anti-dumping measures would be in the Community interest, the complainants, importers and their representative associations and representative users may, within the general time limit specified in this notice under paragraph 7 (a) below, make themselves known and provide the Commission with information. It should be noted that any information submitted under this Article will only be taken into account if supported by factual evidence at the time of submission.

7. Time limit

(a) General time limit

Interested parties, if their representations are to be taken into account during the investigation, must make themselves known, present their views in writing and submit information within 40 days from the publication of this notice. Interested parties may also apply to be heard by the Commission within the same time limit. This time limit also applies to all interested parties not named in the complaint, and it is consequently in the interest of all these parties to contact the Commission without delay at the address indicated below.

European Commission,
Directorate-General I (External Relations: Commercial Policy and relations with North America, the Far East, Australia and New Zealand),
Directorates I-C and I-E,
(Cort 100 4/37),
Rue de la Loi/Wetstraat 200,
B-1049 Brussels,
Fax: (32 2) 295 65 05,
Telex: COMEU B 21877.

(b) Specific time limit in respect of sampling

All information relevant for the selection of the sample should be submitted to the Commission within 15 days from the publication of this notice.

8. Non-cooperation

In cases in which any interested party refuses access to, or otherwise does not provide necessary information within the time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made in accordance with Article 18 of the Basic Regulation, on the basis of the facts available.

II

(Preparatory Acts)

COMMISSION

Amended proposal for a Council Directive amending Directive 93/75/EEC concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods ⁽¹⁾

*(97/C 264/03)**(Text with EEA relevance)**COM(97) 344 final — 96/0231(SYN)**(Submitted by the Commission pursuant to Article 189a (2) of the EC Treaty on 23 July 1997)*

⁽¹⁾ OJ No C 334, 8. 11. 1996, p. 11.

ORIGINAL TEXT

AMENDED TEXT

Article 1 (2)

2. Article 11 is amended as follows:

a) In the first indent, '(e), (f), (g), (h) and (i)' is replaced by '(e), (f), (g), (h), (i) and (j)'.

2. The following indent is added to Article 11:

— amend the annexes in line with the relevant developments in international law on safety at sea and the protection of the marine environment.'

b) The following indent is added:

— amend the annexes in line with the relevant developments in international law on safety at sea and the protection of the marine environment.'

ANNEX

I. In Annex I, paragraph 1 is amended as follows:

'1. Name and call sign of the vessel and, where appropriate, its IMO identification number.'

I. Annex I is amended as follows:

1. Paragraph 1 is amended as follows:

'1. Name and call sign of the vessel and, where appropriate, its IMO identification number.'

2. The following paragraph 10 is added:

'10. Number of crew on board'.

Amended 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 ⁽¹⁾

(97/C 264/04)

(Text with EEA relevance)

COM(97) 363 final — 96/0031(COD)

(Submitted by the Commission pursuant to Article 189a (2) of the EC Treaty on 15 July 1997)

⁽¹⁾ OJ No C 115, 19. 4. 1996, p. 16.

ORIGINAL PROPOSAL

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,

Having regard to the opinion delivered by the Economic and Social Committee ⁽¹⁾,

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;

⁽¹⁾ OJ No C 295, 7. 10. 1996, p. 43.

AMENDED PROPOSAL
(unchanged unless mentioned below)

ORIGINAL PROPOSAL

- (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;
- (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⁽¹⁾ 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⁽²⁾, as last amended by Commission Directive 95/43/EC⁽³⁾, 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;

AMENDED PROPOSAL

- (5) Whereas appropriate procedures need to be introduced for updating the lists of professional activities;
- (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⁽¹⁾ 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⁽²⁾, as last amended by Commission Directive 95/43/EC⁽³⁾, do not apply to certain professional activities covered by the Directives applying to this subject-matter (Part One of Annex A to this Directive); 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; whereas the professional activities listed in Part Two of Annex A to this Directive fall for the most part within the scope of Directive 92/51/EEC where the recognition of diplomas is concerned;

⁽¹⁾ OJ No L 19, 24. 1. 1989, p. 16.

⁽²⁾ OJ No L 209, 24. 7. 1992, p. 25.

⁽³⁾ OJ No L 184, 3. 8. 1995, p. 21.

ORIGINAL PROPOSAL

AMENDED PROPOSAL

- (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 ⁽¹⁾, 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 ⁽²⁾ (hereinafter called 'beneficiaries') and wishing to pursue the activities listed in Annex A.

⁽¹⁾ OJ No L 176, 15. 7. 1977, p. 1.

