



FEDERATION OF VETERINARIANS OF EUROPE

# “Veterinarians crossing borders”

EU Directives

2005/36EC on the recognition of professional qualifications

and

2006/123EC on Services in the Internal Market

*Explained for the secretariats of FVE member organisations  
to advise their members.*

**FVE secretariats network group**

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### 1. Table of Contents

<b>Page 3.</b>	<b>Introduction</b>	
<b>Page 4.</b>	<b>The Two Directives</b>	
<b>Page 5.</b>	<b>Definitions Found in the Two Directives</b>	
<b>Page 7.</b>	<b>Directive 2005/36EC - Recognition of Professional Qualifications</b>	
<b>Page 12.</b>	<b>Directive 2006/123EC - Services in the Internal Market</b>	
<b>Page 16.</b>	<b>Veterinary Medicinal Products</b>	
<b>Page 17.</b>	<b>Frequently Asked Questions</b>	
<b>Page 22.</b>	<b>Annex A: List of EU Competent Authorities</b>	
<b>Page 25.</b>	<b>Annex B: Evidence of Formal Qualifications for veterinarians</b>	
<b>Page 27</b>	<b>Annex Art 38 Training of Veterinary Surgeons</b>	<b>C</b>

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### Introduction

In order to achieve the goals set by the European Council in 2000 in Lisbon - to make the European Union the most competitive and dynamic knowledge based economy in the world - the EU recently adopted two pieces of legislation, both aimed at the development of one open internal market. With these two so-called "Directives", the European Union wishes to remove possible hurdles that might unnecessarily hinder the functioning of the open market.

One of the two, Directive 2005/36EC **on the Recognition of Professional Qualifications**, establishes rules according to which Member States - when access to a profession is contingent upon possession of specific qualifications, like veterinary medicine, - shall recognise qualifications obtained in other Member States. It also regulates the minimum requirements for training for these professions in EU Member States.

The other one, 2006/123EC on **Services in the Internal Market**, establishes general provisions related to the freedom of establishment for service providers and to the free movement of services, while maintaining a high quality of services.

Because both Directives are of interest to veterinarians who wish to provide services across national borders, in other Member States than the one in which they are established or who wish to establish in another Member State, this brochure tries to explain the essential provisions of these Directives. Hopefully, also organisations and people involved in regulating and supervising the veterinary provision, such as Veterinary Chambers or Orders and Registrars, will find useful information in this brochure.

To become effective, EU Member States first have to transpose the provisions of the Directives into their own national legislation. Some differences between the ways Member States implement the legislation may therefore occur.

Directive 2005/36EC on the Recognition of Professional Qualifications must have been implemented by Member States no later than 20 October 2007. Directive 2006/123EC on Services in the Internal Market on 28 December 2009.

## TWO DIRECTIVES

### Directives

The two Directives concerned are:

- Directive 2005/36EC of the European Parliament and of the Council of 7 September 2005 on the Recognition of Professional Qualifications<sup>1</sup>
- Directive 2006/123EC of the European Parliament and of the Council of 12 December 2006 on Services in the Internal Market <sup>2</sup>

It should be noted that these two Directives relate to getting access to the markets in the Member States. Once a market is entered the providers of services fall under the rules of the host-country. An exemption to this rule relates to the use of veterinary medicinal products with a marketing authorisation in the home country only (see page 16).

A third piece of legislation that should be mentioned here is Regulation (EEC) 1612/68 as amended by Directive 2004/38/EC of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States<sup>3</sup>. This Directive covers rights of non-EU citizens married to EU citizens. For these cases the reader is advised to contact the veterinary statutory body in the country involved or the secretariat of the Federation of Veterinarians of Europe in Brussels.

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<sup>1</sup> For full text Directive 2005/36EC on the Recognition of Professional Qualifications see:

[http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l\\_255/l\\_25520050930en00220142.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l_255/l_25520050930en00220142.pdf)

<sup>2</sup> For full text Directive 2006/123EC on Services in the Internal Market see:

[http://eurlex.europa.eu/LexUriServ/site/en/oj/2006/l\\_376/l\\_37620061227en00360068.pdf](http://eurlex.europa.eu/LexUriServ/site/en/oj/2006/l_376/l_37620061227en00360068.pdf)

<sup>3</sup> For full text Directive 2004/38EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States see:

[http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l\\_158/l\\_15820040430en00770123.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_158/l_15820040430en00770123.pdf)

