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INFORMATION MEMO

Freedom of establishment in the restaurant sector

The EEC Commission has recently sent to the Council of Ministers a proposal for a directive on freedom of establishment and freedom to supply services as self-employed persons in the "Personal Services" category in the following sectors: restaurants and cafés, hotels and similar establishments, camps.

The Member States will be required to remove restrictions preventing beneficiaries from enjoying the same conditions and rights as their own nationals. Administrative practices involving discrimination against such persons will also have to be discontinued.

Beneficiaries under the directive will have the right to join trade associations on the same terms and with the same obligations as nationals.

Where the host country requires from its own nationals seeking permission to engage in any of the above-mentioned activities proof of good character and/or proof that they have never been declared bankrupt, that country must accept from nationals of the other Member States a certificate based on police records or, failing this, a similar document issued by the competent legal or administrative authority in the country of origin (or the country from which the applicant has come) attesting that these requirements are satisfied.

If it is not the practice in the latter country to issue such a certificate, the interested party may submit in its place an affidavit sworn before a legal or administrative authority, a notary or the appropriate professional body in the country concerned.

The Member States will take all necessary measures to conform with the directive within six months from the date of its notification.

A second proposal for a directive submitted to the Council of Ministers contains the transitional measures which will apply in the field covered by the first directive. It provides that experience in one Member State in the activity considered may be accepted as vouching for the knowledge and ability required for the exercise of such activity in another Member State.