

**Proposal for a Council directive introducing freedom of establishment
and freedom to supply services in respect of self-employed persons engaged
in dealings in real estate (Group 640 ISIC) and business services
(Group 839 ISIC) (Articles 54 and 63 of the Treaty)**

(submitted by the Commission to the Council on 24 July 1964)

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EXECUTIVE SECRETARIAT OF THE COMMISSION
OF THE EUROPEAN ECONOMIC COMMUNITY

**Proposal for a Council directive introducing freedom of establishment
and freedom to supply services in respect of self-employed persons engaged
in dealings in real estate (Group 640 ISIC) and business services
(Group 839 ISIC) (Articles 54 and 63 of the Treaty)**

(submitted by the Commission to the Council on 24 July 1964)

The Council of the European Economic Community,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 54 (2 and 3) and Article 63 (2 and 3) thereof;

Having regard to the General Programme for the removal of restrictions on freedom of establishment (1), and in particular Title IV A thereof;

Having regard to the General Programme for the removal of restrictions on freedom to supply services (2), and in particular Title V C thereof;

Having regard to the proposal of the Commission;

Having regard to the opinion of the European Parliament;

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

Whereas under the General Programmes any discriminatory treatment based on nationality regarding establishment and the supply of services in the sphere of real estate and in that of business services (not elsewhere classified) is to be eliminated before the end of the second year of the second stage;

Whereas in order to simplify procedure, these two groups of activities are covered by a single directive introducing freedom of establishment and freedom to supply services;

Whereas certain activities in the sphere of real estate and in that of business services not elsewhere classified are not covered by the present directive, either because these activities belong to branches which will be the subject of separate directives, or because, in accordance with the provisions of the General Programmes, they will not be liberalized until a later stage;

Whereas separate directives will be issued concerning restrictions on the movement and residence of all self-employed persons (3) and concerning any necessary co-ordination

of the guarantees that Member States require of companies in order to protect the interests of members and of third parties;

Whereas, for the purpose of applying the provisions regarding the right of establishment and freedom to supply services, companies will be assimilated to individual nationals of Member States, subject only to the conditions laid down in Article 58 and, in some cases, on condition that there is a real and permanent connection with the economy of a Member State; and whereas therefore no additional condition may be imposed before they may enjoy the benefit of these provisions, and in particular no special licence shall be required of them that is not required for home companies; and whereas notwithstanding such assimilation Member States may still require that joint stock companies operating in their country be known under the style laid down in the laws of the Member State under which they were incorporated, and that they indicate on the commercial stationery they use in the host country the amount of capital subscribed;

Whereas in accordance with the provisions of the General Programme for the removal of restrictions on freedom of establishment, restrictions on the right to join a trade or professional organization are to be eliminated in so far as the professional activity of the party concerned requires the exercise of this right;

Whereas the treatment of wage-earning and salaried workers accompanying a person supplying services or acting on his behalf is subject to the regulations made under Articles 48 and 49 of the Treaty;

Whereas provisional measures may be adopted, if need be, pending directives concerning the co-ordination and recognition of diplomas or other qualifications;

Has adopted the present directive:

PART ONE

Article 1

Member States shall remove the restrictions listed in Title III of the General Programmes for the removal of restrictions on freedom

(1) See official gazette of the European Communities, No 2, 15 January 1962, p. 36.

(2) *ibid.*

(3) *ibid.*, No 56, 4 April 1964, p. 845.

of establishment and on freedom to supply services where these affect the natural and legal persons listed in Title I of these Programmes — hereinafter described as “beneficiaries” — in so far as such restrictions concern pursuit of the activities referred to in Articles 2 and 4.

PART TWO

Activities to which the present directive applies

TITLE 1

Dealings in real estate

Article 2

1. The provisions of the present directive shall apply to self-employed persons engaged in the activities connected with real estate listed in Annex I of the General Programme for the removal of restrictions on freedom of establishment (Group ex 640), with the exception of the activities mentioned in Article 3 of the present directive.

2. The group includes all dealings in real estate on the part of persons or companies who derive income from the ownership, possession, purchase, sale, lease or management of real estate whether developed or undeveloped, and in particular from premises used for industrial, commercial or professional purposes or as dwellings, or from rights pertaining to these types of property, or from intermediary activities in dealings relating to such properties or rights.