### Definitions

Both Directives provide a series of definitions. A summary of these definitions is given in the table below (consult the original text of the Directives for the full definition)

<p>For the purposes of Directive 2005/36 on <b>the recognition of professional qualifications</b>, the following definitions apply<sup>4</sup>:</p> <p><b>regulated profession:</b> a professional activity or group of professional activities, access to which and the pursuit of which, is subject, to the possession of specific professional qualifications;</p> <p><b>professional qualifications:</b> qualifications attested by evidence of formal qualifications;</p> <p><b>evidence of formal qualifications:</b> diplomas, certificates and other evidence issued by an authority in a Member State and certifying successful completion of professional training obtained;</p> <p><b>competent authority:</b> any authority or body empowered by a Member State specifically to issue or receive training diplomas and other documents or information and to receive the applications, and take the decisions upon these.</p> <p><b>regulated education and training:</b> any training which is specifically geared to the pursuit of a given profession and which comprises a course or courses complemented, where appropriate, by professional training, or probationary or professional practice.</p> <p><b>adaptation period:</b> the pursuit of a regulated profession in the host Member State under the responsibility of a qualified member of that profession, such period of supervised practice possibly being accompanied by further training.</p> <p><b>aptitude test:</b> a test limited to the professional knowledge of the applicant, made by the competent authorities of the host Member State with the aim of assessing the ability of the applicant to pursue a regulated profession in that Member State</p>	<p>For the purposes of Directive 2006/123 on <b>services on the internal market</b> the following definitions apply<sup>5</sup>:</p> <p><b>service:</b> any self-employed economic activity, normally provided for remuneration;</p> <p><b>provider:</b> any natural person who is a national of a Member State, or any legal person established in a Member State, who offers or provides a service;</p> <p><b>recipient:</b> any natural person who is a national of a Member State or who benefits from rights conferred upon him by Community acts, or any legal person established in a Member State, who uses, or wishes to use, a service;</p> <p><b>Member State of establishment :</b> the Member State in whose territory the provider of the service concerned is established;</p> <p><b>establishment:</b> the actual pursuit of an economic activity by the provider for an indefinite period and through a stable infrastructure from where the business of providing services is actually carried out;</p> <p><b>authorisation scheme:</b> any procedure under which a provider or recipient is required to take steps in order to obtain from a competent authority a decision concerning access to a service activity or the exercise thereof;</p> <p><b>requirement:</b> any obligation, prohibition, condition or limit provided for in the laws or regulations of the Member States or case-law, administrative practice, rules of professional bodies, or collective rules of professional associations or other professional organisations, adopted in the exercise of their legal autonomy;</p> <p><b>overriding reasons relating to the public interest:</b> reasons recognised as such in the case law of the Court of Justice, including the following grounds:..... public health.....the protection of consumers .....the health of animals.....;</p> <p><b>competent authority:</b> any body or authority which has a supervisory or regulatory role in a Member State in relation to service activities, including, ..... professional bodies, and those professional associations or other professional organisations which, in the exercise of their legal autonomy, regulate in a collective manner access to service activities or the exercise thereof;</p> <p><b>Member State where the service is provided:</b> the Member State where the service is supplied by a provider established in another Member State;</p> <p><b>commercial communication:</b> any form of communication designed to promote, directly or indirectly, the goods, services or image of an undertaking, organisation or person engaged in commercial, industrial or craft activity or practicing a regulated profession.</p>
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<sup>4</sup> Article 2 Dir 2005/36/EC

<sup>5</sup> Article 4 Dir 2006/123/EC

## DEFINITIONS

Some other terms of which explanations might be helpful for reading this brochure are

**Third country:** a country that is neither a EU Member State nor an associated State

**Home country:** the country where a service provider is established

**Host country:** country where a service is provided whilst the provider is established in another country (i.e. the home country)

**Letter of good standing:** an attestation certifying that the holder is legally established in a Member State for the purpose of pursuing the activities concerned (i.e. as a veterinarian) and that he is not prohibited from practising, even temporarily, at the moment of delivering the attestation <sup>6</sup>

**Formal Qualification:** official diploma, awarded or recognised by the competent authority

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<sup>6</sup> See article 7.2 (b) Dir 2005/36/EC

# DIRECTIVE 2005/36EC

## RECOGNITION OF PROFESSIONAL QUALIFICATIONS

### **Directive 2005/36EC on the recognition of professional qualifications**

The main objective<sup>7</sup> of this Directive is to avoid discrimination between formal qualifications obtained in different Member States. It aims to allow the owner of certain qualifications to gain access in other (host) Member States to the same profession as that for which he is qualified in his home Member State and to pursue this profession in these Member States under the same conditions as its nationals<sup>8</sup>.

