

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 372 final

Brussels, 26 July 1978

Amendment to the Proposal for a Council  
Directive on the protection of participants  
in home study courses

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(presented by the Commission to the Council  
pursuant to Article 149 para 2 of the EEC  
Treaty)

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Amendment to the Proposal for a Council Directive on the  
protection of participants in home study courses  
(presented by the Commission to the Council pursuant to  
Article 149 para 2 of the EEC Treaty)

Original text

Third recital

Whereas any disparity between the legislation in the different Member States may have a direct effect on the functioning of the common market; whereas it is therefore necessary to harmonize legislation in this field;

Article 2

1. Each Member State shall ensure that an organizer who wishes to offer home study courses :
  - a) must be accredited for this purpose or

Amended text

Third recital

Whereas disparities in the legislations of the different Member States have a direct effect on the functioning of the common market; whereas it is therefore necessary to harmonize legislation in this field;

Insert a new recital 6 a :

Whereas it is appropriate to confirm expressly that interested parties should have appropriate judicial remedies against decisions of national authorities having competence under this Directive;

Article 1

Paragraph 1 and paragraph 2 a) - d) unchanged

Insert a new point e) :

- e) 'accreditation' means authorization from a Member State to offer home study courses.

Article 2

1. Each Member State shall ensure that an organizer who wishes to offer home study courses :
  - a) must be accredited for all courses or for individual

courses;

or

...

Rest unchanged

Article 3

b) Accreditation is granted for a period of three years and shall be renewable;

Article 3

1.a) unchanged

b) Accreditation is granted for a period of three years and shall be renewable at the request of the organizers concerned;

Rest unchanged

Insert a new Article 4 a after

Article 4 ;

The Member States shall ensure that all decisions to refuse or withdraw accreditation taken pursuant to provisions implementing this directive may be subject to judicial review. Such decisions shall state

the reasons upon which they are based and be notified to the party concerned with an indication of the remedies available to him under the law in force in the Member States and of the time allowed for the exercise of these remedies.

Article 5

or has requested such a visit in writing

Article 5 (concerns only English version)

and has requested such a visit in writing

Article 8

4. The Member States shall take steps to ensure that a contract in respect of participation in a course

Article 8 (concerns only English version)

Paragraphs 1 to 3 unchanged

4. The Member States shall take steps to ensure that a contract in respect of participation in a course

which has been concluded without observing the provisions of Articles 5 and 8(1) or which has not been signed by the contracting parties shall be invalid.

which has been concluded without observing the provisions of Articles 5 and 8(1) or which has not been signed by the contracting parties shall be void.

Article 17

2. The Member States shall send to the Commission the text of the main provisions of national law which they adopt in the field covered by this directive.

Article 17

Paragraph 1 unchanged

2. The Member States shall send to the Commission the text of the provisions of national law which they adopt in the field governed by this Directive.