

AMENDMENT FORM

Suggestion for amendment of Article : [Article III-19 \(ex Article 43\)](#)

By Mr Hain

Status : Member

[Article III-19 \(ex Article 43\)](#)

Within the framework of [this Subsection], restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State shall be prohibited. Such prohibition shall also apply to restrictions on the setting-up of agencies, branches or subsidiaries by nationals of any Member State established in the territory of any Member State.

Freedom of establishment shall include the right ~~Nationals of a Member State shall have the right, in the territory of another Member State,~~ to take up and pursue activities as self-employed persons and to set up and manage undertakings, in particular companies or firms within the meaning of [the second paragraph of Article III-24 (ex 48)], under the conditions laid down for its own nationals by the law of the Member State where such establishment is effected, subject to the provisions of the [Section] relating to capital.

Explanation (if any) :

We are concerned that the re-drafting of paragraph (2) has made the scope of paragraph (2) unclear. We prefer to retain the original wording relating to the four freedoms.