

# SUSTAINABLE EDUCATION IN TRAVEL AND TOURISM

*Annual Conference Proceedings of  
Research and Academic Papers  
Volume XXIV*



**31st Annual  
ISTTE Conference  
October 16-18,  
Freiburg, Germany**

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ISSN 1091-9120

# General Information

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The 2012 Annual International Society of Travel and Tourism Educators (ISTTE) Conference will devote several sessions to the presentations of academic and research papers. It is the intent of these sessions to focus on a broad range of topics that are related to education, research, and management in the field of travel, tourism, and hospitality services. ISTTE is an international organization; therefore, submissions from international scholars are highly encouraged.

**Contribution Areas:** Contributions are invited in any of the following subject areas or their related areas

- Bridging the gap between industry and education needs
- Emerging issues in travel and tourism education and training
- Innovative and creative teaching techniques
- Perspectives on articulation and/or accreditation
- Teaching for excellence
- Technological applications in travel and tourism education
- Travel and tourism education and curriculum
- Human resources in travel and tourism
- Impacts on the travel and tourism industry
- Travel and tourism research issues or cases
- Information communication technology research for travel and tourism
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- Marketing and sales in travel and tourism
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- Strategic management of travel and tourism services
- Studies of gaming and entertainment industries
- Sustainable tourism planning and development

**Types of Submissions:** The International Society of Travel and Tourism Educators (ISTTE) provides researchers with a choice of four types of research papers:

- Refereed full papers
- Poster papers based on refereed extended abstract
- Working papers based on refereed abstract

**Types of Proceedings Papers:** In this Proceedings, papers are presented in alphabetical order by author's last name in each of four sections:

- Full Research Papers
- Working Papers
- Poster Papers
- Abstracts

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# Full Research Papers

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# THE FREE PROVISION OF SERVICES IN THE FIELD OF GUIDED TOURS: A LEGAL APPROACH

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## ABSTRACT

*An important position is held in tourist activities by the profession of a tour guide. The role of the tour guide is connected with various and diverse social roles. Therefore, the profession of a tour guide requires high levels of qualifications, so that quality of services rendered can be safeguarded and public interest can be promoted. For this reason, pursuing the career of a tour guide in many countries requires special training. The European Standardization Committee has determined that the profession of tour guide constitutes a “local specialization” profession. This point of view forms the reason justifying the reaction of the Mediterranean countries of the European Union (EU) towards free provision of services of a tour guide. They maintain that their cultural heritage is particularly significant and the diffusion of its cultural dimension by a tour guide calls for skills to be obtained by special training at the host country. Thus, although freedom of movement of labour and provision of services constitute fundamental principles of the EU, they are both met with difficulties when applied to the profession of the tour guide. In the present survey, the institutional framework of practicing the profession of a tour guide in Greece is registered; EU’s appeals against countries which regulate practicing the profession of a tour guide differently are analyzed and the efforts of the Greek state to comply with the EU directives while simultaneously protecting public interest are explored.*

**KEYWORDS:** tour guide, cultural heritage, legal protection, free provision of services.

## INTRODUCTION

Tourism, as a multifarious social phenomenon, comprises a multitude of activities, for its provision as a service. An important position is held in tourist activities by the profession of the tour guide. From an historical viewpoint, the role of the tour guide dates back to the Grand Tour of 18<sup>th</sup> and 19<sup>th</sup> century (Cohen, 1985; Brodsky-Porges, 1981; Hilbert, 1969; Lambert, 1935). Despite the seeming simplicity of the term, the concept of a conducted tour is a complex one. According to Oxford English



Dictionary, (1933:IV-490), a tour guide is “the person who leads or shows the way, especially to a traveler in a foreign country. Moreover, a guide is a person employed to lead a traveler or a tourist (i.e to a mountain, through a forest or a city or into a building) and to point out sights of interest”.

