
DRAFT STATUTORY INSTRUMENTS

2009 No.

The Provision of Services Regulations 2009

PART 4

**DUTIES OF COMPETENT AUTHORITIES IN RELATION TO
PROVIDERS OF SERVICES PROVIDED FROM ANOTHER EEA STATE**

Derogation relating to the safety of a service

26.—(1) In exceptional circumstances only, a competent authority may, in respect of the provider of a service, take measures relating to the safety of the service.

(2) Such measures may be taken only if the requirements of regulation 27 are complied with and the following conditions are fulfilled.

(3) The conditions are that—

- (a) the provisions in accordance with which the measure is taken have not been subject to Community harmonisation in the field of the safety of services,
- (b) the measures provide for a higher level of protection of the recipient than would be the case in a measure taken by the EEA state in which the provider is established in accordance with its national provisions,
- (c) that EEA state has not taken any measures, or has taken measures which are insufficient as compared with those requested under regulation 27(2), and
- (d) the measures are proportionate.