

WRITTEN QUESTION E-3073/04  
by Willi Piecyk (PSE)  
to the Commission

Subject: European Commission's Treaty infringement proceedings against the Federal Republic of Germany: incompatibility of German legislation on chimney sweeps with the freedom to provide services and freedom of establishment

In 2001 the European Commission initiated infringement proceedings against the Federal Republic of Germany on the grounds that the current German legislation on chimney sweeps represents a breach of the freedom to provide services and freedom of establishment.

Chimney sweeps and experts see the introduction of the 'revised chimney sweeping district model' as a possible solution to this problem. The reform can be summarised as follows:

- The list of applicants, the residence rule and the requirement that chimney sweeps should be members of the fire brigade will be abolished.
- Sweeping districts will be awarded for a five-year period on the basis of an application procedure which does not require the public health officer to draw up a report.
- Chimney sweeps will be able to choose their district foreman.
- Fees will no longer be collected by the relevant authority, but by chimney sweeps themselves, on the basis of self-regulation.

A further point:

- Provision will be made for emissions measurements to be carried out by certified maintenance firms by agreement with the relevant district foreman and in a manner consistent with the responsibilities exercised by the Federal Environment Ministry.

1. Does the European Commission have reservations concerning the introduction of such a 'revised chimney sweeping district model' as regards the freedom to provide services and freedom of establishment, and, if so, what are those reservations?

2. What practical measures does the European Commission wish to see introduced as part of the reform of Federal German legislation on chimney sweeps?