According to the Association of Tour Managers and the European Federation of Tourist Guide Associations (EFTGA) “a tour guide is the person guiding groups or individual visitors from abroad or from the home country around the monuments, sites and museums of a city or region; interpreting in an inspiring and entertaining manner, in the language of the visitor's choice, the cultural and natural heritage and environment” (EFTGA, 1998). The role of a modern tour guide, however, is connected to the various social roles he is expected to perform. Thus, he simultaneously plays both the role of the “pathfinder”, which refers to the primary meaning, as well as the role of the “mentor”, which refers to the secondary meaning of the term. Both these two roles, inextricably connected to each other, comprise the concept of modern guide. According to Cohen (1985:7), the role of a tour guide as a “spiritual” leader, dates back to antiquity and the need to lead pilgrims through a “spiritual journey”. By analogy, the guide constituted the leader in an allegorical pilgrimage in space (geographical) and in time (spiritual). Nowadays, through the development of international journeys as well as technology, the concept of a tour guide evolves into new, broadened roles. Therefore, a tour guide is at the same time a leader as well as a mediator (de Kadt, 1979; Nettekoven, 1979:142; Pearce, 1982:73, Cohen, 1985:9-10), a middleman (van der Berghe, 1980:381), a “culture interpreter” and a “culture broker” (Smith, 1992; Mc Kean, 1976), since he facilitates and increases the intercultural communication and comprehension of the people and the culture of a place.

Since a great part of the services rendered by tour guides refer to the cultural environment of a country, they become its “ambassadors” in a certain way. Furthermore, it is claimed that tour guides do not restrict themselves in mere presentation of information, such as dates, numbers and events, but they also voice the official tourist policy of a state, thus creating a “tourist image”. In countries with a non-liberal regime, they can create further socio-political impressions to visitors, as part of “national propaganda campaign” (Cohen, 1985:15). Consequently the profession of a guide requires high levels of qualifications, so that quality of services rendered may be safeguarded and public interest be promoted, as this is closely related to the preservation of the historical and cultural heritage of a country.

Therefore, pursuing the career of a tour guide requires special training in many countries. Moreover, the European Standardization Committee has defined the profession of a tour guide as a “local specialization”<sup>25</sup>, requiring knowledge of the history and cultural heritage of a place and experience gained at educational excursions. The above view forms the reason justifying the reaction of the Mediterranean countries of the EU against the free provision of services of a tour guide. They claim that their cultural heritage is particularly significant, and the diffusion of its cultural dimension by the tour guide calls for skills to be obtained by special training at the host country. Thus, although

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<sup>25</sup> Article 3, preamble to the draft of the bill for “functional arrangement and other regulations”.

freedom of movement of employees and provision of services constitute fundamental EU principles, they encounter difficulties when applied to the profession of the tour guide. Free provision of services of tour guides is questioned when they temporarily move from one EU country to another, accompanying a group of tourists, and eventually return to their permanent place of residence.

## METHODOLOGY

Since little has been written concerning the profession of a tour guide in EU member states, a survey was conducted in legal data banks, aiming at recording the existing institutional framework in Greece concerning practicing the profession of a tour guide. At the same time, the emerging tendencies within the EU framework were investigated through Treaties, Directives, appeals to the European Court, and decisions related to practicing the profession of a tour guide in EU member states<sup>26</sup>. Subsequently, an effort is made towards a legal interpretation and evaluation of the level of compliance or not, of the Greek state.

### **The Greek legal framework for services rendered by a tour guide**

The basis for the legal framework for services rendered by a tour guide in Greece, is the Law 710/77 (Official Gazette 283/A) concerning tour guides. Specifically the Article 1, paragraph 1, states that “a guide or explainer is a person accompanying native or foreign travelers or visitors to the country, guiding them and pointing out the sights of the place, its ancient or historical monuments, its works of art of any period, expounding their significance to them, as well as their purpose and history, while providing further information regarding ancient and modern Greece”. To pursue the career of a tour guide, the candidate is expected to be provided with the corresponding license, granted by the Ministry of Tourism, exclusively to graduates of the Schools for Tour Guides of the Organisation of Tourism Education and Training (OTEK). OTEK constitutes a legal entity of public law, and is under the supervision of the Ministry of Tourism. The purpose and mission of schools for tour guides<sup>27</sup> is to train students for the profession of a tour guide in Greece (Article 1, paragraph 1 and 2 of Law 710/77). Colleges for tour guides operate in Athens and Thessaloniki on a permanent basis. A three-year-tenure Scientific Committee in charge of scientific and educational issues is in operation, to ensure the smooth running of the college for guides (Mylonopoulos, 2011:104).