In other words: formal qualifications as veterinarian should be regarded as equal, by all Member States, regardless of the Member State in which they are obtained.

The Directive and its annexes also provide further information on the training of veterinarians, the knowledge and skills that have to be acquired<sup>9</sup> and the programme of veterinary education which must be covered<sup>10</sup>. It also gives an exhaustive list of all Establishments for Veterinary Education in the European Union and the diplomas they award, which should be recognised by the competent authorities of other Member States<sup>11</sup>.

### **Focus of Directive**

The Directive concerns itself with two situations

- the cross border provision of veterinary medicine services on a temporary and occasional basis (Title II Provision of Services) and
- establishment as a veterinarian in another EU State ( Title III Freedom of Establishment).

It applies to all nationals of a Member State who wish to pursue their (regulated) profession in another Member State than that in which they obtained their qualifications, on either a self-employed or employed basis<sup>12</sup>.

### **Title II of the Directive: Provision of Services**<sup>13</sup>

The free provision of veterinary services in a Member State is possible where the professional is legally established in another Member State pursuing the same profession.

The services are provided on a temporary and occasional basis (this to be defined on a case by case basis in relation to its duration, frequency, regularity and continuity).

The Directive specifies that Member States may require that where a service provider (I;C; a veterinarian) first moves to another Member State, he shall inform

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<sup>7</sup> See article 1 Dir 2005/36/EC

<sup>8</sup> See Article 4 Dir 2005/36/EC

<sup>9</sup> See article 38 Dir 2005/36/EC

<sup>10</sup> See Annex V 5.4.1 Dir 2005/36/EC

<sup>11</sup> See Annex V 5.4.2 Dir 2005/36/EC

<sup>12</sup> See Article 2 Dir 2005/36/EC

<sup>13</sup> See Article 5 to 9 Dir 2005/36/EC

## DIRECTIVE 2005/36EC RECOGNITION OF PROFESSIONAL QUALIFICATIONS

the competent authority in the host country in writing and in advance<sup>14</sup>. The competent authority of the host country may also require the following documents:

- Details of any insurance cover or other means of personal or collective protection with regard to professional liability
- Proof of nationality
- Letter of Good Standing from Competent Authority where registered
- Evidence of professional qualifications

The procedure involves the service provider (the veterinarian) writing to the competent authority (statutory body) in the Host Member State declaring that he/she intends providing services in that Member State (including details of any insurance cover or other means of personal or collective protection with regard to professional liability, where applicable). The service provider also arranges for his/her competent authority to send to the competent authority in the Host Member State a certificate stating that he/she is lawfully exercising his/her profession in the Home Member State and also stating that his/her qualification fulfils the minimum training requirements laid down in the Directive<sup>15</sup>.

In practice the Provision of Services Certificate is generally provided by the competent authority in the Home Member State. Provision of Services Certificates are generally renewable every year.

### **Exemptions in Relation to Provision of Services<sup>16</sup>**

The Host Member State shall exempt service providers established in another Member State from the requirements which it places on professionals in its State relating to authorisation by, registration with or membership of a professional organisation or body. The service provider shall, however, inform in advance or in an urgent case afterwards the professional body in the Host country.

Member States may provide either for automatic temporary registration or pro forma membership of a professional organisation or body as long as it doesn't delay the provision of services. The relevant documents shall be sent by the competent authority to the professional organisation or body. Exemption is also given concerning registration with a public social security body for the purpose of settling accounts with an insurer relating to activities pursued for the benefit of insured persons.

### **Administrative Co-Operation<sup>17</sup>**

The competent authorities in each Member State must co-operate and provide mutual support. Exchange of information regarding disciplinary action or criminal sanctions taken or any serious, specific circumstances which are likely to affect the pursuit of his/her profession must be facilitated between Member States. The competent authority in the home Member State shall certify that the person is of good standing.

