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COUNCIL DIRECTIVE

of 29 September 1970

concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in film production

(70/451/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the General Programme for the abolition of restrictions on freedom of establishment,[1] and in particular Titles III and IV thereof;

Having regard to the General Programme for the abolition of restrictions on freedom to provide services,[2] and in particular Titles III and IV thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament[3];

Having regard to the Opinion of the Economic and Social Committee[4];

Whereas this Directive covers activities of self-employed persons in film production, as listed under ISIC Group 841; whereas the activities of film studios or undertakings whose services are available to a producer and the activities of the persons directly involved with the producer in the making of a film are governed by special laws; such activities are therefore dealt with in separate Directives;

Whereas, in accordance with Article 54 (3) (h), the conditions of establishment must not be distorted by aids granted by the Member State of origin of any beneficiary under this Directive;

Whereas the General Programme for the abolition of restrictions on freedom of establishment provides that restrictions on the right to join professional or trade organisations must be abolished where the professional activities of the person concerned necessarily involve the exercise of this right;

HAS ADOPTED THIS DIRECTIVE:

Article 1

Member States shall abolish, in respect of the natural persons and companies or firms covered by Title I of the General Programmes for the abolition of restrictions on freedom of establishment and freedom to provide services (hereinafter called 'beneficiaries'), the restrictions referred to in Title III of those General Programmes affecting the right to take up and pursue the activities specified in Article 2 of this Directive.

Article 2

The provisions of this Directive shall apply to activities of self-employed persons in film production, as referred to in Annex IV to the General Programme for the abolition of restrictions on freedom of establishment (ex Group 841, ex Major Group 84).

They shall not apply to the activities of the persons directly involved with the producer in the making of a film.

Article 3

1. Member States shall in particular abolish the following restrictions:

(a) those which prevent beneficiaries from establishing themselves or providing services in the host country under the same conditions and with the same rights as nationals of that country;

[1] OJ No 2, 15.1.1962, p. 36/62.
[2] OJ No 2, 15.1.1962, p. 32/62.
[3] OJ No C 65, 5.6.1970, p. 11.
[4] OJ No C 28, 9.3.1970, p. 5.