To be admitted to the College, candidates take exams in various subjects, such as essay writing, Greek geography and history. Studies at the College last for five semesters and the curriculum includes tuition of subjects, visits to museums and archaeological sites, training and educational guided tours, guided tours en route, attendance of

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<sup>26</sup> LAW, legal data base at Lawdb.intrasoftnet.com, National Printing Office at [www.et.gr](http://www.et.gr), European Parliament at [www.europarl.europa.eu](http://www.europarl.europa.eu), European Court, Case-law, at <http://curia.europa.eu/juris/recherche.jsf?language=el>

<sup>27</sup> With the decision No T/5030/2.12.98 of the Minister of Development (Official gazette 1258/B), “concerning approbation of the regulation for operation of the College for tour guides, by the Greek National Tourism Organization”, and with the No T/7662 Joint Ministerial Decision of the Deputy Minister of Development and the Minister of Education and Religion (Official gazette 1375/B), amendment to the regulation for operation of the College for tour guides”.

professional guided tours, as well as speeches and lectures. Subjects being specialized, emphasis is laid on Greek history (Ancient, Byzantine and Modern), history of art, Greek mythology, history of Greek literature, history of Greek music and dances, Greek geography, Greek archaeological and tourist legislation, etc. It is evident that the Greek state lays great importance on educating and training the guide in order for him to be able to illustrate the cultural heritage of the country.

**Influence of the European Union law.** Provision of services of a guide in the EU is regulated by provisions of the European Economic Community (EEC) Treaty bearing on the issues of prohibiting any discrimination based on nationality, unhindered movement of labour, free settlement and free provision of services. Significant amendments on the Greek legal framework took place, so that Greek legislation concerning guides would be adapted to the provisions of the Articles 7, 48, 52 and 59 of the EEC Treaty<sup>28</sup>. Article 2, Law 710/77 was amended by the Article 2 of the Presidential Decree 309/1987<sup>29</sup>, according to which working license for a tour guide can also be granted to citizens of the EEC member states holding a degree of the College for tour guides by the Greek National Tourism Organization, on the same conditions. With Article 2 of the Pres. Decree 273/93, paragraphs 4 and 5 are added<sup>30</sup> to the Article 1 of Law 710/77. According to paragraph 4, a guide who is an EU member state subject, is entitled to provide the services of a guide in Greece when accompanying a group of tourists emanating from an EU member state conducting a guided tour, with specific duration and fixed route to sites other than museums and historical monuments. According to paragraph 5, the tour guide who wishes to exercise the above right should be equipped either with a working license, obtained as stipulated by the legislation of the member state of their origin or emanation, or with a certificate, granted by the responsible authorities of the member state of their origin or emanation, stating that the aforementioned person has practiced the profession of a guide for two years' full time employment, or for the equivalent of that period in part time employment during the past ten years, and is qualified with one or more degrees of post-secondary or tertiary education demonstrating knowledge of Greek civilization or long periods of it. In the above certificate, the following must be explicitly stated: a) the particular degrees held by the guide (full title, date, institution that granted them, etc.) and b) the course or the particular series of courses among the total of the subjects taught for the acquisition of the degree whose tuition certifies sufficient knowledge of Greek civilization. The above-mentioned guide must bear an official translation of those documents by the competent Greek consulate, obtained at the member state of their origin or emanation, which must be promptly displayed whenever required by a tourist police constable.

Paragraph 4 of Article 1, of Law 710/77 was amended<sup>31</sup> by Article 2, Pres. Decree 340/96, as it had been amended by Article 2 of Pres. Decree 273/93 (off.gaz.149/A).

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<sup>28</sup> Today, in the Treaty of Lisbon in effect, these correspond to Articles 18 (citizenship), 45 (free circulation of employed persons), 49 (freedom of settlement), 56 (free rendering of services).

<sup>29</sup> Presidential Decree 309/87 (official gazette 149/A) "Amendment of law 710/77 concerning guides".

