

EMPLOYMENT (EEA CERTIFICATES OF EXPERIENCE) ACT

Principal Act

Act. No. 1998-03

Commencement 26.1.1998
Assent

Amending
enactments

Relevant current
provisions

Commencement
date

None

EU Legislation/International Agreements involved:

Directives 63/607/EEC
Directive 64/222/EEC
Directive 64/223/EEC
Directive 64/224/EEC
Directive 64/427/EEC
Directive 64/428/EEC
Directive 64/429/EEC
Directive 65/264/EEC
Directive 66/162/EEC
Directive 67/43/EEC
Directive 68/363/EEC
Directive 68/364/EEC
Directive 68/365/EEC

Directive 68/366/EEC
Directive 68/367/EEC
Directive 68/369/EEC
Directive 69/82/EEC
Directive 70/451/EEC
Directive 70/522/EEC
Directive 70/523/EEC
Directive 74/556/EEC
Directive 74/557/EEC
Directive 75/369/EEC
Directive 82/470/EEC
Directive 82/489/EEC.

English sources:

None

1998-03

Employment (EEA Certificates of Experience)

**EMPLOYMENT (EEA CERTIFICATES OF EXPERIENCE) ACT
1997.**

ARRANGEMENT OF SECTIONS.

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AN ACT FOR CERTIFICATES OF EXPERIENCE FOR PERSONS PURSUING CERTAIN PROFESSIONS TO PROVIDE FOR RECOGNITION THEREOF IN EEA STATES AND THEREBY TO TRANSPOSE INTO THE LAW OF GIBRALTAR COUNCIL DIRECTIVES, 63/607/EEC, 64/222/EEC, 64/223/EEC, 64/224/EEC, 64/427/EEC, 64/428/EEC, 64/429/EEC, 65/264/EEC, 66/162/EEC, 67/43/EEC, 68/363/EEC, 68/364/EEC, 68/365/EEC, 68/366/EEC, 68/367/EEC, 68/369/EEC, 69/82/EEC, 70/451/EEC, 70/522/EEC, 70/523/EEC, 74/556/EEC, 74/557/EEC, 75/369/EEC, 82/470/EEC, AND 82/489/EEC.

Title and commencement.

1. This Act may be cited as the Employment (EEA Certificates of Experience) Act, 1997 and shall come into force 21 days after the Governor's Assent.

Interpretation.

2. In this Act—

“EEA State” means a State which is a contracting party to the Agreement of the European Economic Area signed at Oporto on 2nd May, 1992 as adjusted by the Protocol signed at Brussels on 17th March, 1993;

“listed profession” means a profession in respect of which a Directive listed in Schedule 1 applies;

“the Minister” means the Minister charged under the constitution with responsibility for employment;

“qualifying person” is a person who—

- (a) before making an application under this Act pursued a listed profession in Gibraltar for the requisite number of years under the relevant Directive;
- (b) is a person who has a right under Community law to seek work or to establish himself in an EEA State; and
- (c) intends to exercise either of those rights;

“relevant Directive” means that Directive which refers to the listed profession to which the qualified person's application relates.

Certificates of experience.

3. (1) A qualifying person may apply to the Minister for a certificate of experience.

(2) A qualifying person who applies under subsection (1) shall furnish such information about his professional experience as shall be required by the Minister under the relevant Directive for the purpose of issuing the certificate.

(3) The Minister shall on his approval of such application issue a qualifying person a certificate of experience.

(4) A certificate of experience shall be in the form set out in Schedule 2.

Fees.

4. The Minister may charge such fees as may be prescribed for the issue of certificates of experience.

Offences.

5. A person who makes a false declaration in his application for a certificate of experience shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding level 2 on the standard scale.

SCHEDULE 1

Section 2

LISTED PROFESSIONS TO WHICH DIRECTIVES APPLY

1. 63/607/EEC: Council Directive of 15 October 1963 implementing in respect of the film industry the provisions of the general programme for the abolition of restrictions on freedom to provide services.
2. 64/222/EEC: Council Directive of 25 February 1964 laying down detailed provisions concerning transitional measures in respect of activities in wholesale trade and activities of intermediaries in commerce, industry and small craft industries.
3. 64/223/EEC: Council Directive of 25 February 1964 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities in wholesale trade.
4. 64/224/EEC: Council Directive of 25 February 1964 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of intermediaries in commerce, industry and small craft industries.
5. 64/427/EEC: Council Directive of 7 July 1964 laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in manufacturing and processing industries falling within ISIC Major Groups 23-40 (industry and small craft industries).
6. 64/428/EEC: Council Directive of 7 July 1964 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in mining and quarrying (ISIC Major Groups 11-19).
7. 64/429/EEC: Council Directive of 7 July 1964 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in manufacturing and processing industries falling within ISIC Major Groups 23-40 (industry and small craft industries).
8. 65/264/EEC: Second Council Directive of 13 May 1965 implementing in respect of the film industry the provisions of the general programme for the abolition of restrictions on freedom of establishment and freedom to provide services.
9. 66/162/EEC: Council Directive of 28 February 1966 concerning the attainment of freedom of establishment and freedom to provide services in

