II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 19 July 1982

laying down measures to facilitate the effective exercise of the right of establishment and freedom to provide services in hairdressing

(82/489/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57 and 66 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas, pursuant to the Treaty, all discriminatory treatment based on nationality with regard to establishment and provision of services is prohibited as from the end of the transitional period; whereas the principle of such treatment based on nationality applies in particular to the grant of any authorization required to practise as a hairdresser and also to the registration with or membership of professional organizations or bodies;

Whereas it nevertheless seems desirable that certain provisions be introduced to facilitate the effective exercise of the right of establishment and freedom to provide services in hairdressing;

Whereas conditions of qualification for the taking up or pursuit of the activity of hairdresser are not imposed in all Member States; whereas some Member States have special provisions making the taking up or pursuit of hairdressing subject to possession of formal qualifications;

Whereas, it does not appear possible to proceed at this stage with coordination in this matter; whereas such coordination is, however, an objective which it is desirable to attain as rapidly as possible;

Whereas, pending such coordination, it is nonetheless desirable and possible to facilitate the mobility of hairdressers within the Community, by recognizing as sufficient qualification for taking up the activities in question in host Member States which have rules governing the taking up of such activities, the fact that the activity has been pursued in a self-employed capacity or as manager of an undertaking in the Member State whence the foreign national comes for a reasonable and sufficiently recent period of time to ensure that the person concerned possesses professional knowledge equivalent to that required in the host Member State;

Whereas, in so far as in Member States the taking up or pursuit of the activities of hairdressers is also dependent in the case of paid employees on the possession of professional knowledge and ability, this Directive should also apply to this category of persons in order to remove an obstacle to the free movement of workers and thereby to supplement the measures adopted in Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (4);

(1) OJ No C 106, 23. 10. 1971, p. 6.
(2) OJ No C 103, 5. 10. 1972, p. 14.
(3) OJ No C 89, 28. 8. 1972, p. 9.
(4) OJ No L 257, 19. 10. 1968, p. 2.