<sup>30</sup> Pres. Decree 273/1993 (off. gaz. 117/A), "Amendment of stipulations of law 710/77 "Concerning guides" in compliance with Article 59 of the EEC Treaty concerning free provision of services".

<sup>31</sup> Presidential Decree 340/1996 (official gazette 225/A) "Amendment of Pres. Decree 273/1993 Amendment of regulations of law 710/1977 concerning tour guides, in compliance to Article 59 of the EEC Treaty, regarding free provision of services (official gazette 117/A)".

Thus a guide who is a citizen of a member state of the EU and a member state of the European Free Trade Association (EFTA), apart from Switzerland, is entitled to providing the services of a tour guide in Greece when accompanying a group of tourists emanating from a member state of the European Financial Region, during a conducted tour with specific duration and fixed route, apart from museums and historical monuments. The above guide must bear an official translation of the aforementioned documents by the authorities of the member state of the guide's origin or emanation, which must be presented whenever requested by the authorized constable, in accordance with the currently valid legislation.

Provisions of Law 710/77 concerning guides were amended<sup>32</sup> by Law 3766/2009. Particularly Article 3 of the above law states that a working license for a guide is granted to:

a. Greek subjects or citizens of the EU member states, holding a diploma by the School for Tour Guides of the Organisation of Tourism Education and Training (OTEK), providing that they have accomplished their military obligations or have been legally exempted, on condition that they have not been irrevocably convicted for theft, embezzlement, fraud, extortion, forgery, perjury, lodging a false complaint against someone, libel, violation of the legislation concerning narcotics, smuggling, national currency and antiquities or crimes incurring even temporary loss of their political rights.

b. Citizens of the EU member states qualified with the post-secondary diploma required by the competent authority of their member state of origin for the practice of the profession of a tour guide, on condition that: aa) they are well versed in Greek civilization, Greek history and archaeology, which is proved by successful attendance of the relevant subjects within the range of post-secondary studies, bb) they have carried out sustained practice on educational tours in archaeological sites, museums and historical monuments of Greece, cc) EU state member candidates, apart from Greece, as well as non-natives of Greek origin must hold a "C" level certificate of knowledge of Greek, issued by the Greek Language Centre or the Institute for Greek as a foreign language, dd) they have completed their military obligations or have been legally exempted. No completion of their military service is required for the EU member state subjects who bear no such obligation in their country, ee) they have not been irrevocably convicted for theft, embezzlement, fraud, extortion, forgery, perjury, lodging a false complaint against someone, libel, violation of the legislation concerning narcotics, smuggling, national currency and antiquities or crimes incurring even temporary loss of their political rights.

Subsequently, a Joint Ministerial Decision was issued in 2010, regulating temporary provision of services in Greece by professional EU state member subjects, including Greek citizens, who have settled down in the above states and are qualified for practicing the profession of a tour guide<sup>33</sup>.

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<sup>32</sup> Law 3766/2009 (off. gazette 102/A) "Functional arrangement and other regulations".

<sup>33</sup> Joint ministerial decision 165255/IA/2010 (official gazette 2157/B) of the Ministry of Education and Religion as well as Ministry of Tourism and Civilization, "free rendering of services in Greece by professional subjects of EU member states, in compliance with the provisions of articles 5-9 of Pres. Decree 38/2010" and Presidential Decree 38/2010 (of. Gazette 78/A) "Adaptation of Greek legislation to Directive 2005/36/European Parliament of the European Parliament and the Council of September 7, 2005, regarding recognition of professional qualification". Articles 5-9 in Title II- Free Rendering of Services.

According to Article 2, tour guides traveling within the Greek state for temporary and occasional provision of services, are to submit to the respective authority (Ministry of Tourism) a written statement regarding the temporary provision of services in Greece, therein stating their personal details, ways of contacting them, as well as professional and insurance details. The Ministry of Tourism, following examination of the above documents, provides the applicant with the relevant certification, attesting that the requirements for the temporary and occasional rendering of services by the guide are met.

