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DIRECTIVE

on freedom to take skilled employment in the field of nuclear energy

THE COUNCIL OF THE EUROPEAN ATOMIC ENERGY COMMUNITY,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 96 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the Economic and Social Committee;

After consulting the European Parliament;

Whereas the ensuring of freedom to take skilled employment in the field of nuclear energy is an essential condition for the attainment of the objectives of the European Atomic Energy Community;

Whereas pursuit of such employment requires knowledge specifically related to nuclear energy; whereas the special training for such employment is still in the organisational phase; whereas knowledge which is specifically nuclear is often acquired only through practical work;

Whereas the rules applicable to the right to take skilled employment in the field of nuclear energy should be brought into line with those governing freedom of movement for workers within the European Economic Community;

Whereas the measures taken in pursuance of Articles 48 and 49 of the Treaty establishing the European Economic Community provide for the automatic granting of the necessary authorisations to workers who are personally named in offers of certain categories of employment;

HAS ADOPTED THIS DIRECTIVE:

Article 1

Member States shall, in accordance with this Directive, take the measures necessary to abolish all restrictions based on nationality affecting the right of nationals of any Member State to take skilled employment in the field of nuclear energy.

Article 2

For the purposes of this Directive, 'skilled employment' means employment in the field of nuclear energy which requires specifically nuclear knowledge the acquisition of which calls for special training or at least five months' practical work and which relates to:

(a) nuclear energy research in the fields listed in Annex I to the Treaty;

(b) supervision, maintenance, repair or technical operation of installations and equipment for:

- production, separation or any use of ores, source materials or special fissile materials or for the reprocessing of irradiated nuclear fuels;
- isotope separation;
- production of the special materials needed in the nuclear field, such as moderators and structural, cladding and shielding materials specially devised for nuclear purposes;
- production of nuclear energy;
- disposal of nuclear waste and radioactive impurities;
- transport or storage of radioactive materials;
- production, preparation or use of radioactive isotopes;

(c) planning, designing or construction of installations or equipment or constituent parts of the installations or equipment used in the fields listed in subparagraphs (a) and (b);

(d) protection against radiation.

Article 3

The employments listed in the Annex to this Directive shall in every case be recognised as coming within the definition of skilled employment given in Article 2.

Article 4

Member States shall adopt all necessary measures for the automatic granting of authorisations required for the pursuit of any employment referred to in Articles 2 and 3. Conditions for granting such authorisations shall in no instance be less liberal than the conditions in respect of offers to named persons as laid down by the measures taken in pursuance of Articles 48 and 49 of the Treaty establishing the European Economic Community.

Article 5

With regard to any matter not covered by this Directive, Member States shall apply the measures taken in pursuance of the Treaty establishing the European Economic Community which relate to freedom of movement for workers.

This Directive shall not adversely affect the measures taken in implementation of the Treaty establishing the European Coal and Steel Community which relate to workers who have recognised qualifications in a coal-mining or steel-making occupation.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 5 March 1962.

For the Council

The President

M. COUVE de MURVILLE

ANNEX

First list of types of skilled employment within the meaning of Article 2 of this Directive

Employment requiring knowledge equivalent to that of a nuclear engineer or nuclear technician

Employment requiring knowledge in one of the following fields:

— Working conditions peculiar to the nuclear field and designing of nuclear equipment (nuclear engineer and nuclear technician).

— Special mechanical problems in the nuclear field and designing of auxiliary equipment (mechanical engineer and technician).

— Action of radiation on matter, and nuclear properties of the various substances used as fuels, moderators and structural materials for nuclear equipment; preparation of nuclear substances, reprocessing of irradiated fuels, disposal of radioactive waste or decontamination (chemical engineer and technician).

— Properties of ceramics used in the field of nuclear energy (uranium and thorium oxides, uranium carbide, etc.) (ceramics engineer and technician).

— Properties of structural materials for nuclear reactors, cladding materials for fuels and for metallic fuels; behaviour of such materials during irradiation and in the presence of the substances used in reactors or in reprocessing facilities (metallurgical engineer and technician).

— Control of nuclear reactors, measurement of radioactivity (electronics engineer and technician).

— Neutron physics of nuclear reactors and essential requirements arising therefrom (thermodynamics engineer and technician).

— Special features and operational supervision of a reactor, and measures necessary in the event of a major breakdown (operating engineer and technician).

— Assessment and checking of the technical safety of the reactor and of the experimental nuclear plant (safety engineer and technician).