⁽²⁾ OJ No 2, 15. 1. 1962, pp. 32/62 and 36/62.

ORIGINAL PROPOSAL

(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.

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.

AMENDED PROPOSAL

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 especially by attending an adaptation period or taking an aptitude test by analogy with Directives 89/48/EEC and 92/51/EEC.

ORIGINAL PROPOSAL

AMENDED PROPOSAL

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.

- (a) six consecutive years in either a self-employed or as manager of an undertaking; or
- (b) three consecutive years in a self-employed or as manager of an 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; or

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.

ORIGINAL PROPOSAL

AMENDED PROPOSAL

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

- (a) six consecutive years in either a self-employed or a managerial capacity; or

- (a) six consecutive years in either a self-employed or as manager of an undertaking; 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

- (b) three consecutive years in a self-employed or as manager of an 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; 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's 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 as manager of an undertaking, where the beneficiary proves that for the activity in question he has received at least two years's 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

- (c) three consecutive years in a self-employed or as manager of an undertaking, 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.

ORIGINAL PROPOSAL

AMENDED PROPOSAL

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

- (a) six consecutive years in either a self-employed or as a manager of an undertaking; or
- (b) three consecutive years in a self-employed or as a manager of an 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; or

- (a) five consecutive years in either a self-employed or as manager of an undertaking; or
- (b) two consecutive years in a self-employed or as manager of an 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; or
- (c) three consecutive years in a self-employed or as manager of an undertaking, 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 as manager of an undertaking, where the beneficiary proves that he has pursued the activity in question for at least three years in an employed capacity; or

ORIGINAL PROPOSAL

- (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 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.

AMENDED PROPOSAL

- (a) three years in a self-employed or as manager of an undertaking, 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 as manager of an undertaking, 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.

- (a) three consecutive years in either a self-employed or as manager of an undertaking; or

- (b) two consecutive years in a self-employed or as manager of an undertaking, where the beneficiary proves that for the activity in question he has received previous training attested by a certificate recognized 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 as manager of an undertaking, where the beneficiary proves that he has pursued the activity in question for at least three years in an employed capacity;

ORIGINAL PROPOSAL

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.

AMENDED PROPOSAL

A person shall be regarded as having pursued an activity as manager of an undertaking within the meaning of Article 4 if he has pursued such an activity in an undertaking in the occupational field in question:

Proof that the conditions laid down in Article 4 are satisfied shall be established by a certificate concerning the nature and duration of the activity 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.

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AMENDED PROPOSAL

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 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 2, 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.

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AMENDED PROPOSAL

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

ORIGINAL PROPOSAL

regarding the terms and extent of cover. They may not produced more than three months after their date of issue.'

AMENDED PROPOSAL

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 und 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.'

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AMENDED PROPOSAL

TITLE VI

Procedural provisions*Article 9*

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

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.

ORIGINAL PROPOSAL

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.

AMENDED PROPOSAL

- collecting all useful information for its application in the Member States and especially for gathering and comparing information on the different professional qualifications in the areas of activity falling within the scope of this Directive.

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 13a

Not later than five years after the date referred to in Article 14 the Commission shall report to the European Parliament and the Council on the state of application of this Directive in the Member States. After undertaking all the necessary hearings, the Commission shall submit its conclusions regarding any changes to the existing arrangement. If necessary, the Commission shall also submit proposals for improving the existing arrangements with the aim of facilitating freedom of movement, the right of establishment and the free movement of services.

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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.

ANNEX A

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)

I

Directive 64/427/EEC (corresponding liberalization Directive: 64/429/EEC)

NICE nomenclature

(corresponding to ISIC Major groups 23-40)

Major group 23	<i>Manufacture of textiles</i>
232	Manufacturing and processing of textile materials on woollen machinery
233	Manufacturing and 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	<i>Manufacture of footwear, other wearing apparel and bedding</i>
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	<i>Manufacture of wood and cork, except manufacture of furniture</i>
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	<i>Manufacture of paper and paper products</i>
271	Manufacture of pulp, paper and paperboard
272	Procesing of paper and paperboard, and manufacture of articles of pulp
Major group 28	
280	Printing, publishing and allied industries
Major group 29	<i>Leather industry</i>
291	Tanneries and leather finishing plants
292	Manufacture of leather products

ex Major group 30	<i>Manufacture of rubber and plastic products, man-made fibres and starch products</i>
301	Processing of rubber and asbestos
302	Processing of plastic materials
303	Production of man-made fibres
ex Major group 31	<i>Chemical industry</i>
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	<i>Manufacture of non-metallic mineral products</i>
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	<i>Production and primary transformation of ferrous and non-ferrous metals</i>
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	<i>Manufacture of footwear, other wearing apparel and bedding</i>
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	<i>Manufacture of machinery other than electrical machinery</i>
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	<i>Electrical engineering</i>
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	<i>Manufacture of transport equipment</i>
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	<i>Miscellaneous manufacturing industries</i>
391	Manufacture of precision instruments and measuring and controlling instruments
392	Manufacture of medio-surgical instruments and equipment and orthopaedic appliances (except orthopaedic footwear)
393	Manufacture of photographic and optical equipment
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	<i>Construction</i>
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 38/366/EEC (liberalization Directive 68/365/EEC)

NICE nomenclature

Major group 20 A	
200	Industries producing animal and vegetable fats and oils
Major group 20 B	<i>Food manufacturing industries (excluding the beverage industry)</i>
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	<i>Beverage industry</i>
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	<i>Manufacture of rubber products, plastic materials, artificial and synthetic fibres and starch products</i>
304	Manufacture of starch products

3

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

ISIC nomenclature

ex 04	<i>Fishing</i>
043	Inland water fishing
ex 38	<i>Manufacture of transport equipment</i>
381	Shipbuilding and repairing
382	Manufacture of railroad equipment
386	Manufacture of aircraft (including space equipment)
ex 71	<i>Activities allied to transport and activities other than transport coming under the following groups:</i>
ex 711	Sleeping and dining-car 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	<i>Communication: postal services and telecommunications</i>
ex 85	<i>Personal services</i>
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 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

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, re-shipment, trans-shipment 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 (1) (a), (b) and (d))

List V

(Directive 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. provisions 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

Directive 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

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

ISIC nomenclature

ISIC ex Major group 85:

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

3

Directive 75/368/EEC (Article 7)

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

ISIC nomenclature

- | | | |
|-------|--------|---|
| ex 62 | | <i>Banks and other financial institutions</i> |
| | ex 620 | Patent buying and licensing companies |
| ex 71 | | <i>Transport</i> |
| | 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 | | <i>Community services</i> |
| | 827 | Libraries, museums, botanical and zoological gardens |
| ex 84 | | <i>Recreation services</i> |
| | ex 843 | Recreation services n.e.c.:
— 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 | | <i>Personal services</i> |
| | 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:
— 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

Directive 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.

5

Directive 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

Group

Major group 11

Mining and preparation of solid fuels

- 111 Mining and preparation of coal
- 112 Mining and preparation of lignite

12		<i>Mining of metalliferous ores</i>
	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		<i>Electricity, gas, steam, water and sanitary services</i>
	7	
		Directive 67/43/EEC
		ISIC nomenclature
ex Group 640		<i>Real estate</i> (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		<i>Forestry and logging</i>
	021	Forestry
	022	Logging
	9	
		Directive 68/369/EEC and 70/451/EEC
		ISIC nomenclature
ex Group 841		<i>Production, distribution and projection of films</i>
	10	
		Directive 69/82/EEC
		ISIC nomenclature
ex Major group 13		
	ex 130	<i>Exploration (prospecting and drilling) for petroleum and natural gas</i>
	11	
		Directive 70/522/EEC
		ISIC nomenclature
Group 6112		<i>Coal</i>

ANNEX B

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 agriculture 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 to 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 to 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 1964 implementing in respect of the film industry the provisions of the general programmes for the abolition of restriction 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 establishment 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)

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- 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
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Proposal for a Council Regulation (EC) amending Regulation (EEC) No 1323/90 instituting specific aid for sheep and goat farming in certain less-favoured areas of the Community

(97/C 264/05)

COM(97) 407 final — 97/0210(CNS)

(Submitted by the Commission on 25 July 1997)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas prices are in serious decline on the Community market in sheep's and goat's milk products and the situation is unlikely to improve in the medium term;

Whereas the resulting impact on producers' incomes is likely to be extremely unfavourable in less-favoured areas listed under Council Regulation (EC) No 950/97 of 20 May 1997 on improving the efficiency of agricultural structures⁽¹⁾, where there is little alternative to production using the existing sheep and goat dairy breeds; whereas these producers should be compensated by increasing from 70 % to 90 % the percentage granted them under Council Regulation (EEC) No 1323/90 of 14 May 1990⁽²⁾, as last amended by Regulation (EC) No 40/96⁽³⁾, of the specific aid for non-dairy ewes in certain less-favoured areas of the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1323/97 is hereby amended as follows:

— in the second indent of Article 1 (1) 'ECU 4,589' is replaced by 'ECU 5,977',

— in the third indent of Article 1 (1) 'ECU 4,589' is replaced by 'ECU 5,977'.

