

20.4.63

OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES

1323/63

COUNCIL DIRECTIVE

of 2 April 1963

laying down detailed provisions for the attainment of freedom of establishment in agriculture in the territory of a Member State in respect of nationals of other countries of the Community who have been employed as paid agricultural workers in that Member State for a continuous period of two years

(63/261/EEC)

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 54 (2) and (3) thereof;

Having regard to the General Programme for the abolition of restrictions on freedom of establishment¹ and in particular Title IV F 2 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament²;

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

Whereas the General Programme for the abolition of restrictions on freedom of establishment includes a special timetable for the attainment of such freedom in agriculture, which takes account of the particular nature of agricultural activities; whereas the second measure provided for in that timetable is the abolition by Member States, at the end of the first stage of the transitional period, of restrictions on freedom of establishment in agriculture in respect of nationals of other Member States who have been continuously employed for two years as paid agricultural workers in their territory;

Whereas, in order to ensure that this Directive is correctly applied, it is necessary to define what is meant by a paid agricultural worker having been employed in that capacity in the host country for a continuous period of two years;

Whereas, when laying down the minimum period during which a person must have been actually working in the course of those two years in order for him to be able to claim the rights, provided for in this Directive, the particular nature of agricultural activities must be taken into account;

Whereas, in view of the fact that the timetable in the General Programme provides for the abolition of restrictions on freedom of establishment in respect of agricultural activities to take place by stages, persons covered by this Directive should be given a document certifying the extent of the rights they enjoy in the host country;

Whereas the conditions of establishment must not be distorted by aids granted by the Member State of origin; whereas aid granted to a paid agricultural worker to assist him in the event of the transfer of his family, personal effects, furniture, livestock and farm implements should not be regarded as constituting such an aid;

HAS ADOPTED THIS DIRECTIVE:

Article 1

Each Member State, acting in accordance with the following provisions, shall abolish all restrictions on the right of nationals of other Member States having been employed in its territory for a continuous period of two years as paid agricultural workers (hereinafter called 'beneficiaries under this Directive') to take up and pursue activities as self-employed persons in agriculture.

Article 2

1. For the purposes of this Directive, 'paid agricultural worker' means any person employed under a

¹ OJ No 2, 15.1.1962, p. 36/62.

² OJ No 134, 14.12.1962, p. 2867/62.