

Principle of non-discrimination within the freedom of establishment and providing services and free movement of capital

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1

Freedom of business

- FREEDOM OF ESTABLISHMENT
 - long-term undertaking
 - art. 49-55 TFEU
- FREEDOM OF PROVIDING SERVICES
 - short-term undertaking on an occasional base
 - art. 56-62 TFEU

2

Freedom of establishment

- freedom of establishment: the right to take up and pursue activities as self-employed persons and to set up and manage undertakings, in particular companies or firms
- principle of non-discrimination - art. 49 TFEU (direct effect):
 - „(...) restrictions on the freedom of establishment of nationals of a MS in the territory of another MS shall be prohibited. Such prohibition shall also apply to restrictions on the setting-up of agencies, branches or subsidiaries by nationals of any MS established in the territory of any MS.“
- fields of discrimination: taxes, revenues, social insurance, ...

3

Freedom of providing services

- providing service: e.g. occasional, non regular furnishing of goods or carrying out building works or services
- principle of mutual recognition, prohibition of duplicity
 - directive 2005/36, (in Slovakia transposed to the Act on recognition of professional qualifications 293/2007)
- principle of non-discrimination - art. 56 TFEU (direct effect):
 - „(...) restrictions on freedom to provide services within the Community shall be prohibited in respect of nationals of MSs who are established in a State of the Community other than that of the person for whom the services are intended.“
- fields of discrimination: public procurement, recognition of qualifications, ...

4

Free movement of capital

- principle of non-discrimination - art. 63 TFEU (direct effect)
- all kind of investments
- fields of discrimination
 - acquiring and alienating real estate
 - depreciation of investment by a Member State

5