respect of activities of self-employed persons engaging in the provision of electricity, gas, water and sanitary services.

10. 67/43/EEC: Council Directive of 12 January 1967 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons concerned with–

- (a) Matters of “real estate” (excluding 640) (ISIC Group ex 640).
- (b) The provision of certain business services not elsewhere classified (ISIC Group 839).

11. 68/363/EEC: Council Directive of 15 October 1968 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in retail trade.

12. 68/364/EEC: Council Directive of 15 October 1968 laying down detailed provisions concerning traditional measures in respect of activities of self-employed persons in retail trade.

13. 68/365/EEC: Council Directive of 15 October 1968 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in the food manufacturing and beverages industries (ISIC Major Groups 20 and 21).

14. 68/366/EEC: Council Directive of 15 October 1968 laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in the food manufacturing and beverage industries (ISIC Major Groups 20 and 21).

15. 68/367/EEC: Council Directive of 15 October 1968 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in the personal services sector (ISIC ex Major Group 85)–

- (a) Restaurants, cafes, taverns and other drinking and eating places (ISIC Group 852).
- (b) Hotels, rooming houses, camps and other lodging places (ISIC Group 853).

16. 68/369/EEC: Council Directive of 15 October 1968 concerning the attainment of freedom of establishment in respect of activities of self-employed persons in film distribution.

17. 69/82/EEC: Council Directive of 13 March 1969 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons engaging in exploration

(prospecting and drilling) for petroleum and natural gas (ISIC ex Major Group 13).

18. 70/451/EEC: 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.

19. 70/522/EEC: Council Directive of 30 November 1970 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in the wholesale coal trade and activities of intermediaries in the coal trade.

20. 70/523/EEC: Council Directive of 30 November 1970 laying down detailed provisions concerning transitional measures in respect of activities of self-employed persons in the wholesale coal trade and in respect of activities of intermediaries in the coal trade.

21. 74/556/EEC: 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.

22. 74/557/EEC: Council Directive of 4 June 1974 on the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons and of intermediaries engaging in the trade and distribution of toxic products.

23. 75/369/EEC: Council Directive of 16 June 1975 on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of itinerant activities and, in particular, transitional measures in respect of those activities.

24. 82/470/EEC: Council Directive of 29 June 1982 on measures to facilitate the effective exercise of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in certain services incidental to transport and travel agencies (ISIC Group 718) and in storage and warehousing (ISIC Group 720).

25. 82/489/EEC: Council Directive of 19 July 1982 laying down measures to facilitate the effective exercise of the right of establishment and freedom to provide services in hairdressing.

SCHEDULE 2

Section 3(4)

FORM OF CERTIFICATE OF EXPERIENCE

Department of Employment		Certificate
		No.
Certificate of Experience		
<p>(With reference to the Directives adopted by the Council of the European Community in the field of freedom of establishment and freedom to provide services in respect of activities of self-employed and employed persons in industry, small craft industries, commerce and the services sector)</p>		
It is certified that		
Surname	(Mr/Mrs/Ms/Miss)	
Forenames	_____	
Date of birth	_____	
Place of birth	_____	
Nationality	_____	
Permanent address	_____	

<p>has produced evidence that he/she has worked in an independent capacity as a _____ for _____ years and _____ months as detailed below, and therefore satisfies the conditions laid down in Council Directive _____.</p>		

	years	months	
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<p><u>Training</u></p> <p><u>Independent/Managerial/Experience</u></p>		
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This certificate is only valid for the purposes for which it is issued

This certificate may be submitted in support of an application to the competent authorities of an EEA State for any authorisation required under the law of that country (as host country) to pursue the activities of self-employed and employed persons covered by the EEC Directives. It provides evidence to the authorities concerned of the training received and/or the activities pursued.

Date _____

Signature _____

Name _____

Minister for Employment