

FORM B

FORM FOR THE NOTIFICATION OF NEW REQUIREMENTS COVERED BY ARTICLE 16 OF THE SERVICES DIRECTIVE WHICH MEMBER STATES INTEND TO APPLY TO CROSS-BORDER PROVIDERS ESTABLISHED IN OTHER MEMBER STATES.

This form should be used to notify new laws, regulations or administrative practices containing requirements falling within the scope of Article 16 of the Services Directive which Member States intend to apply to cross border service providers. This will allow compliance with notification obligations under Article 39(5).

If, in addition to be applicable to cross-border providers, the notified requirements also apply to established service providers and fall in one of the eight categories listed in Article 15(2) of the Directive, Member States should specify it under point 11 of this form. This will allow compliance, in this specific circumstance, with notification obligations under both Articles 39(5) and 15(7) of the Services Directive (thus a separate form A will not need to be completed in such a case).

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 service activities)

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

Article 39(5) of the Services Directive requires Member States to transmit to the Commission any new requirement falling within the scope of Article 16 that they intend to apply to cross border providers established in other Member States. To facilitate notifications, examples of requirements, including those listed under Article 15(2) of the Directive, are tabled in the list below. Requirements set out in Article 16(2) are also listed in this form although their application to cross border services is in principle prohibited by Article 16 and can only be justified in exceptional cases.

The notification obligation under Article 39(5) is not limited to the requirements mentioned in the non-exhaustive list below. Member States that adopt or intend to adopt requirements covered by Article 16 of the Directive other than those listed as examples in this form should tick the box "another obligation on cross border service providers".

- an obligation on a service provider to make a declaration to or to notify a competent authority in our territory**
- an obligation on a service provider to have an address or to designate a representative in our territory**
- an obligation on a service provider to take out insurance or to subscribe to a guarantee or similar arrangement**

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- a quantitative or 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**

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- an obligation on the provider to have an establishment in the territory of our Member State**
- an obligation on a service provider to obtain an authorisation from a competent authority, including entry in a register or registration with a professional body or association in our territory, except where provided for in the Services Directive or other instruments in Community law**
- a ban on a service provider setting up a certain form or type of infrastructure in our territory, including an office or chambers, which the provider needs in order to supply the services in question**
- the application of specific contractual arrangements between the provider and the recipient which prevent or restrict service provision by the self-employed**
- an obligation on the provider to possess an identity document issued by our competent authorities specific to the exercise of a service activity**
- requirements, except for those necessary for health and safety at work, which affect the use of equipment and material which are an integral part of the service provided**
- a requirement imposed on service recipients mentioned in Article 19 of the Services Directive**

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- Another obligation imposed on cross border service providers**

8. Short description of the notified requirement

9. The application of the notified requirement to cross border service providers is considered to be justified for reasons of

- public policy**
- public security**
- public health**
- protection of the environment**

10. Detailed statement of grounds: reason why you consider the application of the requirement to cross-border providers to be non-discriminatory and suitable for attaining the objective pursued and why such objective cannot be attained by a less restrictive measure

11. Is the requirement a requirement set out in Article 15(2) of the Services Directive which is applicable both to cross border providers and to providers established in your Member State and is notified for the purposes at the same time of Article 39(5) and Article 15(7) of the Directive?

- Yes**
- No**