
DRAFT STATUTORY INSTRUMENTS

2009 No.

The Provision of Services Regulations 2009

PART 4

DUTIES OF COMPETENT AUTHORITIES IN RELATION TO PROVIDERS OF SERVICES PROVIDED FROM ANOTHER EEA STATE

Derogations from the freedom to provide services

25. Regulation 24 does not apply to—

- (a) the following services of general economic interest—
 - (i) in the postal sector, services covered by Directive [97/67/EC](#) of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service⁽¹⁾;
 - (ii) in the electricity sector, services covered by Directive [2003/54/EC](#) of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity⁽²⁾;
 - (iii) in the gas sector, services covered by Directive [2003/55/EC](#) of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas⁽³⁾;
 - (iv) water distribution and supply services and waste water services;
 - (v) the treatment of waste;
- (b) other services which the relevant competent authority determines, in accordance with Community law, to be of general economic interest;
- (c) matters covered by Directive [96/71/EC](#) of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services⁽⁴⁾;
- (d) matters covered by Directive [95/46/EC](#) of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁽⁵⁾;
- (e) matters covered by Council Directive [77/249/EEC](#) of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services⁽⁶⁾;
- (f) the activity of judicial recovery of debts;

(1) OJNo. L15, 21.1.1998, p.14, as last amended by Regulation (EC) No. 1882/2003 (OJ No. L284, 31.10.2003, p.1).

(2) OJ No. L176, 15.7.2003, p.37, as last amended by Commission Decision [2006/653/EC](#) (OJ L270, 29.9.2006, p.72).

(3) OJ No. L176, 15.7.2003, p.57.

(4) OJ No. L18, 21.1.1997, p.1.

(5) OJ No. L281, 23.11.1995 p.31, as amended by Regulation (EC) No. 1882/2003 (OJ No. L284, 31.10.2003, p.1).

(6) OJ No. L78, 26.3.1977, p.17.

- (g) matters covered by Title II of Directive [2005/36/EC](#) of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as well as requirements in the EEA state where the service is provided which reserve an activity to a particular profession;
- (h) matters covered by Regulation [\(EEC\) No 1408/71](#) of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community⁽⁷⁾;
- (i) as regards administrative formalities concerning the free movement of persons and their residence, matters covered by the provisions of Directive [2004/38/EC](#) of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the member states that lay down administrative formalities with which beneficiaries must comply⁽⁸⁾;
- (j) as regards third country nationals who move to the United Kingdom in the context of the provision of a service, the operation of the Immigration Acts⁽⁹⁾;
- (k) as regards the shipment of waste, matters covered by [Council Regulation \(EEC\) No 259/93](#) of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community⁽¹⁰⁾;
- (l) copyright, related rights, rights covered by Council Directive [87/54/EEC](#) of 16 December 1986 on the legal protection of topographies of semiconductor products⁽¹¹⁾ and rights covered by Directive [96/9/EC](#) of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases, as well as industrial property rights⁽¹²⁾;
- (m) acts requiring by law the involvement of a notary;
- (n) matters covered by Directive [2006/43/EC](#) of the European Parliament and of the Council of 17 May 2006 on statutory audit of annual accounts and consolidated accounts⁽¹³⁾;
- (o) the registration of vehicles leased in another EEA state;
- (p) the rules of private international law regarding contractual or non-contractual obligations, including the form of contracts.

(7) OJ No. L149, 5.7.1971, p.2.

(8) OJ No. L158, 30.4.2004, p.77.

(9) See definition in Schedule 1 to the Interpretation Act [1978 \(c.30\)](#).

(10) OJ No. L30, 6.2.1993, p.1.

(11) OJ No. L24, 27.1.1987, p.36.

(12) OJ No. L77, 27.3.1996, p.20.

(13) OJ No. L157, 9.6.2006, p.87.