



Regulated professional activities

Handling of ionising radiation

Date:

December 2019

Introduction

Under the Agreement on the Free Movement of Persons (AFMP¹), professionals from the EU can have their qualifications recognised if the profession for which they are qualified in their country of origin is regulated in Switzerland.

This document aims to describe the Swiss regulations in the sector concerned. Regulated professions are those that are subject to specific training requirements and where access to the profession in question is only possible for professionals holding a specific qualification that is defined in relation to the Swiss education system. Foreign professionals can only access a regulated profession or occupation once their qualifications have been recognised.

If holders of foreign professional qualifications wish to pursue a profession or occupation other than those described in this document, they are free to do so without obtaining recognition of their qualifications (non-regulated profession). In this case, it is the job market which will dictate their chances of finding employment or being awarded jobs in the case of self-employed persons.

The procedures differ depending on the duration of the professional activity in Switzerland: in the case of establishment in Switzerland, prior to commencement of the regulated professional activity, recognition of foreign professional qualifications must be obtained from the authorities mentioned in this factsheet. Service providers established in an EU/EFTA country, who wish to pursue a regulated professional activity in Switzerland as self-employed persons or on secondment for a maximum of 90 working days per calendar year, are subject to a declaration requirement. The professional qualifications are verified by means of a fast-track procedure: www.sbfi.admin.ch/declaration

¹ Bilateral agreement of 21 June 1999 between the Swiss Confederation and the European Community and its Member States on the free movement of persons, SR 0.142.112.681.

1 FOPH, SUVA and ENSI: Who does what?

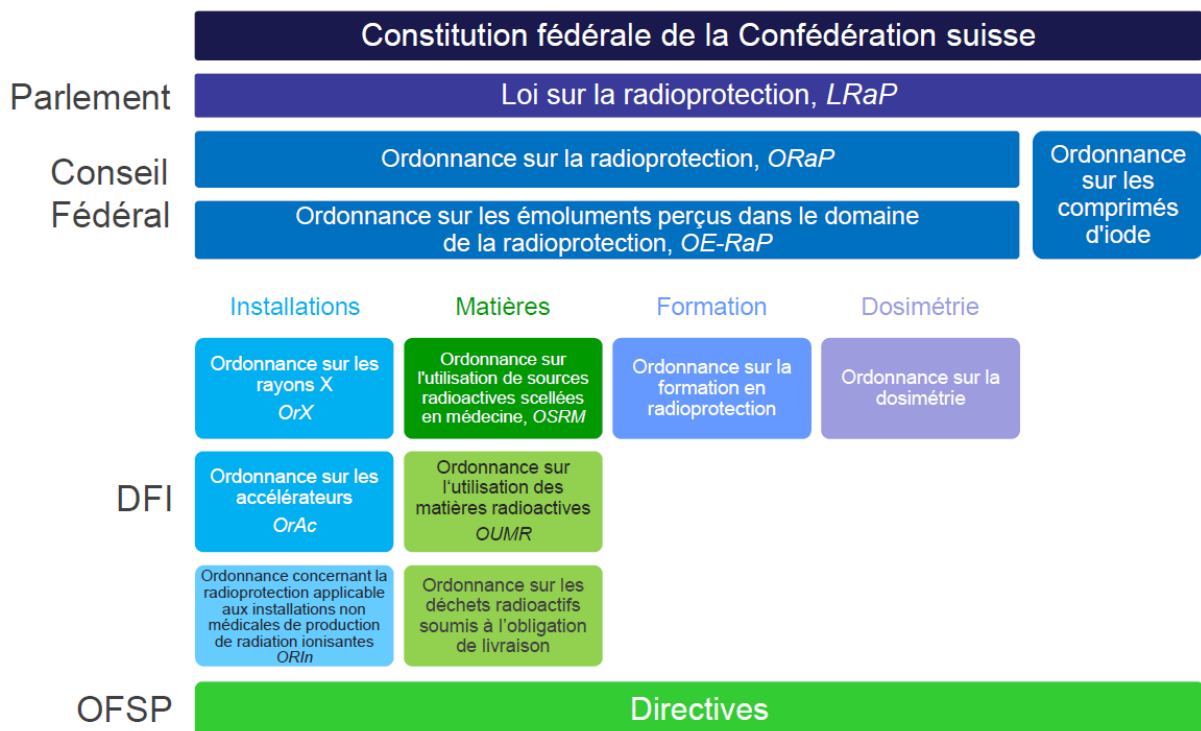
Swiss Federal Nuclear Safety Inspectorate (ENSI) is the supervisory authority for nuclear power plant construction and operation as well as for all activities in nuclear facilities. In addition, the ENSI is the competent authority responsible for licensing of activities carried out in nuclear facilities, for experiments involving radioactive substances in geological surveys, for the receipt and shipment of radioactive substances to and from nuclear facilities and for the transport of radioactive substances to and from nuclear facilities. The [Radiation Protection Division of the ENSI](#) monitors compliance with radiological protection requirements and radiation exposure thresholds. In particular, it monitors the disposal of radioactive waste from nuclear installations.