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<sup>14</sup> See Article 7 Dir 2005/36/EC

<sup>15</sup> See article 7. 2 (b) Dir 2005/36/EC

<sup>16</sup> See article 6 Dir 2005/36/EC

<sup>17</sup> See article 8 Dir 2005/36/EC

# DIRECTIVE 2005/36EC

## RECOGNITION OF PROFESSIONAL QUALIFICATIONS

### **Customers of Service Providers<sup>18</sup>**

Customers of service providers may require the following information:

- Where the person's name is registered – name of register, registration number or other identification to indicate that he/she is on the register.
- Name of competent authority
- Name of professional association to which service provider registered
- Professional Title
- VAT number
- Insurance Cover

### **Title III of the Directive: Freedom of Establishment<sup>19</sup>**

Freedom of establishment means veterinarians are free to establish in another Member State in order to carry on their profession there. This will involve registering with the competent authority in that Member State. The veterinarian is also subject to all the regulatory, legislative and disciplinary procedures which the nationals of that State must observe. Annex VII of the Directive lists the documents which the competent authority may require. In summary these documents are:

- proof of nationality,
- evidence of formal qualifications,
- letter of good standing (which must be provided within 2 months of the request),
- right of establishment certificate from the competent authority confirming that the qualification held by that veterinarian fulfils the minimum training requirements laid down in the Directive.

The competent authority of the host Member State may also require proof of further matters such as the mental health of applicants their financial standing etc. but only if the same is required from the Member States own nationals.

The competent authority within one month of receipt of the documentation must acknowledge it and request any missing documents. The documentation must be considered and a decision communicated to the applicant within three months.

The key yardstick against which the qualifications presented by a veterinarian seeking recognition of his/her qualifications is measured, is that proof is provided that the veterinarian has successfully completed the training in accordance with Article 38 and that the qualification title is as set out in Annex V, 5.4.2 of the Directive. The evidence of formal qualifications of veterinarians is based on the study programme laid down in Annex V, 5.4.1 which lists the subjects which must have been covered and states that at least five years full-time theoretical and practical study at a university or equivalent higher institute must have been completed.

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<sup>18</sup> See article 9 Dir 2005/36/EC

<sup>19</sup> See Article 10 to 52 Dir 2005/36/EC

## DIRECTIVE 2005/36EC RECOGNITION OF PROFESSIONAL QUALIFICATIONS

Part-time training may be authorised under conditions laid down by the competent authority, however, overall duration, level and quality of training must not be lower than full-time training.

Continuing education and training shall ensure that persons who have completed their studies are able to keep abreast of professional development necessary to maintain safe and effective practice.

### **Acquired Rights<sup>20</sup>**

Veterinarians have acquired rights under the general system for the recognition of qualifications. Where a Member State national does not satisfy all training requirements a Member State shall recognise as sufficient proof of evidence of formal qualification where training began before the reference dates (these dates are specified in Annex V 4, 5.4.2) and is accompanied by a certificate from the competent authority stating that the holder has been effectively and lawfully engaged in the activities in question for at least three consecutive years during the five years preceding the award of the certificate. These acquired rights also specifically apply to the following cases:

- To training begun before 3 October 1990 in former German Democratic Republic
- To formal qualifications issued by the former Czechoslovakia, or whose training commenced, for the Czech Republic and Slovakia, before 1 January 1993
- To those who had their qualification issued by the former Soviet Union, or whose training commenced for Estonia before 20 August 1991\*, for Latvia, before 21 August 1991 and for Lithuania, before 11 March 1990
- To qualifications issued by former Yugoslavia or whose training commenced, for Slovenia, before 25 June 1991

\*In relation to Estonia the certificate must state that the activities must have been engaged in for at least five consecutive years during the seven years prior to the date of issue of the certificate. In addition where the evidence of formal qualifications was issue by, or whose training commenced in, Estonia before 1 May 2004 the qualification must be accompanied by a certificate stating that this person has been lawfully engaged as a veterinarian in Estonia for at least five consecutive years during the seven years prior to the date of issue of the certificate.

### **Third Country Qualifications**

Where a Member State has recognised the third country qualifications of an EU national and this person has three years professional experience in that country this shall be deemed to be evidence of formal qualification in another EU state for the purposes of recognition<sup>21</sup>.

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<sup>20</sup> See article 39 Dir 2005/36/EC

<sup>21</sup> See article 3. 3 Dir 2005/36/EC

## DIRECTIVE 2005/36EC RECOGNITION OF PROFESSIONAL QUALIFICATIONS

### **Knowledge of Languages**

Persons benefiting from the recognition of professional qualifications must have a knowledge of languages necessary for practising in the host Member State<sup>22</sup>. Further clarification on this requirement can be found in document MARKT D/15748/2006-EN dated 9 November 2006. It says that linguistic knowledge cannot be used to check, in any way, the substantial qualifications of the migrating professional. Linguistic knowledge is to be assessed, if need be, after the recognition of the qualification is granted. Linguistic tests should be proportional.

