

FORM A

FORM FOR THE NOTIFICATION OF NEW REQUIREMENTS APPLICABLE TO ESTABLISHED PROVIDERS AND FALLING WITHIN ARTICLE 15(2) OF THE SERVICES DIRECTIVE

This form should be used to notify new laws, regulations or administrative provisions containing requirements falling within one of the eight categories listed in Article 15(2) of the Services Directive which Member States intend to apply to service providers established in their territory.

This will allow compliance with notification obligations under Article 15(7) of the Services Directive.

1. Member State

2. Title and references of the act containing the notified requirement *(please enclose copy of the act containing the notified requirement)*

3. The requirement is imposed *(please tick one box below):*

- by the State at national level**
- by a State entity at regional level, namely** _____
- by a State entity at local level, namely** _____
- by another body than a State body (for example a professional body), namely** _____

4. Date (or expected date) of entry into force

5. Specific provision/article in the act which contains the notified requirement

6. Services activity/ies to which the notified requirement applies (or, if relevant, indication that the notified requirement is a "horizontal" requirement which applies in a general manner across a number of services activities)

7. The notified requirement is (please tick one box below):

- a quantitative and territorial restriction, in particular in the form of limits fixed according to population or of a minimum geographical distance between providers**
- an obligation on a provider to take a specific legal form**
- a requirement which relates to the shareholding of a company**
- a requirement, other than those concerning matters covered by Directive 2005/36/EC or provided for in other Community instruments, which reserves access to the service activity in question to particular providers by virtue of the specific nature of the activity**
- a ban on having more than one establishment in the territory of our Member State**
- a requirement fixing a minimum number of employees**
- a requirement laying down fixed minimum and/or maximum tariffs with which the provider must comply**
- an obligation on the provider to supply other specific services jointly with his service**

8. Short description of the notified requirement

9. Is the notified requirement necessary for the fulfilment of a particular task assigned to a service of general economic interest (in accordance with Article 15.4)?

- Yes** (*go to questions 9a and 9b to complete the notification - In this case questions 10 and 11 do not need to be answered*)
- No** (*go to questions 10 and 11 to complete the notification*)

9a. What is the service of general economic interest?

9b. What is the task assigned to the service of general economic interest and why is the requirement necessary for the fulfilment of that particular task?

10. What is the overriding reason relating to the public interest that you consider justifies the adoption of the notified requirement? ¹

11. Detailed statement of grounds: reason why you consider that the notified requirement is non-discriminatory and suitable for attaining the pursued objective and why this objective cannot be attained by a less restrictive measure?

¹ According to Article 4(8) of the Services Directive, "overriding reasons relating to the public interest" means reasons recognised as such in the case-law of the Court of Justice, including the following grounds : public policy, public security, public safety, public health, preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers, fairness of trade transactions, combating fraud, the protection of the environment and urban environment, the health of animals, intellectual property; the conservation of the national historic and artistic heritage; social policy objectives and cultural policy objectives. This list is not exhaustive and other public interest objectives pursued by Member States with the adoption of a specific measure could also constitute overriding reasons relating to the public interest for the purposes of the Services Directive. However, it has to be noted that, according to the constant case-law of the European Court of Justice, economic reasons, such as the protection of competitors, cannot constitute overriding reasons capable to justify restrictions to the fundamental freedoms of the Internal Market.