
EXPLANATORY NOTE

(This note is not part of the Order)

The Treaty establishing the European Community, in particular Article 39, requires member States to secure freedom of movement for workers within the European Union. However, Article 39(4) permits member States to reserve employment in the ‘public service’ to their own nationals.

The European Communities (Employment in the Civil Service) Order 1991 ([S.I. 1991/1221](#)) provided for the opening up of employment in the civil service to nationals of member States of the European Communities, and certain members of their families, in posts other than posts in the public service within the meaning of Article 48(4) E.E.C Treaty (now Article 39(4)).

The Order amends section 1(1)(c) of the Aliens’ Employment Act 1955. Specifically, it broadens the category of person who may be employed in the Civil Service to include “a relevant European”. The expression “a relevant European” is defined as including nationals of an EEA state, Swiss nationals and Turkish nationals, as well as specified members of the families of such persons. The Order also defines the posts (“reserved posts”) which should be reserved to persons other than “a relevant European”.

The Order makes similar amendments to article 3 of the European Communities (Employment in the Civil Service) Order 1991 ([S.I. 1991/1221](#)) in relation to employment in the Northern Ireland Civil Service.