The Radiological Protection Division of the Federal Office of Public Health (FOPH) issues permits for the handling of ionising radiation sources in medicine, industry and research, such as x-ray machines and radioactive pharmaceuticals. Moreover, the FOPH is the supervisory authority for medical companies and research institutes. It determines the requirements for the recognition of radiological protection training given to persons responsible for handling ionising radiation in companies, with the exception of those working at nuclear facilities.

Swiss National Accident Insurance Fund (Suva) supervises industrial and artisanal companies to ensure the occupational health and safety of employees. Its role is to reduce the prevalence and severity of accidents and occupational illness.

2 Legal structure

Summary table of the regulatory framework in the area of radiological protection (source: FOPH)



The production, manufacture, processing, marketing, assembly, use, storage, transport, disposal, import, export, transit and any other form of transfer to a third party² of **radioactive substances and of equipment, installations and objects containing radioactive substances or capable of emitting ionising radiation** is a regulated professional activity.

EU/EFTA citizens who are qualified and have obtained skills in the handling of ionising radiation in their country of origin may apply for recognition of their professional qualifications in accordance with the rules laid down in Directive 2005/36/EC.

The Ordinance on the Declaration Requirement and the Verification of Service Provider Qualifications in Regulated Professions (DRPA³) applies to persons who handle ionising radiation. This professional activity is specifically mentioned in the [Chapter 10 of Annex 1](#), which makes reference to [Art. 2 of the Radiological Protection Act](#) (RPA⁴) and by extension to [Art. 1 and 2 of the Radiological Protection Ordinance](#) (RPO⁵) for more detailed information.

3 Competent authorities for the recognition of foreign qualifications

[The Radioprotection Training Ordinance](#)⁶ draws a distinction between different types of training and authorised activities for the five categories described below:

1. Medical activities carried out by doctors, dentists, chiropractors and veterinary surgeons ([Annex 1](#))

The **FOPH – Radiological Protection Division** is the competent authority responsible for recognition of professional qualifications in the area of radiological protection for this 1st category of persons ([Art. 180, para 1 RPO](#)).

Doctors, dentists, chiropractors and veterinary surgeons should first contact the Commission for Medical Professions ([MEBEKO](#)) to obtain recognition of their professional qualifications in the medical field. Once this has been done, the next step is to obtain recognition of their radiological protection qualifications by filling out the following [form](#) and submitting it to the [FOPH](#).

2. Medical activities carried out by other medical professionals (i.e. excl. doctors, dentists, chiropractors and veterinary surgeons) as well as commercial activities in the medical field ([Annex 2](#))

The **FOPH – Radiological Protection Division** is the competent authority responsible for recognition of professional qualifications in the area of radiological protection for this 2nd category of persons ([Art. 180, para 1 RPO](#)).

² Art. 2 para 2 of the Radiological Protection Act of 22 March 1991 (RPA), SR 814.50.

³ Ordinance of 26 June 2013 on the Declaration Requirement and the Verification of Service Provider Qualifications in Regulated Professions (DRPA), SR 935.011.

⁴ Radiological Protection Act of 22 March 1991 (RPA), SR 814.50.

⁵ Radiological Protection Ordinance of 26 April 2017 (RPO), SR 814.501.

⁶ FDHA Ordinance of 26 April 2017 on Initial Training, Continuing Training and Authorised Activities in the Area of Radiological protection, SR 814.501.261

Other medical professionals (i.e. excl. doctors, dentists, chiropractors and veterinary surgeons) should first contact [SERI or the SRC](#) to obtain recognition of their professional qualifications in the medical field. Once this has been done, the next step is to obtain recognition of their radiological protection qualifications by filling out the following [form](#) submitting it to the [FOPH](#).

The Radiological Protection Division systematically checks to make sure that medical professionals have obtained prior recognition from MEBEKO, SERI or the SRC. This recognition is a prerequisite for initiating the procedure for recognition of radiological protection qualifications.

[The FOPH Website contains more detailed information](#) regarding the radiological protection training requirements in the medical field, i.e. categories 1 and 2 mentioned above.