### **Use of Academic Titles**

The host Member State must ensure that the academic title used by that person in their home Member State can be used. Where an academic title of the home Member State is liable to be confused in the host Member State with a title which, in the host Member State requires supplementary training not acquired by the beneficiary, the host Member State may require the beneficiary to use the academic title of the home Member State in an appropriate form<sup>23</sup>.

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<sup>22</sup> See article 53 Dir 2005/36/EC

<sup>23</sup> See article 54 Dir 2005/36/EC

## DIRECTIVE 2006/123EC SERVICES IN THE INTERNAL MARKET

### **Directive 2006/123EC on Services in the Internal Market**

This Directive deals with the access to or the exercise of a service activity in the internal market<sup>24</sup>. It wishes to ensure that Member States shall respect the right of providers of services, such as veterinarians, to provide services in another Member State than the one in which they are established.

The Directive aims to open the markets for services.

It forbids<sup>25</sup> to make access to or exercise of a service activity in the national territory subject to compliance with any requirement unless the requirement is:

- non-discriminatory
- justified by an overriding reason related to public interest
- proportionate to that public interest objective
- clear and unambiguous
- objective made public in advance
- transparent and accessible.

In addition to this, the Directive specifies in article 14 requirements that are explicitly prohibited and in article 15 requirements that should be evaluated. Examples of prohibited requirements are:

- nationality requirements for the provider
- requirements that the provider be resident within the territory
- prohibition on having establishments in more than 1 member State
- requirement to have the principal establishment in the country where the service is provided
- requirement to have been pre-registered, for a given period in the registers held in the host Member State territory or to have previously exercised the activity for a given period in the territory of the host Member-State.

This Directive stipulates that it is consistent with and does not affect the above mentioned Directive 2006/36 on the recognition of professional qualifications. None of the measures applicable under that Directive in the Member State where a Service is provided is affected by the provisions on the freedom to provide services.

### **Temporary Provision of Services / Establishment in another Member State**

With regard to the provisions in this Directive on Services it is important to differentiate between:

- a temporary provision of services in another Member State and
- establishment in another Member State.

'Establishment' means the actual pursuit of an economic activity by the provider for an indefinite period and through a stable infrastructure from where the business of providing services is actually carried out. In the case of temporary provision of services, the provider crosses the border of the Member State where he is

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<sup>24</sup> See Article 1 Dir 2006/123

<sup>25</sup> See Article 10 Dir 2006/123

## DIRECTIVE 2006/123EC SERVICES IN THE INTERNAL MARKET

established to provide a service on the territory of another Member State, and returns to his home country; there is no place of establishment in the country where the service is provided.

In case a provider has multiple places of establishment it is important to determine the place of establishment from which a certain service is provided, especially where these establishments are located in a number of countries.

### **Freedom of Establishments for providers**

Member States are not allowed to require nationality requirements for the provider of a service (i.c. a veterinarian) or his staff. Equally Member States are not allowed to require a provider of services to be resident within the territory or to have an establishment in the country<sup>26</sup>.

It is also not allowed for Member States to have prohibitions on having an establishment in more than one Member State or on being entered in the registers or being enrolled with professional bodies or associations of more than one Member State.

Member States may not require from applicants that they have been pre-registered, for a given period, in the registers held in the Member State territory or to have previously exercised the activity for a given period in the Member State territory.

An authorisation granted to a provider shall not be for a limited period, except where this can be justified by an overriding reason relating to the public interest. Authorisation procedures and formalities shall be clear and made public in advance. Applicants will have a guarantee that their applications will be processed as quickly as possible and in any event within a reasonable period of time.

### **FREE MOVEMENT OF SERVICES**

Member States shall respect the right of providers of services in a Member State other than that in which they are established<sup>27</sup>.