Based on Article 14 of the Presidential decree 38/2010, the 88985/IA/2011 Joint Ministerial decision was issued (official gazette 2047/B) on “terms and procedure of holding countervailing measures in conformity to Pres. Decree 38/2010 for the profession of a tour guide”. In accordance with the above, the countervailing measures for the profession of a guide are either doing practical training for adaptation or being tested for adequacy, the choice made by the interested party. The Ministry of Tourism is in charge of the supervision of the countervailing measures. A *Coordinator for Practical Exercise for Adaptation* is appointed therein, regularly ensuring whether the exercise is carried out properly, and updating the “Record of Trainees” kept for that reason. This Ministerial Decision regulates all the details for the granting of the certificates of “Completion of Practical Training for Adaptation” and “Success at the adequacy test” so that the final decision of recognition of professional qualification may be issued, as stipulated in Article 54 of the Presidential Decree 38/2010.

**Application of the Commission against EU member states.** In 1989 an action was filed by the Commission before the Court against three EU member states (Greece, Italy and France) because these states required special training certified by a diploma for the practicing of the profession of a tour guide, in violation of Article 59 of the EEC Treaty. All three states were accused of causing legal hindrance to the activities of tour guides accompanying groups of tourists, coming from a different member state (Mylonopoulos & Moira, 2011:127; Pliakos, 2009:341).

The Court agreed that free rendering of services can be restricted by regulations justifiable on account of reasons of public interest<sup>34</sup> which are applied to all persons and businesses operating within the state where the service is provided (Pliakos, 2006:63). Public interest towards the right appreciation of points of view and issues of historical interest, as well as the optimum dissemination of knowledge of artistic and cultural heritage of a country constitutes peremptory reason justifying restrictions in free provision of services. However, a member state that makes services of a guide (accompanying a group of tourists emanating from a different member state, where those services consist in leading tourists around sites except for museums and historical sites to be visited only with a specialized guide) dependent upon possession of a license demanding special professional qualifications and is usually obtained by success in examinations, imposes limitations exceeding whatever is necessary for the protection of public interest.

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<sup>34</sup> The Court established according to case law the possibility of non application of free circulations of employees for reasons of protecting public interest.

**Case C-198/89 Commission against Greece.** With a legal deed submitted by the Commission to the Court Secretariat on June 20, 1989, an action was filed<sup>35</sup>, based on Article 169 of the EEC Treaty, requesting to be acknowledged that Greece breached its obligations stemming from Article 59 of the EEC Treaty. The reason for this being that Greece makes provision of services by guides accompanying groups of tourists from other member states dependent on possession of a license requiring special training to be certified by diploma, when those services comprise of guiding tourists round sites other than museums and historical monuments, where special professional guide is required (Case C-198/89:I-00727).

It is stressed on the grounds of the case that: a) Articles 59 and 60 of the EEC Treaty not only require the abolition of discriminations against a person providing services on account of their nationality, but also the abolition of any restriction to the free provision of services imposed because of the fact that the provider of services is settled in a member state other than the one where the service is provided, b) The obligation imposed by Greek legislation constitutes a restriction to the free provision of services, as it makes provision of services of a tour guide (traveling with a group of tourists from another member state) dependent upon the possession of specific professional qualifications. c) free provision of services, being one of the fundamental principles of the Treaty, can only be restricted by regulations justifiable on the grounds of public interest and are applied to all persons and businesses within the state where the service is provided, to the extent that this interest is not safeguarded by the rules which the provider of services is subject to, at their state of residence. d) The Greek Republic maintains that its respective legislation is justified on account of public interest, which is the proper appreciation of the cultural and archaeological heritage<sup>36</sup> of the country and the consumers' protection, all the more so, since profession of the guide is plied with no professional qualification in certain member states. e) Public interest concerning the correct appreciation of the artistic and archaeological heritage and the consumers' protection can constitute peremptory reason *justifying restrictions of free provision of services, but the requirements of Greek legislation exceeds the necessary measure towards safeguarding its protection*, as it makes the activities of a guide accompanying a group of tourist from another member state dependent upon possession of a license. A guide accompanying a group of tourists from another member state, operates under particular circumstances, with the result that tourists of the group become recipients of

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<sup>35</sup> Prior to this, a letter of formal notice had been dispatched on behalf of the Commission, on February 23, to the Greek Republic for its non complicity to Community Law and in particular Article 59 of the EEC Treaty, as regards rendering of services of a guide traveling with a group of tourists emanating from another member state. The Greek Republic challenged the point of view of the Commission, by its letter of May 14 1987. On April 20 1988, the Commission issued a grounded opinion reiterating its view and requesting that the Greek State take the necessary measures in compliance to the above, within a deadline of two months. On ascertaining that the Greek Republic did not agree with its point of view, the Commission filed the aforementioned action.

