

Cyprus

The information provided below refers to legal provisions adopted or modified pursuant to the implementation of the Services Directive as well as to legal provisions which Member States have indicated as being applicable to service providers in the areas covered by the directive. The information has been provided by Cyprus in the context of the implementation of the Services Directive and of the mutual evaluation process. It does not represent a legal analysis or a position of the European Commission in respect of compliance with EU law in general or with the Services Directive in particular. National legal provisions might have suffered amendments during the mutual evaluation process so interested parties are invited to check national legislation in force.

Main changes to Cyprus legislation

Cyprus has reported that it intends to adopt a horizontal law for the implementation of the Services Directive and that this draft law is currently pending before the Parliament¹. Specific measures introducing modifications to sectoral legislation have also been planned but have not been adopted yet.

Examples of authorisation schemes imposed on service providers established in Cyprus

In Cyprus, legal persons are required to obtain a license from the local authorities (community or municipality council) for exercising any business, trade or profession within its jurisdiction and to pay the yearly corresponding fee.²

Cyprus has also reported authorisation schemes in several service sectors.

In addition to the obligation to obtain a general trade licence, there are several service activities that require an application to a specific competent authority and enrolment in a relevant register, for example in sectors like wholesale and retail,³ construction,⁴ and real estate.⁵

In the food and beverages sector, a license is required for the supply of alcoholic beverages.⁶

Furthermore, Cyprus has reported several authorisation schemes in the tourism sector, such as an authorisation scheme for recreational centres (including bars, clubs, restaurants etc.)⁷,

¹ See draft law n. 104 published in the Official Gazette of the Republic of Cyprus n.4103 of 31.12.2009.

² Articles 85 (1) and 86 (1) of the Communities Law of 1999, L. 86 (I)/1999, as amended and Regulation 229(1) of Regulations P.I. 294/2002; Articles 104 and 105 of the Municipalities Law of 1985, as amended, L. 111/1985. Cyprus has reported the intention to abolish this authorisation scheme.

³ Article 9 of Press Law 145/1989, as amended.

⁴ Articles 7 and 25 of Law on Scientific and Technical Chamber of Cyprus of 1990, L. 224(I)/1990; Articles 15, 16 and 17 of Law on Registration and Control of Contractors of 2001, L. 29(I)/ 2001.

⁵ Article 11 of Real Estate Agents Law of 2004, as amended, L. 273(I)/2004.

⁶ Articles 3, 4 and 5 of the Sale of Alcoholic Beverages Law, Cap. 144, as amended.

⁷ Article 6 of the Catering and Entertainment Establishments Law of 1985, as amended, L. 29/85 and Regulations P.I. 265/86.

licences for hotels and other tourism accommodations⁸, swimming pools⁹ and travel agencies¹⁰.

There are several authorisation schemes in the private education sector, such as a licence for private universities¹¹ and private schools.¹²

In addition, authorisations exist in the private social care sector, such as an authorisation for adults care centres¹³, an authorisation for child care at home¹⁴ and child centres¹⁵, an authorisation for homes for elderly and handicapped people¹⁶.

Examples of other types of requirements imposed on service providers established in Cyprus

In Cyprus there are services that can only be provided by natural persons, such as activities of architects and engineers.¹⁷ A minimum number of employees is required for the provision of some service activities (for example for the construction of buildings and technical works,¹⁸ child care and adult care centres,¹⁹ private gym schools²⁰).

There are a number of minimum tariffs for several regulated professions, such as tourist guides²¹, lawyers²² and dieticians²³.

Examples of requirements on multidisciplinary activities of the regulated professions or in the area of certification, accreditation, technical monitoring and testing services

Some regulated professions are subject to an obligation to exercise their specific service activity exclusively. This seems to apply, in particular, to real estate agents²⁴, lawyers²⁵ and contractors of buildings or technical works.²⁶

⁸ Articles 8 and 21 of Hotels and Tourist Establishments Law of 1969, as amended, L 40/1969 and Regulations P.I. 192/1985, 206/1993, 155/1977, 207/1993, 208/1993 and 193/1985.

⁹ Article 4 of Law on Public Pools of 1992, as amended, L. 55 (I)/1992.