Member States may not make access to or exercise of a service activity in their territory subject to compliance with any requirement that is not

- Non discriminatory
- Necessary (the requirement must be justified for public reasons)
- Proportional (the requirement must be suitable for attaining the objective pursued)

### **Assistance for recipients**

Member States shall ensure that recipients of services (clients) can obtain in their Member State of residence, the following information

- general information on the means of redress available in the case of a dispute between a provider and a recipient

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<sup>26</sup> See article 14 Dir 2006/123

<sup>27</sup> See article 16 Dir 2006/123

## DIRECTIVE 2006/123EC SERVICES IN THE INTERNAL MARKET

- contact details of associations or organisations from providers or recipient may obtain practical information (this can include the contact details of veterinary associations and bodies)

### **Quality of Services**

Member States shall ensure that providers, (e.g. veterinarians), make the following information available to their clients<sup>28</sup>

- name, legal status, address of establishment, contact details
- where applicable, the register and the provider's registration number
- the competent authority / single point of contact
- VAT number
- Professional body, professional title, and the Member State in which that title has been granted
- A reference to the professional rules
- Any code of conduct to which the provider is subject and the way these codes can be consulted
- general conditions and clauses used by the provider
- the price of a service or the method for calculating or a sufficiently detailed estimate

The list given here is not complete, but a summary for veterinarians of the important items.

### **Commercial communications by regulated professions<sup>29</sup>**

Total prohibitions on commercial communications are not allowed. Commercial communications by the regulated professions shall comply with professional rules which relate to the independence, dignity and integrity of the profession, as well as to professional secrecy.

### **Mutual assistance<sup>30</sup>**

Member States are obliged to give each other mutual assistance in order to ensure the supervision of providers and the services they provide. A special point of interest here is the obligation for Member States to ensure that the registers in which veterinary service providers have been entered and which may be consulted by competent authorities in their territory (in other words the registers normally held by the registrar) may also be consulted under the same conditions, by the equivalent competent authorities of other Member States.

Further articles deal more specifically with supervision of the providers of (veterinary) services. In general one can say that the veterinarian is supervised by, and in accordance with, the rules of Member State of Establishment. This also applies in the case of a temporary movement of the provider to another Member State (cross border provision of services). In these cases the Member State of Establishment shall not refrain from taking supervisory measures in its territory on

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<sup>28</sup> See article 22 Dir 2006/123

<sup>29</sup> See article 24 Dir 2006/123

<sup>30</sup> See article 28 Dir 2006/123

## DIRECTIVE 2006/123EC SERVICES IN THE INTERNAL MARKET

the grounds that the service has been provided or caused damage in another Member State.

Controls and checks at the request of the Member State of Establishment, shall however be carried out "on the spot", by the authorities of the country where the service is provided. Also on their own initiative, the competent authorities of this Member state where the service is provided may conduct checks, inspections and investigations on the spot, provided that those are not discriminatory and are proportionate.

The Member State where the service is provided is responsible for taking all measures necessary to ensure the provider complies with the requirements regarding the access to and exercise of the activity.

### Example

A veterinarian established in country "HOME-ISTAN" temporarily crosses the border in order to look after the animals on a farm in country "HOST-ONIA".

The competent authority of "HOST-ONIA" has the responsibility to see if the veterinarian complies with the requirements to provide veterinary services within "HOST-ONIA". In other words "HOST-ONIA" has to check if the vet has the right qualifications etc.

While temporary working on the farm in "HOST-ONIA" the veterinarian, has to comply with the laws and regulations of "HOST-ONIA".

However he remains under the jurisdiction of the authorities – chamber, order, disciplinary committee, etc. - in "HOME-ISTAN".

Checks and controls on the spot in "HOST-ONIA" are carried out by the authorities of "HOST-ONIA", they do this either on their own initiative or on the request of the authorities of "HOME-ISTAN".

In case of non-compliance with the laws and regulations in "HOST-ONIA" the authorities in "HOME-ISTAN" shall take the necessary enforcement measures. They shall not refrain from taking such measures because the service was provided or caused damage in "HOST-ONIA"

## VETERINARY MEDICINAL PRODUCTS

### VETERINARY MEDICINAL PRODUCTS

The general rule is that in each Member State (apart from exceptional situations wherein the cascade can be applied) only those veterinary medicinal products may be used which have an authorisation for that country. However under certain conditions veterinarians working cross borders can use of medicines authorised in their home country.

Member States have to ensure that veterinarians providing services in another Member State can take with them and administer to animals small quantities of veterinary medicinal products - not exceeding daily requirements and no vaccines - which are not authorised for use in the Member State where in the services are provided, provided that the following conditions are satisfied:

- (a) the authorisation has been issued by the Member State in which the veterinarian is established;
- (b) the veterinary medicinal products are transported by the veterinarian in the original manufacturer's packaging;
- (c) veterinary medicinal products intended for administration to food-producing animals have the same qualitative and quantitative composition in terms of active substances as the medicinal products authorised in the host Member State;
- (d) the veterinarian providing services in another Member State acquaints him/herself with the good veterinary practices applied in that Member State and ensures that the withdrawal period specified on the labelling of the veterinary medicinal product concerned is complied with, unless he/she could reasonably be expected to know that a longer withdrawal period should be specified to comply with these good veterinary practices;
- (e) the veterinarian shall not furnish any veterinary medicinal product to the owner or keeper of the animals treated in the host Member State unless this is permissible on the basis of the rules of the host Member State; in this case he/she shall, however, supply only in relation to animals under his/her care and only the minimum quantities of veterinary medicinal product necessary to complete the treatment of animals concerned on that occasion;
- (f) the veterinarian shall be required to keep detailed records of the animals treated, the diagnosis, the veterinary medicinal products administered, the dosage administered, the duration of treatment and the withdrawal period applied. These records shall be available for inspection by the competent authorities of the host Member State for a period of at least three years;
- (g) the overall range and quantity of veterinary medicinal products carried by the veterinarian shall not exceed that generally required for the daily needs of good veterinary practice.

## FREQUENTLY ASKED QUESTIONS

### **1. Where can I find a copy of the Directive on Recognition of Professional Qualifications?**

For the full text of Directive 2005/36EC on the Recognition of Professional Qualifications see:

[http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l\\_255/l\\_25520050930en00220142.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l_255/l_25520050930en00220142.pdf)

### **2. When does the Directive on Recognition of Professional Qualifications come into force?**

The Directive on the Recognition of Professional Qualifications must be implemented by Member States by **20 October 2007**. Member States will have to transpose the provisions of the Directive into their own national legislation and therefore some differences may occur in implementation.

### **3. Where can I find a copy of the Directive on Services in the Internal Market?**

For the full text of Directive 2006/123EC on Services in the Internal Market see:

[http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l\\_376/l\\_37620061227en00360068.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_376/l_37620061227en00360068.pdf)

### **4. When does the Directive come into force?**

The Directive on Services in the Internal Market (2006/123EC) must be implemented by Member States no later than **28 December 2009**. Member States will have to transpose the provisions of the Directive into their own national legislation and therefore some differences may occur in implementation.

### **5. What do these Directives allow me to do?**

These two Directives relate to getting open access to the markets in the Member States and are designed to freely permit you to use your recognised Veterinary Qualification:

- a. to provide cross-border veterinary medicine services on a temporary and occasional basis;
- b. for the establishment of a veterinary medicine service in another EU State on a regular and ongoing basis.

In the case of *temporary provision of cross-border services*, the veterinarian crosses from their Home Member State, where they are established, to provide a service in another, Host, Member State, and then returns back to their Home Member State; there is no place of establishment in the Host Member State where the service is provided.

'*Establishment*' means the actual pursuit of an economic activity by the veterinarian for an indefinite period and through a stable infrastructure from where the business of providing services is actually carried out, i.e. based within the Host Member State.

## FREQUENTLY ASKED QUESTIONS

### **6. Can I be established in more than one EU Member State?**

It is also not allowed for Member States to have prohibitions on having an establishment in more than one Member State or on being entered in the registers or being enrolled with professional bodies or associations of more than one Member State.

### **7. Is my EU Veterinary Qualification valid in the Host State?**

Veterinary qualifications obtained in one Member State should be regarded as equal in the Host State. If you are unsure of your qualification, Section 5, Article 38 of the Directive outlines the training requirements for a veterinarian. Annex V, 5.4 of the Directive gives the required Study Programme for veterinarians and all EU Veterinary Schools and their awards which should be recognised by the Competent Authorities of the Member States.

### **8. I am an EU National, but have a non-EU Veterinary Qualification. Is this Qualification valid in the Host State?**

Yes, so long as a Member State has recognised your third country qualifications and you have three years professional experience in that country this shall be deemed to be evidence of formal qualification in another EU state for the purposes of recognition.

### **9. I am a non-EU Citizen married to an EU Citizen – can I still work as a veterinarian?**

Regulation (EEC) 1612/68 as amended by Directive 2004/38/EC of 29 April 2004 covers the rights of non-EU citizens married to EU citizens. In such cases you should contact the veterinary statutory body in the country involved or the secretariat of the Federation of Veterinarians of Europe in Brussels.

### **10. Must I have the language of the Host Member State to be able to practise Veterinary Medicine there?**

Yes, you must have a knowledge of the languages necessary for practising in the host Member State. Further clarification on this requirement was provided in document MARKT D/15748/2006-EN dated 9 November 2006.