<sup>36</sup> Within this scope, the fundamental difference between oral and written transmission of information regarding the aforementioned heritage is underlined. Greek authorities control the quality of the printed material circulating within the country, and make sure that the material distributed outside Greece presents the artistic and cultural heritage of the country in the right manner. On the other hand, control of information orally announced by the guide to a particular group of tourists during a conducted tour is difficult.

the services of a guide accustomed to their language, interests and specific expectations, f) regulation of the Greek legislation is disproportionate compared to the target, which is to safeguard correct appreciation of points of issue and items of historical interest, the furthest possible spreading of knowledge as well as the artistic and cultural heritage of the member state where the tour is conducted, as well as consumers' protection.

In the dictum, the Court states that the Greek Republic breached the obligations it is liable to, according to Article 59 of the EEC Treaty, by making the provision of services of a guide (traveling with a group of tourists emanating from another member state, where the above services comprise of leading tourists round sites other than museums and historical monuments, only to be visited by a specialized professional guide) dependent on the possession of a license requiring special training, certified by a diploma.

*Case C-154/89 Commission against France.* In a complaint lodged by the Commission to the Court Secretariat on May 2 1989, it filed an action based on Article 169 of the EEC Treaty, requesting acknowledgment that the French Republic breached its obligations stemming from article 59 of the EEC Treaty. This is due to the fact that it makes the provision of services by guides (accompanying groups of tourists from another member state, where those services comprise of leading tourists round sites in certain prefectures and municipalities, that can only be visited with a specialized professional guide) dependent on the possession of a permit requiring specific professional qualifications, usually obtained following successful partaking in examinations (Case C-154/89: I-00659).

The provisions under litigation are included in Articles 1 (c) and 10 of the Law 75 up to 627 of July 11 1975 "concerning determining the conditions for the performance of activities related to organization of journeys and tours" (Official gazette of the French Republic, 1975:7230 and its enforcement provision Official gazette of the French Republic, 1977:1890), the provision No 77-363 of March 28 1977, the way it was modified by provision No 83/912 of 13 October 1983 (Official gazette of the French Republic, 1983:3110). According to these provisions a guide is a natural person whose mission is to lead French or foreign tourists, and especially to conduct tours along national roads, museums and historical monuments, as well as public transport means. On November 21 1986, the Commission, based on Article 169 of the EEC Treaty, addressed a letter of formal notice to the French Government. According to that letter, France had not complied with the requirements of Community law, in particular Article 59 of the EEC Treaty as regards the provision of services by guides accompanying a group of tourists from another member state, on condition that the service is provided in certain areas or municipalities. By their letter of March 5 1987, French Authorities challenged the point of view of the Commission. On May 2 1988, the Commission issued a reasoned opinion, thus reiterating its point of view and requested the French Government to take the necessary measures to comply with it within a two-month period. On finding that no answer was given, the Commission filed an action.

**Case C-180/89 Commission against Italy.** In a complaint lodged by the Commission to the Court Secretariat on May 24 1989, it filed an action based on Article 169 of the EEC Treaty, requesting acknowledgment that the Italian Republic breached its obligations stemming from Article 59 of the EEC Treaty. This is due to the fact that it makes the provision of services by guides (accompanying groups of tourists from another member state to sites other than museums and historical monuments, which can only be visited with a specialized professional guide) dependent on the possession of a license requiring specific professional qualifications, obtained after successful partaking in examinations (Case C-180/89:I-007709).