3. Activities relating to nuclear facilities ([Annex 3](#))

The **ENSI** is the competent authority responsible for recognition of professional qualifications for this 3rd category of persons ([Art. 180, para 1 RPO](#)).

4. Activities relating to industry, crafts, research and transport ([Annex 4](#)).

The responsibility for recognition of professional qualifications for this 4th category of persons is allocated as follows ([Art. 180, para 1 RPO](#)):

- Activities relating to industry and crafts: **Swiss National Accident Insurance Fund (SUVA)**
- Activities relating to research: **FOPH – Radiological Protection Division**
- Activities relating to transport: **ENSI**

5. Persons who, in the event of an emergency or outage, use ionising radiation, are potentially exposed to it; or who plan or order its use; or who operate critical infrastructure or provide public services ([Annex 5](#)). These are persons working for authorities, government agencies, law enforcement, fire brigade, emergency response services, civil protection services, the armed forces and other organisations or companies.

The General Secretariat of the Federal Department of Defence, Civil Protection and Sport (DDPS) is the competent authority for the recognition of professional qualifications for this 5th category of persons ([Art. 180, para 2 RPO](#)).

Finally, it should be noted that all professionals handling ionising radiation are subject to the obligation to undergo a [continuing training course](#) every five years ([Art. 172 ss RPO](#)).

4 Competent authorities for licensing

By virtue of [Art. 11 para 1 RPO](#), the Federal Office of Public Health (FOPH), [Division Radioprotection](#), is, **subject to para 2**, the competent authority responsible for licensing of all activities and ionising radiation sources that require such licensing. Licensing requests are submitted [online](#).

Between 500 and 1000 licenses are granted each year. [Art. 16 RPO](#) stipulates that for a company or person established in Switzerland, a license may remain valid for 10 years. In the case of licenses for single events (export, import, transport), the general practice is for the license to remain valid for six months to one year.

[Art. 11 para 2 RPO](#) provides for an exception to the general jurisdictional rule mentioned above: **the Swiss Federal Nuclear Safety Inspectorate (ENSI) is designated as the competent licensing authority for:**

- a. activities carried out at a nuclear facility that are not subject to licensing or a decommissioning decision;
- b. tests involving radioactive substances that are conducted as part of geological surveys;
- c. the import and export of radioactive substances to or from nuclear facilities;
- d. the transport of radioactive substances to or from nuclear facilities;
- e. the disposal of nuclear waste from nuclear facilities into the environment;
- f. the storage for decay of radioactive waste from nuclear facilities and all associated activities.

When the situation is ambiguous and an activity concerns two licensing authorities, the procedures may be combined and the authority that is primarily concerned will be considered as the lead authority. This lead authority shall then decide the procedure in consultation with the other licensing authority ([Art. 17 RPO](#)).

5 Specific details for EU/EFTA citizens who wish to provide services in Switzerland

5.1 Basic principle

In accordance with the Agreement on the Free Movement of Persons (AFMP), professionals who are legally established in the EU/EFTA may provide services in Switzerland without permanently establishing themselves in the country. In such cases, the duration of service provision is limited to 90 days per calendar year.

If the profession they wish to pursue is regulated, they can take advantage of a fast-track verification procedure for their professional qualifications, as set out in the EU directive 2005/36/EC⁷ and the DRPA⁸. The service provision **must be declared in advance to SERI**⁹.

5.2 Other obligations

In all cases, persons intending to provide services **must also register with the State Secretariat for Migration** (www.sem.admin.ch > Entry & Residence > Notification procedure for short-term work in Switzerland). This obligation also applies to non-regulated professional activities.

⁷ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, OJ L 255 of 30.9.2005, p. 22, in the current version in accordance with the agreement on the free movement of persons and the revised EFTA Convention.

⁸ Federal Act of 14 December 2012 on the Declaration Requirement and the Verification of Service Provider Qualifications in Regulated Professions, SR 935.01.

⁹ www.sbf.admin.ch/declaration

5.3 Who is a service provider?

Service provision is an economic activity that is practised on a self-employed basis or without conclusion of an employment contract with a Swiss employer. It is remunerated work of a temporary or occasional nature (limited to 90 working days per calendar year) carried out in Switzerland by an individual who is established in a country of the EU or EFTA. If you require further information, SERI provides a more detailed note on the concept of a service provider on its website.

Persons who are not service providers within the meaning of the AFMP will not be able to take advantage of the fast-track qualification verification procedure. They should instead have their qualifications recognised in accordance with Title III of directive 2005/36/EC by contacting the competent authority.