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COUNCIL DIRECTIVE

of 15 October 1968

concerning the attainment of freedom of establishment in respect of activities of self-employed persons in film distribution

(68/369/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) thereof;

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

Having regard to the Council Directive of 15 October 1963[2] implementing in respect of the film industry the provisions of the General Programme for the abolition of restrictions on freedom to provide services, and to the Second Council Directive of 13 May 1965[3] implementing in respect of the film industry the provisions of the General Programmes for the abolition of restrictions on freedom of establishment and freedom to provide services;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament[4];

Having regard to the Opinon of the Economic and Social Committee[5];

Whereas Title IV E of the General Programme for the abolition of restrictions on freedom of establishment provides that the common market in the film industry must be achieved before the end of the transitional period;

Whereas, with a view to the progressive attainment of freedom of establishment in the film industry, the two Directives already adopted by the Council should be followed by a further Directive, relating to activities of self-employed persons in film distribution;

Whereas, in order to ensure that this Directive is correctly applied, it is necessary to define its scope by specifying what is meant by activities of self-employed persons in film distribution;

Whereas, as regards the provision of services, the Directive of 15 October 1963, while abolishing rules restricting the importation of films, did not abolish restrictions on the provision of services by distributors; whereas the attainment of freedom to provide services poses certain economic problems in the Member States; whereas, with a view to the solution of such problems, studies are in progress on the co-ordination of provisions relating to safeguards for creditors by setting up film registers; whereas, therefore, liberalisation as regards the provision of services should be postponed for the present and the scope of this Directive should be confined to the attainment of freedom of establishment in respect of the activities in question;

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;

Whereas separate Directives, applicable to all activities of self-employed persons, concerning provisions relating to the movement and residence of beneficiaries, and where necessary Directives on the co-ordination of the safeguards required by Member States of companies or firms for the protection of the interests of members and of others, have been or will be adopted;

HAS ADOPTED THIS DIRECTIVE:

Article 1

Member States shall abolish, in respect of the natural persons and companies or firms covered by Title I

[1] OJ No 2, 15.1.1962, p. 36/62.
[2] OJ No 159, 2.11.1963, p. 2661/63.
[3] OJ No 85, 19.5.1965, p. 1437/65.
[4] OJ No 307, 18.12.1967, p. 27.
[5] OJ No 302, 13.12.1967, p. 10.