The provisions under litigation are included in Article 11 of the Law of 17 May 1983 (Official Gazette of the Italian Republic No 141 of 25 May 1983, p. 4091). According to those provisions, a guide is a person whose occupation is to accompany individuals or groups of persons on visits to places where works of art are exhibited, museums, galleries and archaeological excavations, as well as to provide commentary on points of historical, artistic or architectural interest and the landscape and natural environment (Official Gazette of the Italian Republic, 141/1983:4091).

On February 10 1987, the Commission, pursuant to Article 169 of the EEC Treaty, addressed to the Italian Government a letter of formal notice. According to that letter, Italy had not complied with the requirements of Community law, in particular Article 59 of the EEC Treaty, as regards the provision of services by tourist guides traveling with a group of tourists from another member state. By a letter dated 22 June 1987, the Italian authorities challenged the Commission's point of view. On April 20 1988 the Commission issued a reasoned opinion in which it reiterated its point of view and requested the Italian Government to adopt the necessary measures to comply with it within a period of two months. On finding that the Italian Government did not agree with its point of view, the Commission filed an action.

**Parliamentary questions.** The issue of provision of services of a guide in a member state other than the guide's nationality or emanation has repeatedly occupied the Members of the European Parliament (MPs) by drawing up written questions<sup>37</sup>. As a rule, the questions raised to the Commission for an answer concerned the professional qualifications of a guide and eventualities in order for a common European adjustment to be reached, hindrance of practicing the profession of a guide, and imposition of a fine, as well as whether the various restrictions set by certain member states to foreigners, EU member state nationals who practice the profession of a guide, infringe on the freedom of provision of services.

## CONCLUSION

Freedom of movement and free provision of services constitute fundamental EU principles. However, in practice their application faces difficulties stemming from the peculiarities and particular features of certain professions. The profession of a tour guide is included in them. It is evident that free provision of services of a guide is questioned

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<sup>37</sup> See below Written questions



when the guide temporarily moves to a place, accompanying a group of tourists and subsequently returns to his place of permanent residence.

Specifically the Mediterranean countries of the EU (Italy, Greece, France, Spain) along with Portugal reacted to the free provision of services of a guide, as they maintain that their cultural heritage is particularly significant, and the diffusion of its cultural dimension by a guide calls for skills to be obtained by special training in the country of reception. It is supported that knowledge of the language contributes to that, since the language is an element of the cultural identity of each people, and consequently, by understanding the language of the country, the guide can convey its cultural dimension more convincingly. The guide is considered to be the “ambassador” of his country. His task is to initiate the guided into civilization, answer to all their queries, explain the history, the art as well as connect the remote past of the country with the present times.

By examining the judgments of the Court, it is evident that its settled case law accepts that the profession of a tour guide, in principle, falls into the range of application of free provision of services and that the state is appropriate to define the rules of admission to it, without unfavourable discriminations. Nevertheless, it acknowledges public interest, which is linked to the exploitation of the historical wealth and the optimum dissemination of information regarding the cultural heritage of a country, as a reason of exception from the principle of free provision of services. Therefore, it is explicitly stated that in museums and historical monuments, tours can only be conducted by a specialized professional guide, in accordance with the national legislation.

In conclusion, the point of view formulated is that the cultural heritage of every country has its particular dimension, which every state is entitled to protect. Therefore, every country forms its own suitable framework for the provision of services of a tour guide in museums and historical monuments, without exaggerating and extending this framework in the field of provision of services by a companion of tourists, which is wider than the concept of a tour guide.

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*Written question dated March 21, 2000 by the member of the European Parliament Robert Evans to the Commission with subject “Tourist group leaders and tour guides”. EE C 374 E, 28/12/2000, (pp.181-182), in <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=P-2000-0901&language=EL>*

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*Written question dated September 26, 2000 by the member of the European Parliament Freddy Blak to the Commission with subject “malicious actions against foreign tour guides”. EE C 113 E, 18/4/2001 (p.229), in <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2000013&language=EL>*

*Written question dated December 13 2000, by the member of the European Parliament Freddy Blak with subject “discriminative treatment of German free-lance tour guide by the Italian police, during conducted tour of a student group”. EE C 163 E 06/06/2001 (pp. 229-230), in <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2000-3935&language=EL>*

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