### **11. To provide cross-border services, do I have to be an established veterinarian elsewhere?**

Yes, the free provision of veterinary services in a Member State is only possible if you are already a legally established veterinarian in another Member State.

### **12. What documents will I need to provide cross-border services?**

The following documents may be required for service provision:

- Details of professional liability cover or protection
- Proof of nationality
- Letter of Good Standing from Competent Authority where registered
- Evidence of professional qualifications

## FREQUENTLY ASKED QUESTIONS

### **13. Where do I find details of a *Competent Authority*?**

A list of EU competent Authorities is given in Annex A to this document.

### **14. To provide cross-border services, will I need to contact the **Competent Authority in the Host State**?**

You will need to write to the Host State's Competent authority that you intend to provide a service in that Member State – you should include details of professional liability protection. You should also arrange for your own Competent Authority to forward a *Provision of Services Certificate* to the Host State Competent Authority.

### **15. What is a *Provision of Services Certificate*?**

This is a certificate sent on your behalf by your Home Competent Authority to the Host Competent Authority stating that you are lawfully exercising your profession in the Home Member State and also stating that your qualification fulfils the minimum training requirements laid down in the Directive. Provision of Services Certificates are generally renewable every year.

### **16. When providing cross-border services, whose rules must I obey?**

The Codes, Rules, Laws and Regulations for providing a service of veterinary medicine are those that prevail in the **Host Member State**. However, as the service is temporary, any infringement of these Codes, Rules, Laws and Regulations will be dealt with by the relevant authorities in your Home Member State. Page 12 of this document carries an example of how this might work.

**N.B.:** An exemption to this rule relates to the use of veterinary medicinal products with a marketing authorisation in the home country only – refer to page 13 (Points) of this document for full details.

### **17. What happens if I am established in more than one EU Member State.**

In the case where a veterinarian has multiple places of establishment it is important to determine the place of establishment from which a certain service is provided, especially where these establishments are located in a number of countries.

### **18. If providing only cross-border services, will I need to register with or join a Professional Body?**

No, you are exempted from the requirements the Host Member State places on veterinarians established in its own State relating to authorisation by, registration with or membership of a professional organisation or body. You should check with the Host Competent Authority as to what provision it makes for cross-border service providers with regard to these exemptions.

## FREQUENTLY ASKED QUESTIONS

### **19. What documents will I need to provide to my cross-border clients?**

Under the Directive on Services in the Internal Market (Directive 2006/123/EC) you are obliged to make the following information available to your clients

- o name, legal status, address of establishment, contact details
- o where applicable, the register and the provider's registration number
- o the competent authority / single point of contact
- o VAT number
- o Professional body, professional title, and the Member State in which that title has been granted
- o A reference to the professional rules
- o Any code of conduct to which the provider is subject and the way these codes can be consulted
- o general conditions and clauses used by the provider
- o the price of a service or the method for calculating or a sufficiently detailed estimate

**This list is not exhaustive, but provides a summary of the important items for veterinarians.**

### **20. What will I need to do to establish myself in another Member State?**

You will need to register with the Competent Authority in that Member State. Annex VII of the Directive refers - the Competent Authority may require:

- proof of nationality
- evidence of formal qualifications
- letter of good standing (which must be provided within 2 months of the request) - The Competent Authority in the Home Member State shall certify that the person is of good standing
- right of establishment certificate from your Home Competent Authority confirming that the qualification you hold fulfils the minimum training requirements laid down in the Directive.

The Competent Authority in the Host Member State must return an acknowledgement within one month of receipt of the documentation, and if necessary, can request any missing documents. The documentation must be considered and a decision communicated to the applicant within three months.

### **21. If established in another Member State, whose rules must I obey?**

Whenever working within that Member State, you will be subject to all the regulatory, legislative and disciplinary procedures which the nationals of that Member State must observe.

### **22. Am I allowed to advertise my veterinary Services in the Host Member State?**

Advertisements come under the umbrella term of "Commercial Communications". Such Commercial Communications must comply with professional rules in the Host Member State which relate to the independence, dignity and integrity of the profession, as well as to professional secrecy. That said any infringement of these

## FREQUENTLY ASKED QUESTIONS

professional rules in the Host Member State may be dealt with by the disciplinary procedures of the Home Member State. See questions 16 and 21 above.

## ANNEX A

## COMPETENT AUTHORITIES

<b>Member State</b>	<b>Competent Authority</b>	<b>Contact Details</b>
<b>België/Belgique/ Belgien/Belgium</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Česká republika / Czech Republic</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Danmark / