

INFORMATION MEMO

PROPOSAL FOR A DIRECTIVE ON NON-WAGE-EARNING ACTIVITIES
CONNECTED WITH ELECTRICITY, GAS, WATER AND SANITATION

The Executive Commission of the Common Market has submitted to the Council a proposal for a directive introducing freedom of establishment and freedom to supply services for self-employed persons in the sector of gas, water and electricity supplies and sanitation.

The activities concerned are :

- (a) The production and distribution of electricity;
- (b) The production of gas in gas-works, the distribution of gas of all kinds to consumers and the transport of gas as an independent service;
- (c) The production and distribution of steam for heating and power;
- (d) The provision of water supplies, i.e. the collection and filtering of water and its distribution to consumers;
- (e) Sanitation services, i.e. the destruction or utilization of sewage and refuse.

Under the proposed directive Member States will abolish restrictions involving discrimination against non-nationals in the fields of :

- (a) establishment
- (b) administrative practices
- (c) granting of concessions or licences

Beneficiaries of the present directive are to be allowed to join trade or professional associations on the same conditions and with the same rights and duties as nationals.

In the case of establishment, the right to membership of a trade or professional association includes the right to stand for election and the right to be appointed to executive posts within the association. Such posts may, however, be reserved for nationals if the association in question exercises public authority by virtue of some provision of a law or regulation.

In Luxembourg, membership of the Chamber of Commerce or of the Chamber of Trade (Chambre des Métiers) does not give the beneficiaries of the present directive the right to take part in the election of executive bodies.

Member States must not grant to any of their nationals who move to another Member State in order to engage in the activities defined above any aid which would influence the conditions of establishment.

A host country which requires that its own nationals wishing to engage in such activities shall furnish proof of good character or proof

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that they have not been bankrupt, shall accept, in the case of nationals or other Member States, a certificate based on legal records or failing that an equivalent document issued by a competent legal or administrative authority of the country of origin.

If the home country or country of origin does not issue a certificate attesting that there has been no bankruptcy, this may be replaced by an affidavit sworn by the interested party before a competent legal or administrative authority, commissioner for oaths or qualified professional body duly authorized for this purpose, in the country concerned.