3. Restrictions on the said activities shall be removed in respect of all persons, howsoever designated, who pursue them. The designations used at present in the Member States for the branches concerned are the following:

In Belgium:

agence immobilière — makelaar in onroerende goederen
agence de location — verhuuragentschap
gérance d'immeubles — beheerbureau van onroerende goederen

In the Federal Republic of Germany:

Immobilien — Hypotheken- und Finanzmakler,
Immobilientaxator, Immobilienschätzer,
Immobilienfachverständiger,

Immobilienhändler, Grundstücksverwertungsgesellschaften,
Baubetreuer,
Immobilien-, Haus-, und Vermögensverwalter (einschliesslich der Einziehung von Mietforderungen von den Mietern der verwalteten Grundstücke oder Räume).

In France:

marchands de biens et agents immobiliers, lotisseurs,
administrateurs de biens, gérants et régisseurs d'immeubles,
syndics de copropriété,
agences de location,
promoteurs d'opérations de construction, sociétés immobilières sous leurs diverses formes.

In Italy:

intermediario nell'acquisto, nella vendita o nell'affitto o locazione di terreni urbani e fondi rustici;
intermediario nell'acquisto, nella vendita o locazione di fabbricati ad uso di abitazione, albergo, pensione, autorimesse o ad uso commerciale, industriale o professionale;
agenzie od imprese, par la compra-vendita di immobili per gli usi predetti;
agenzia o imprese di riscossione di canoni di affitto, di fondi rustici o di locazione di immobili urbani.

In Luxembourg:

agence immobilière,
gérance d'immeubles,
société immobilière.

In the Netherlands:

makelaars in onroerende goederen, tussenpersonen in onroerende goederen (niet zijnde makelaars),
woningbureaus, woonruilcentrales, bouwen bemiddelingsbureaus, administratiekantoren van onroerende goederen.

Article 3

In the matter of dealings in real estate, the present directive is not applicable to self-employed activities in the following branches, which are the subject of other directives:

a) Agriculture and forestry, whether or not practised by companies or associations (Classes 01 and 02 ISIC);

- b) Financial institutions (Group 620 ISIC);
- c) Land surveyors (Group 6401);
- d) Architects occupied as such (ex Group 833 ISIC);
- e) Building contractors occupied as such (Group 400 ISIC);
- f) Intermediaries in commerce, industry and crafts (Group 611 ISIC);
- g) Travel agencies (Group 718 ISIC);
- b) The hotel and catering trades (Group 853 ISIC).

TITLE II

Business services not elsewhere classified

Article 4

1. The provisions of the present directive shall apply to self-employed persons engaged in the activities connected with "business services not elsewhere classified" listed in Annex I of the General Programme for the removal of restrictions on freedom of establishment (Group 839) with the exception of the activities mentioned in Article 5 of the present directive.

2. Without prejudice to the provisions of Article 6, these activities may be sub-divided as follows:

- a) Employment agencies;
- b) Detective agencies, inquiry agencies, security services;
- c) Advertising agencies and services;
- d) The organization of commercial events (in particular industrial and trade fairs (*jour-nées commerciales*), exhibitions etc.);
- e) Services ancillary to office work, including the hiring of mechanical and electronic office equipment; translation services;
- f) Consultant services on economic, financial, commercial and organizational matters;
- g) Literary and artistic professions;
- b) Other business services not elsewhere classified mentioned in Group 839 (e.g. those of valuers, experts, interpreters).

Article 5

In the matter of "business services not elsewhere classified", the present directive is not applicable to the following activities of

self-employed persons, which are the subject of other directives:

a) The activities of banks and insurance companies (e.g. financing institutions, etc.) and professions incidental to these (e.g. stock-brokers, insurance consultants, insurance agents, etc.) (Groups 620 and 630 ISIC);

b) The activities of intermediaries in commerce, industry and crafts (e.g. manufacturers' sales agents, commercial brokers, etc.) (Groups 611 ISIC);

c) Services incidental to transport (Group 718 ISIC);

d) Legal services and the activities of tax consultants (Groups 831 and 833 ISIC);

e) Activities which may be pursued by accountants (Group 832 ISIC);

f) Activities in motion pictures, the theatre, sport and entertainment (in particular the promotion of sporting events and theatrical employment agencies) (Class 84 ISIC);

g) Self-employment in activities connected with the press (ex Group 839 ISIC).