¹⁰ Articles 2, 3 and 4 of Tourism and Travel Offices and Tourist Guides Law of 1995, L. 41(I)/1995 and Regulations 3, 5 and 6 of Regulations P.I. 57/80.

¹¹ Articles 5, 7-11, 13, 14 -17 and 22 of Private Universities Law of 2005, as amended, L. 109 (I)/2005.

¹² Articles 3, 4, 5, 6, 8 and 9 of Private Schools Law of 1971, as amended, L. 5/1971.

¹³ Articles 3 and 4 of Law 38(I)/97 on Adults Centres and Regulations 3, 6, 8-18 of Regulations, P.I. 394/2000

¹⁴ Articles 28 (2) and (4), and 30 of the Law on Children, Cap. 352.

¹⁵ Articles 3 and 4 of Law on Centres for Child Protection 2(I)/96; Regulations 3 -7, 10 -19 of Regulations P.I. 157/1997; Articles 28 (2), 29 (1) and 30 of the Law on Children, Cap. 352, as amended; Paragraphs 4 (1) (2) and (3), 5-14 and 18 of Child Care Order 217/1993 as amended by Order 213/1994.

¹⁶ Articles 3 and 4 of Law 222/91 on Homes for elderly and handicapped people and Regulations 3, 4, 6, 8-17, 22, 23 of Regulations P.I. 213/2000.

¹⁷ Article 7 of Law on Scientific and Technical Chamber of Cyprus of 1990, L. 224(I)/1990. Cyprus reported their intention to amend the law in order to allow legal as well as natural persons to provide these services

¹⁸ Articles 15(1) and 32(3) of the Law on registration and control of contractors of buildings and technical works of 2001, as amended L 29(I)/2001.

¹⁹ Regulation 5 of Regulations P.I. 157/97; Regulation 24 of Regulations P.I. 394/2000.

²⁰ Regulation 13(1) of Regulations P.I. 38/95.

²¹ Article 15(2) of Law on Tourism and Travel Offices and Tourist Guides Law, as amended, L. 41(I)/95 and Regulations P.I. 197/2008.

²² Regulation 4/2006 on minimum fees for lawyers for extrajudicial cases and Regulation 26/2002 on rules on lawyer's fees.

²³ Article 26 c of Law 31(I)/96 on registration of food scientists and dieticians.

²⁴ Article 11(1) (b) (iii) of Law on Real Estate Agents of 2004, 273(I)/2004, as amended.

²⁵ Articles 14 C(4) and 14N (1) of the Law on lawyers, Cap. 2, as amended.

Examples of requirements which apply to service providers established in other Member States and providing services in Cyprus

Certain authorisation schemes apply to incoming service providers, for example to the sale of food supplements,²⁷ itinerant retail trade²⁸, electrical installations²⁹ and to private employment agencies.³⁰ Authorisations are also required for trade in game species.³¹

Moreover, Cyprus has reported a number of requirements concerning the use of equipment and material which seem to apply also to cross border providers established in other Member States, for example for the cars used by driving schools.³²

Prior declarations are required for professional trainers of animals.³³

²⁶ Article 15 (1) (e) of Law on Registration and Control of Contractors of 2001, L.29(I)/ 2001 as amended. This requirement may be amended in a way that building contractors will no longer be obliged to exercise exclusively this activity

²⁷ Regulation 11 on food supplements of Regulations P.I. 449/2004.

²⁸ Article 111 of Law 111/1985 on Municipalities; Art 92 of Law 86(1)/1999 on Communities and Regulations 61-63 of P.I. 294/2002.

²⁹ Regulation 53.(14).(c) of Regulations on Electricity from 1941 to 2004.

³⁰ Articles 3(1), 4(1), 4(5), 5, 6, 7 και 8(1) of Law 8 (I)/ 1997 on Private Employment Agencies, as amended, and Regulations P.I. 289/98 and P.I. 543/2005.

³¹ Article 55 of Law 152 (I)/2003, as amended.

³² Articles 3(2) (b), (d) and (e) of Law 112/1968 on driving schools and Regulation 6 of Regulations P.I. 189/1972.

³³ Regulations 3 - 10 of Regulations P.I. 236/2002 and 381/2003.