COUNCIL DIRECTIVE

of 12 December 1977

aiming at the mutual recognition of diplomas, certificates and other evidence of formal qualifications for goods haulage operators and road passenger transport operators, including measures intended to encourage these operators effectively to exercise their right to freedom of establishment

(77/796/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas, in its Directives 74/561/EEC (3) and 74/562/EEC (4), the Council imposed certain conditions for admission to the occupation of goods haulage operator and road passenger transport operator in national and international transport and whereas it is appropriate to ensure the mutual recognition of diplomas, certificates and other evidence of formal qualifications in respect of the activities covered by these Directives; whereas this Directive does not concern those undertakings referred to in the abovementioned Directives unless they are companies or firms within the meaning of Article 58 of the Treaty;

Whereas, in respect of good repute and financial standing, it would be appropriate to acknowledge [relevant] documents issued by a competent authority in the transport operator's country of origin or the country whence he comes as sufficient proof for admission to the activities concerned in a host Member State;

Whereas, in respect of professional competence, the certificates issued pursuant to the Community provisions on admission to the occupation of transport operator, must be recognized as sufficient proof by the host Member State;

Whereas to the extent that Member States also make admission to, or the carrying out of, the activities covered by this Directive by employees subject to the possession of skills and professional competence, this Directive must also apply to that category of person; whereas it would therefore also be appropriate to apply to employees the provisions on proof of good repute and of no previous bankruptcy,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall, in respect of the activities referred to in Article 2, take the measures defined in this Directive concerning the establishment in their territories of the natural persons and undertakings referred to in Title I of the General Programme for the abolition of restrictions on freedom of establishment.

2. This Directive shall also apply to nationals of Member States who, pursuant to Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (5), carry on the activities referred to in Article 2 in the capacity of employees.

Article 2

This Directive shall apply to activities covered by Council Directives 74/561/EEC and 74/562/EEC.

Article 3

1. Without prejudice to paragraphs 2 and 3 below, a host Member State shall, for the purpose of admission to any of the activities referred to in Article 2, accept as

(1) OJ No C 125, 8. 6. 1976, p. 54.
(2) OJ No C 197, 23. 8. 1976, p. 35.
(3) OJ No L 308, 19. 11. 1974, p. 18.
(4) OJ No L 308, 19. 11. 1974, p. 23.
(5) OJ No L 257, 19. 10. 1968, p. 2.