TITLE III

Activities excluded by virtue of special provisions of the Treaty

Article 6

1. The provisions of the present directive shall not apply to activities which in a given Member State involve the exercise of public authority [Article 55 (1)]. These activities are:

a) *The placing of workers in employment:*

In the Federal Republic of Germany: Labour exchanges and unemployment insurance, by virtue of Article 35 of the relevant law (AVAVG);

In Belgium: Labour exchanges for whose services a charge is made, by virtue of the royal decree of 10 April 1954;

In France: Labour exchanges (decree of 24 May 1945);

In Italy: Labour exchanges, by virtue of Articles 11 and 12 of Law No. 628 of 22 July 1961;

In Luxembourg: Labour exchanges, by virtue of the Grand Ducal decree of 30 June 1945 concerning the establishment of a national employment office;

In the Netherlands: Labour exchanges, by virtue of the "Arbeidsbemiddelingswet" of 29 November 1930.

b) *The organization of trade fairs and markets in so far as this is reserved for public authorities*

2. Special provisions for foreign nationals which are admissible under Article 56(1) also remain unaffected until such time as they are co-ordinated in pursuance of Article 56(2).

These special provisions are at present the following:

In all Member States: Provisions concerning rural watchmen and forest keepers.

In Italy: Articles 133 seqq. of the consolidated law relating to public security and Articles 249-260 of the regulation made thereunder, which stipulate that sworn watchmen and keepers must be of Italian nationality, since they have duties similar to those of the judicial police.

PART THREE

Restrictions to be removed

Article 7

1. The Member States shall remove any restrictions:

a) Which prevent beneficiaries of the present directive from establishing themselves in the host country or from supplying services there on the same conditions and with the same rights as the nationals of the country concerned;

b) Which stem from an administrative practice and lead to discrimination between beneficiaries of the present directive and nationals of the country concerned;

2. Restrictions to be removed include in particular those inherent in provisions by which the right of beneficiaries of the present directive to establish themselves or to supply services is annulled or impaired as in the following ways:

a) *In the Federal Republic of Germany:*

i) By requiring travelling salesmen to hold a special card (*Reisegewerbekarte*) in order to call on other persons in the course of business (*Gewerbeordnung* sec. 55 d, text of 5 February 1960 (*Bundesgesetzblatt* I, p. 61, amendment p. 92); regulation of 30 November 1960 (*Bundesgesetzblatt* I, p. 871);

ii) By requiring foreign companies to hold a special permit in order to do business in Federal territory (*Gewerbeordnung*, sec. 12 and *Aktiengesetz* sec. 292);

b) *In Belgium:*

By the requirement of a "professional card" (royal decree No. 62 of 16 November 1939, ministerial order of 17 December 1945, ministerial order of 11 March 1954);

c) *In France:*

i) By the requirement of a foreign trader's identity card (decree-law of 12 November 1938, decree of 2 February 1939, law of 8 October 1940, law of 10 April 1954, decree No. 59-852 of 9 July 1959);

ii) By the requirement of French nationality for the proprietor and managerial and administrative staff of private inquiry agencies and detective agencies (Law No. 891 of 28 September 1942, *Journal officiel* of 30 October 1942);

iii) By the requirement of French nationality for estimates by public valuers and expert consultants (*commissaires-priseurs*) at their offices when the valuation must be done by an officially appointed expert (law of 27 ventôse, year IX);

d) *In Italy:*

i) By the requirement of Italian nationality for official valuers (*stimatori pubblici*) and experts (*periti ed esperti*) (royal decree No. 2011 of 20 September 1934, Article 32 No. 3);

ii) By the requirement of Italian nationality for registration on the *Ruolo dei mediatori* (Law No. 253 of 21 March 1958);

iii) By the requirement of Italian nationality for free-lance interpreters (*interprete indipendente*) (Article 123 of Testo Unico delle leggi di Pubblica Sicurezza, approved by royal decree No. 773 of 18 June 1931, and Articles 234, 236, 239 of the regulation made thereunder, approved by royal decree No. 635 of 6 May 1940);

iv) By the requirement of Italian nationality for private inquiry agents (*Testo unico delle*

leggi di pubblica sicurezza, Article 134), or for ownership of an inquiry agency or establishment providing security guards, when this is not excluded by Article 6 (*agenzie investigative, servizi di informazione e sorveglianza*);

c) *In Luxembourg*:

By limiting the term of licences granted to foreign nationals, under Article 21 of the Luxembourg law of 2 June 1962 (*Mémorial* A No. 31 of 19 June 1962).

PART FOUR

Common provisions

Article 8

1. The Member States shall ensure that beneficiaries of the present directive may join trade or professional organizations on the same conditions and with the same rights and duties as nationals of the country concerned.

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

3. In the Grand Duchy of Luxembourg membership of the Chamber of Commerce or of the Chamber of Trade (*Chambre des Mériers*) does not entitle beneficiaries of the present directive to take part in elections to executive bodies.

Article 9

Member States shall not grant to their nationals moving to another Member State in order to engage in one of the activities defined in Articles 2 and 4 any aid which would have the effect of influencing the conditions of establishment.

Article 10

1. When a host country requires that its own nationals wishing to engage in one of the activities listed in Articles 2 and 4 shall

furnish proof of good character and/or proof that they have not been declared bankrupt, the said country shall accept as sufficient proof from nationals of other Member States a certificate based on police records (*extrait de casier judiciaire*) or failing that an equivalent document issued by a competent legal or administrative authority of the home country or country of origin, attesting that these conditions are fulfilled.

2. If the home country or country of origin does not issue a certificate attesting that the person concerned has not been declared bankrupt, this may be replaced by an affidavit made by the party concerned before a competent legal or administrative authority, commissioner for oaths or qualified professional body duly authorized for this purpose in the home country or country of origin. The same shall apply when in the home country or country of origin certificates are not issued attesting the absence of non-judicial sanctions, such as removal from office, withdrawal of licence or striking off the professional register.

3. Documents issued in conformity with paragraphs 1 and 2 shall not, at the time of presentation, date back more than three months.

4. The Member States shall designate, within the time-limit laid down in Article 12, the authorities or bodies competent to issue the aforesaid documents, and shall forthwith inform the other Member States and the Commission thereof.

Article 11

Member States in which admission to the profession in question is subject to the taking of an oath shall see that the oath as worded can also be taken by foreign nationals. Where this is not so, the Member State shall prescribe some other suitable form of words to the same effect.

Article 12

Member States shall put into effect any measures needed to comply with the provisions of the present directive within six months of notification and shall inform the Commission forthwith of the action taken.

Article 13

The present directive is addressed to the Member States.

Explanatory memorandum

1. Introduction

a) The General Programme for the removal of restrictions on freedom of establishment was adopted by the Council on 18 December 1961, being based on Article 54 (1) of the Treaty. In Title IV A (time-table) the Programme lays down that restrictions on freedom of establishment shall be effectively removed before the end of the second year of the second stage of the transition period for the activities listed in Annex I of the aforesaid Programme. This Annex includes dealings in real estate (Groupe 640) and "other business services not elsewhere classified" (Group 839).

b) The General Programme for the removal of restrictions on freedom to supply services, also adopted by the Council on 18 December 1961, refers in Title V C to the time-table for implementation of the establishment programme.

c) In accordance with Article 54 (2) and Article 63 (2) the Commission hereby submits to the Council the text of a directive designed to give effect to the programmes in respect of these activities.

Before approving the directive, which it may do by qualified majority, the Council is obliged under the said articles to consult the Economic and Social Committee and the European Parliament.

d) The Commission feels it desirable to append a detailed commentary to the proposal, explaining the grounds for its provisions and expressing the opinion of the Commission on certain points put forward by the Member States in the course of the preparatory work.

2. The object of the directive

The directive is intended to cover the groups of activities listed in Annex 1 of the General Programme for which no directive has yet been proposed.