Article 2

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

It shall apply from the beginning of the 1998 marketing year.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

⁽¹⁾ OJ No L 142, 2. 6. 1997, p. 1.

⁽²⁾ OJ No L 132, 23. 5. 1990, p. 17.

⁽³⁾ OJ No L 10, 13. 1. 1996, p. 6.

Proposal for a Council Directive amending Council Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control)

(97/C 264/06)

(Text with EEA relevance)

COM(97) 416 final — 97/0215(SYN)

(Submitted by the Commission on 28 July 1997)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 84 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

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

Having regard to Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control) ⁽¹⁾,

1. Whereas, for the purpose of Directive 95/21/EC, Article 2(1) thereof stipulates that international conventions means the conventions in force at the time of adoption of the Directive;

2. Whereas since the adoption of Directive 95/21/EC amendments to the Solas 74 Convention, to the Marpol 73/78 Convention and to the STCW 78 Convention have entered into force; whereas it is appropriate to apply these amendments for the purpose of the Directive;

3. Whereas the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code) adopted by the International Maritime Organization on 4 November 1993 establishes a safety management system applicable both shipboard and on shore by the company responsible for operation of the ship and verified by the administration of the country in which the company conducts its business;

4. Whereas the ISM Code is an essential contribution to maritime safety and to protection of the marine environment in Community waters;

5. Whereas Council Regulation (EC) No 3051/95 of 8 December 1995 on the safety management of roll-on/roll-off passenger ferries ⁽²⁾ aims at advanced mandatory enforcement of the provisions of the ISM Code to all ro-ro ferries to or from Community ports, regardless of their flag;

6. Whereas the ISM Code enters into force at international level on 1 July 1998 for all passenger ships, oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high-speed craft with a gross tonnage of 500 tonnes or more;

7. Whereas the delays in implementing the provisions of the ISM Code at international level by companies and administrations from several flag States are creating a situation giving extreme cause for concern from the point of view of marine safety and protection of the environment;

⁽¹⁾ OJ No L 157, 7. 7. 1995, p. 1.

⁽²⁾ OJ No L 320, 30. 12. 1995, p. 14.

8. Whereas in expanding the control measures it is necessary to at Community level with a view to enforcement of the obligations imposed by the ISM Code as soon as they enter into force; whereas these measures must include detention of all ships without certificates issued pursuant to the ISM Code;
9. Whereas in the absence of other serious deficiencies warranting detention of the vessel, the Member State concerned should give authorisation to lift the detention order on the ship; whereas, however, the ship in question should be refused access to Community ports until valid certificates have been issued under the ISM Code;
10. Whereas it must be possible to adapt Directive 95/21/EC to amendments to the international conventions and the memorandum of Understanding mentioned in Article 2 by a simplified procedure; whereas the procedure provided for in Article 18 of the Directive appears the most appropriate for such amendments; whereas Article 19 must be extended to this end,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 95/21/EC is hereby amended as follows:

1. in Article 2 (1) 'in force at the date of adoption of this Directive' is replaced by 'in force on 1 July 1998'.
2. The following Article is added:

'Article 9a

Procedure applicable in the absence of ISM certificates

1. Where the inspection reveals that the copy of the document of compliance or certificate issued in accordance with the International management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code) are missing, the competent authority shall ensure that the vessel is detained.
2. Notwithstanding the absence of the documentation referred to in paragraph 1, if the inspection finds no other deficiencies warranting detention the

competent authority may authorize the ship to leave port. Whenever such a decision is taken, the competent authority shall immediately inform the competent authorities of the other Member States thereof.

3. Member States shall take the measures necessary to ensure that all ships authorized to leave a port in a Member State under the circumstances referred to in paragraph 2 shall be refused access to all ports in the Community until the owner or operator of the vessel has demonstrated, to the satisfaction of the Member State in which detention was ordered, that the ship has valid certificates issued in accordance with the ISM Code.'

3. In Article 19 the following point is added:

'(c) apply, for the purpose of this Directive, subsequent amendments which have entered into force to the international conventions and to the Memorandum of Understanding mentioned in Article 2 (1) and (2).'

Article 2

1. Member States shall adopt the laws, regulations and administrative provisions necessary to implement this Directive not later than 1 July 1998 and shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the provisions of national law which they have adopted in the field governed by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

NOTICE

On 30 August 1997, in the *Official Journal of the European Communities* No C 264 A, the 'Common catalogue of varieties of agricultural plant species — 20th complete edition' will be published.

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