

Council Directive of 4 June 1974 laying down detailed provisions concerning transitional measures relating to activities, trade in and distribution of toxic products and activities entailing the professional use of such products including activities of intermediaries (74/556/EEC)

*Article 4*

1 A person shall be regarded as having pursued an activity in a managerial capacity within the meaning of Articles 2 and 3 if he has pursued such an activity in an industrial or commercial undertaking in the occupational field in question:

- a as manager of an undertaking or manager of a branch of an undertaking; or
- b as deputy to the proprietor or to the manager of an undertaking, where such post involves responsibility equivalent to that of the proprietor or manager represented; or
- c in a managerial post with duties relating to trade in or distribution of toxic products and with responsibility for at least one department of the undertaking, or in a managerial post with responsibility for the use of the said products.

2 Proof that the conditions laid down in Articles 2 and 3 are satisfied shall be established by an attestation issued by the competent authority or body in the Member State of origin or Member State whence the person concerned comes, which the latter shall submit in support of his application for authorization to pursue the activity or activities in question in the host Member States. Such attestation shall state, where appropriate, whether, in the Member State of origin or Member State whence the person concerned comes, authorization is limited to the taking up of activities relating to the distribution of toxic products or to activities entailing the professional use of such products, or whether certain toxic products are excluded from these latter activities.

3 Member States shall, within the time limit laid down in Article 7, designate the authorities and bodies competent to issue the certificates referred to in paragraph 2 and shall forthwith inform the other Member States and the Commission thereof.