SERVICES DIRECTIVE SCREENING GUIDANCE
FOR CENTRAL GOVERNMENT DEPARTMENTS

SCREENING FLOWCHART FOR REQUIREMENTS THAT ARE IMPOSED ON SERVICE PROVIDERS OPERATING IN THE UK (WHETHER ESTABLISHED IN THE UK OR ELSEWHERE)

Requirements imposed on all service providers established in another member State who want to establish in the UK

Requirements imposed on service providers established in another member State who want to provide services in the UK but do not want to establish in the UK

Is the access to or exercise of a service activity subject to any of the requirements listed in regulation 21?
Such as discriminatory requirements on the location of a registered office (see example 2)

Is the access to or exercise of a service activity subject to any of the requirements listed in regulation 22.2?
Such as a requirement, which because of the specific nature of the service activity, reserves its access to particular service providers (see example 3)

Is the access to or exercise of a service activity subject to any requirements, in particular those listed in regulations 24.1 and 24.2?
Such as requiring a service provider established in another EU country to obtain an authorisation from a competent authority (see example 4)

YES
A Please take steps to ensure that you comply with the Directive

NO
Is the requirement non-discriminatory, necessary and proportionate?

B

YES

Does the requirement apply to a person who provides a service of general economic interest, and is it necessary and proportionate for that purpose (regulation 22.4)?

NO

YES

Does the requirement comply with regulations 24.1 to 24.3?

D The requirement will need to comply with the Directive.
Please complete a reporting form* outlining the steps that you plan to take to comply with the Directive.

NO

NO

YES

Go to C

C Please complete a reporting form* setting out the reasons why you believe this is the case.

NO

Go to D

NO

Is the requirement exempt from regulations 24.1 and 24.3 due to the exclusions listed in regulation 25?

NO

YES

NO

Go to B

NO

No further action

NO

No further action

NO

No further action

NO

Go to D

NO

Go to D

YES

No further action

* Please carry on using the IPM reporting forms until the 28th December 2009, after this date you will need to use a new reporting form, which will be issued by the EU Commission.

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1 Derogations from Regulation 24 in Regulations 25 and 26
Regulation 25 specifies fifteen categories of services in relation to which regulation 24 does not apply.
Regulations 26 contains measures allowing competent authorities to take action in spite of the rules in regulation 24 in exceptional circumstances, if necessary to ensure the safety of services.