



The Figure of the foreign ski instructor in Italy and in the main European Countries



30 November,
2006



Law 08-03-1991, No. 81

**Outline law for the ski instructor
profession and additional provisions on
the subject of the order for the
mountaineering guide profession**

Law 08-03-1991, No. 81

- Art. 12 - (Foreign ski instructors)
 - 1. Regions regulate the constant performance of the ski instructor activity in their territory carried out by citizens who hold titles released by Countries other than Italy and who are not registered in Italian regional registries.
 - 2. For citizens of the member States of the European Union or of other States which signed the Agreement on the European economic area, holding professional titles for performing the ski instructor activity, released by other member States of the European Union or belonging to the Agreement on the European economic area, the authorization to perform such activity is subject to the professional recognition set forth by legislative decree dated 2 May, 1994, No. 319, and subsequent modifications.
 - 3. Regarding citizens coming from States other than those indicated in paragraph 2 and holding titles released by such States, the authorization to perform such activity is subject to the application of what is set forth by the sole text relative to provisions on immigration and regulations on foreigners' condition, as indicated by legislative decree of 25 July, 1998, No. 286.
 - 4. The Italian Federation for winter sports informs the regions about the updated list of titles as indicated in paragraphs 2 and 3, corresponding to the authorization foreseen by article 6.

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Art. 12 - (Foreign ski instructors)

- 4. The Italian Federation for winter sports (FISI) informs the regions about the updated list of titles as indicated under paragraphs 2 and 3, corresponding to the authorization as foreseen by article 6.

Community recognition systems of professional titles

- **Directive 89/48/EEC** of the Council relative to a general recognition system of higher diplomas ratifying professional training for a minimum duration of three years.
- **Directive 92/51/EEC** of the Council relative to a second general recognition system of professional training, integrating directive 89/48/EEC.
- **Directive 99/42/EC** of Parliament and Council which establishes a recognition mechanism of qualifications concerning professional activities regulated by deregulation directives and by directives providing for transitional measures and which completes the general qualification system.
- **Directive 2005/36/EC** of Parliament and Council relative to the recognition of professional qualifications

Recognition system for the foreign ski instructor in Italy

- Directive 92/51/EEC of the Council relative to a second general recognition system of professional training, integrating directive 89/48/EEC.
- Brought about by Legislature Decree of 2 May, 1994, No. 319

Directive 92/51/EEC – Article 14

- Should a member State, in application of article 4, paragraph 1, letter b), second point, second sentence, or article 5, third paragraph or article 7, letter a), second paragraph, second sentence, not wish to grant the applicant the choice between the training apprenticeship and the aptitude test, it communicates immediately the project of the relative provision to the Commission, by informing it at the same time about the reasons that brought to the adoption of the aforesaid provision.

Dir. 92/51/EC request of exception in accordance with art. 14



COMMISSIONE DELLE COMUNITÀ EUROPEE

Bruxelles. 25 -07- 2000
C(2000) 2272 definitivo - IT

DA NON PUBBLICARE

DECISIONE DELLA COMMISSIONE

del 25 -07- 2000

riguardante una domanda di deroga presentata dall'Italia ai sensi dell'articolo 14 della direttiva 92/51/CEE del Consiglio relativamente al riconoscimento di taluni tipi di formazione professionale nel campo dello sport

(Il testo in lingua italiana è il solo facente fede)

(Testo rilevante ai fini del SEE)

Decision 25/7/2000 – Article 1

- Italy is authorized to request an aptitude test for candidates who wish to obtain, in order to settle or render a service in Italy, the recognition of the ski instructor or mountaineering guide titles and the training of which presents substantial differences with respect to that required in Italy.

No. 319

Art. 8 - (Present case of application of the aptitude test)

- 1. Recognition is subject to the positive result of the aptitude test:
- a) if it concerns professions for which a training title is required to access or perform them, according with art. 1, paragraph 3, of legislative decree of 27 January, 1992, No. 115, certifying the undertaking of post-diploma studies of a duration not longer than four years and that the applicant holds one of the training titles indicated in art. 1, paragraph 3, letter a), or art. 3, paragraph 1, letter a);
- b) if it concerns professions for which an accurate knowledge of national law is required to access or perform them, and in which a constant element of the activity consists in supplying consulting or assistance on national law;
- c) if it concerns professions for which a training title is required to access or perform them, in compliance with art. 1, paragraph 3, letter b) or letter c), and the applicant, even if not holding one of the titles foreseen by art. 1, paragraph 3, or art. 3, paragraph 1, has performed the profession, during the last ten years, full time for three consecutive years in a member State of the European Community, or in part-time for an equivalent period.
- c-bis) if it concerns ski instructor and mountaineering guide activities.

Decision 25/7/2000 – considering 6

- The aforesaid request is justified, according to Italian authorities, with the dangerous character of the sports activities in question, particularly increased by environments linked to the environment of aleatory nature in which the activity is performed. According to the Italian government, safeguarding of others' safety when performing ski instructor and mountaineering guide activities in an unsafe environment characterized by elements in constant evolution and therefore not foreseeable, requires essential competences among which technical skills. The latter nevertheless cannot be certified at the end of a simple training course. The aptitude test is the most efficient way to evaluate the candidate's technical skills and the latter's ability to manage and organize rescues.

Decision 25/7/2000 – considering 10

- (10) These considerations are valid both whether the foreigner wishes to settle in Italy, and if the latter only wishes to render a professional service; consequently, in order to grant a derogation, it is not necessary to differentiate these two forms for performing the professional activity.

Decision 25/7/2000 – considering13

- (13) The agreement stipulated between professional associations of ski instructors has not been yet notified to the Commission and therefore it has not yet been examined on the basis of competition regulations of the EC treaty;

MARKT/D4/2000/8253 - FR

- **AGREEMENT BETWEEN
PROFESSIONAL SKI INSTRUCTORS
ASSOCIATIONS OF THE EUROPEAN
UNION**

- **28/03/2000**

MARKT/D4/2000/8253 - FR

Definition of European ski instructor

- 2. Text
- *Establishment.*
- **1st resolution relative to the definition of the professional ski instructor : “the the professional ski instructor is authorised to take his clients in full freedom of action and independence, on the ski slope and beyond the ski slope”**

MARKT/D4/2000/8253 - FR

Performance of services

- 10th resolution
- The performance of services is defined by the criteria listed under annex VI.

MARKT/D4/2000/8253 - FR

Performance of services – Annex VI

- **I Definition of the free performance of services**
- 1) The instructor can only perform with a group of his country of origin;
- 2) If the instructor remains on site and waits for clients of the same country of origin or of another country, it is established that he is established;
- 3) The instructor can remain in the country hosting him for a total of four weeks during one season;
- 4) The instructor can only work on delimited ski slopes for countries that require it;
- 5) The instructor must notify at the mayor's office of the station his intention to work and the duration of his stay at least one month in advance. He must also produce the authorisation delivered by the competent authorities allowing him to carry out his service. For this reason, he must go personally to the municipality of the hosting station at the beginning of his service in order that it may control the authorisation and identity of the bearer;
- **II Test relative to the free performance of services allowing obtaining the necessary authorisation**
- 1) The test will take place in the course of a day and will be organised by the hosting country in a sufficiently regular manner;
- 2) There will be an aptitude test which will consist by three indiscernible and not optimised parts:
 - minimal language capacity;
 - technical capacity
 - Elements related to safety

Regional Implementations

- Temporal limitations
- Authorizations
- Notices

■ END