It relates therefore to Group 640, which concerns dealings in real estate, and Group 839, which includes such activities of Class 83 (business services) as are not included in the other sub-groups of that class.

All the activities have one thing in common: they are not concerned with industrial production but, from an economic point of view, pertain to commerce or services. Certain firms engage in activities that belong partly to one group and partly to the other.

In the interests of clarity the directive is divided into four parts:

Part 1: Beneficiaries

Part 2: Activities included

Part 3: Restrictions to be removed

Part 4: Common provisions.

3. Comments on the articles

PART ONE

Article 1: The wording is similar to that adopted for other directives previously submitted.

PART TWO

Part Two is sub-divided into three titles:

Title I: Dealings in real estate (Articles 2 and 3)

Title II: Business services not elsewhere classified (Art. 4 and 5)

Title III: Activities excluded by virtue of special provisions of the Treaty (Art. 6).

Article 2: The General Programme does not amplify the content of the group "Dealings in real estate". The purpose of Article 2 of the directive is to state explicitly which activities are affected.

Paragraph 1 therefore refers to the nomenclature group (ex 640). Here there is an "ex group" because, according to Annex II to the time-table of the General Programme (1), one profession — land surveying — is not to be liberalized until the end of 1965.

Paragraph 2 describes the activities affected, and here the wording closely follows the commentaries on the UN Nomenclature that was used in drawing up the time-table (2). The following are included: all types of dealers in real estate, that is, operators, developers and agents. It is a necessary condition that the beneficiaries should derive their income from the ownership or possession of real estate, or from intermediary activities or rights connected therewith. These conditions may be fulfilled by individuals as well as companies.

The duties of property managers may include rent collecting.

(1) See official gazette of the European Communities, No 2, 15 January 1962, p. 36.

(2) International Standard Industrial Classification of all economic activities (ISIC), United Nations Statistical Office, Statistical Papers, Series M, No 4, Rev. 1, New York 1958.

Paragraph 3 gives the designations most commonly used for these activities in the Member States.

Article 3 gives a list (not intended to be exhaustive) of the activities which very frequently have points of contact with those in Group 640 but which, by their nomenclature, belong to other groups and are the subject of other directives.

These directives may have the same timetable as Group 640 (e.g. commercial intermediaries, travel agencies, finance institutions, building contractors, etc.).

Article 4: It is harder to decide as to the content of the group "Business service not elsewhere classified". This is because it is a residual group intended to embrace all the activities which, although belonging to Group 83 ("Business services"), could not well be fitted into the separate sub-groups of legal, accounting and technical professions.

In order to be as precise as possible, paragraph 2 of this article divides the contents of Group 839 into eight sub-groups. These sub-groups together form a summary of the activities which, according to the index of the UN Nomenclature ⁽¹⁾, belong to this group.

By means of this index, the activities concerned can be arranged in the order in which they appear in Annex I of this Explanatory Memorandum.

As regards the various sub-groups, the following explanations are called for:

a) In all Member States the placing of workers in employment is normally a matter for the public authorities. Article 55 will therefore be applicable.

This dates from conventions with the ILO. Private employment agencies still exist in some countries because they were already operating before the conventions came into force.

Employment agencies for theatrical entertainers, musicians and actors in motion pictures and on the stage belong to Group 842 (to be liberalized by the end of 1969).

b) In Italy and France private detectives, inquiry agents and security guards must be nationals of the country concerned.

c) Publicity services play an important part in the development of the Common Market. Here in particular, any restriction whereby advertising agencies can only work for foreign clients must be eliminated.

d) In some Member States certain trade fairs and exhibitions are organized by public corporations. Where the latter exercise statutory powers it will be possible to invoke Article 55.

e) Office service include also the hiring of office machines.

f) Among financing and consultant services, it is difficult to determine those which belong to other sub-groups of Class 83.

This is true in particular of activities for which in one or other of the Member States a university degree or diploma is required. The present directive is aimed in the first place at removing restrictions. It is supplemented by a directive concerning accountants. Certain consultant services have been excluded from the directive because they come within the scope of the "accountants" directive. This was done in order to adhere to the General Programme which says of Group 832:

"832, accounting, auditing and business consultant services (all work of this kind done by self-employed persons however described)."

This distinction is also in line with the "International recommendations in statistics of distribution, Statistical Office of the United Nations, Series M, No. 26, New York, 1958".

g) The literary and artistic professions are unrestricted in all the Member States and pose no problem as regards liberalization.

h) The residual group comprises all activities of Group 839 which could not be included in any of the above sub-groups.

Article 5 gives a list — as does Article 3 for dealings in real estate — of the activities which are the subject of other directives. This clarification appears advisable because the activities are often closely related.

Among the activities of Group 839 press work is dealt with separately in order to take the special interests of this sector into consideration.

Article 6 indicates the exceptions which by virtue of certain articles of the Treaty apply to various activities. An authoritative interpretation, however, can be given only by the Court of Justice, but there should be no doubt that Article 55 is applicable to the placing of workers in employment. The application of Article 56 on the other hand is a more difficult question.

It is desirable that the same activities should be treated in the same way in all Member States, and there should therefore be no divergent conclusions as to the applicability

(1) Indexes to the International Standard Industrial Classification of all Economic Activities. Series M, No. 4. Rev. 1. Add. 1. Indexed Edition. United Nations publication (Sales No 59 XVII 9).

of Article 56. In the case of detective agencies, inquiry agencies and security services, existing discriminations must therefore be removed in a uniform manner.

PART THREE

Article 7: (Restrictions) Complete freedom of establishment and freedom to supply services will not be achieved by the mere fact that this directive lifts restrictions on them. It will be supplemented in certain important respects by other directives issued separately.

This will be the case as regards restrictions on entry and residence or, particularly in the supply of services, restrictions affecting the equipment used in performing these services (Title V A of the General Programme relating to the supply of services) or on the transfer of funds (Title V B).

Furthermore this directive does not affect movements of goods and capital, since these are dealt with in special provisions of the Treaty. Another important adjunct is equality of treatment for persons who accompany the supplier of a service, as required by the regulations made under Articles 48 and 49.

Article 7 lists as examples a number of cases in which the laws of Member States contain restrictions. Here paragraph 1 underlines the principle of equality of treatment for foreign nationals and in particular prohibits any discriminatory administrative practice. The Commission will give special attention to this matter in order to prevent freedom of establishment from being hampered by the use of discretionary powers, consideration of needs or the like.

PART FOUR

Article 8: Another important case for assimilation is membership of trade or professional organizations. This applies also to Luxembourg. The only rights which are not conceded to foreign nationals are the right to vote and the right to stand for election to the administrative bodies of professional chambers. This is because of the part which the latter play in the drafting of legislation; in accordance with the law of 4 April 1924 (Art. 29, 32) the chambers must be consulted on important Bills, budgetary questions, etc.

Finally, the measures based on this directive will be supplemented also by regulations concerning cartels and the abuse of dominant positions (Art. 85 and 86 of the Treaty).

Similarly, the general ban of Article 7 will be applicable when foreign nationals are subject to discrimination by reason of contractual or statutory stipulations of private law. Nor, by the terms of the Treaty, the General Programme and the directive, can the identity cards for foreign nationals in use in Belgium and France be replaced by others.

The regulations which exist in some States governing entry to professions in the services sector cannot, however, be considered discriminatory. Where they make it more difficult for nationals of other Member States to enter the profession, the aim should rather be co-ordination or appropriate provisional measures to facilitate entry.

Article 9: (Aids) In addition to the restrictions mentioned in Article 7, this Article calls for the elimination of measures of assistance (in accordance with Title VII of the Establishment Programme). The object is to prevent distortion of the conditions of establishment (Art. 54 (3 h) of the Treaty).

It is impossible to state in advance precisely what distorts the conditions of establishment in individual cases. The Member States have not mentioned cases in which exceptions are explicitly provided for, as was done in the agricultural sector ⁽¹⁾. There exceptions were made in view of the special nature of establishment in agriculture and customs which only exist in this sector.

Article 10: (Integrity) Article 10 is intended to make it easier for nationals of Member States to produce proof of integrity. In France, for example, foreign nationals are required under the law of 30 August 1947 to furnish proof that they have had no conviction in the last two years, have not been declared bankrupt, etc. The new provision lays down that documents of the home country, issued by a competent authority, shall also be accepted as sufficient proof in the host country.

As not all Member States issue certificates based on police records, this provision is important because it allows other equivalent documents to be submitted, such as certificates of good conduct issued by the police, which can also be obtained by individuals. Where, as in France, national regulations also require that the applicant should not have been declared bankrupt, foreign nationals must also furnish proof to this effect. In these cases too, the intention is to make it easier for them to furnish proof.

(1) Directive of the Council of 2 April 1963, official gazette of the European Communities, No 62, 20 April 1963, p. 1323.

Paragraph 2 is complementary to the provisions on this subject in other directives. When there is a professional register for a certain profession, the applicant must be able to prove that he has not been struck off the register for misconduct.

It goes without saying that being struck off the professional register is only of serious consequence when this has been done because of conduct reflecting upon the applicant's integrity.

Article 11: (The taking of oaths) Entry to a profession may sometimes be more difficult in that the applicant is required to take an oath. As a national of another Member State he may find the prescribed form of

words repugnant, particularly where it has a religious aspect.

When the directive was in preparation, consideration was given to the advisability of co-ordination or mutual recognition of diplomas for the professions concerned.

As a general rule, there are no special conditions governing permission to engage in the activities which are the subject of the present directive. But as particularly high standards of qualification are required in certain countries, it was found difficult to determine what practical experience in the country of origin might be considered as equivalent. Such matters can only be settled after careful examination.

ANNEX

List of activities in group 839 having certain similarities (except activities connected with the press)

Sub-group 1

Placing workers in employment

1. Employment agency.
2. Employment agency excluding theatrical and radio.
3. Nurses' registry.
4. Teachers employment agency.

Sub-group 2

Detective agency, inquiry agency, burglary protection service

1. Night watchman and security guard service.
2. Detective agency.
3. Credit inquiry agency.

Sub-group 3

Advertising services

1. Advertising agency.
2. Advertising sample distributing service.
3. Bill posting agency.

4. Bill-board advertising service.
5. Commercial art studio.
6. Commercial artist.
7. Mail advertising service.
8. Outdoor advertising service.
9. Publicity service.
10. Window dresser.
11. Advertising copy writer.

Sub-group 4

Trade fairs and exhibitions

1. Agricultural fair operation.
2. Exhibition, excluding athletic, operation.
3. Exposition operation.
4. Fair, except amusement, operation.

Sub-group 5

Office services

1. Address listing service.
2. Addressographing service.

3. Mimeographing service.
4. Business machine rental service.
5. Classified mailing list compiling and selling.
6. Multigraphing service:
 - i) Duplicating,
 - ii) Roneographing,
 - iii) Polycopying.
7. Photostating.
8. Stenographic service.
9. Translating service.
10. Typing service.
11. Mailing service.

Sub-group 6

Financing and advisory services

1. Consultant actuary.
2. "Better business" bureau.
3. Business consultant.
4. Economic and statistical consultant.
5. Economist*.
6. Efficiency expert.
7. Executive placement consultant.
8. Financial analysts*.
9. Management consultant*.
10. Personnel management service.
11. Non-governmental statistical and economic service*.
12. Statistician*.

* The activities so marked are not affected by the present directive, as they are covered by the directive on Group 832 (accounting, etc.)

13. Quotation service.
14. Correct time indicating service.
15. Debt-collecting.
16. Press-cutting service.

Sub-group 7

Literary and artistic professions

1. Writer.
2. Playwright.
3. Poet.
4. Lecturer.
5. Art sculptor.
6. Art painter.
7. Damask designing service.
8. Lace designing service.
9. Textile designer.
10. Costume designing service.
11. Fashion consulting service
12. Fashion designing service.
13. Boot and shoe pattern designing service.
14. Shoe designing service.

Sub-group 8

Other services in Group 839 (e.g. valuers, interpreters, etc.)

1. Customs broker.
2. Customs tariff specialist.
3. Assessors, except real estate or insurance.
4. Interpreters.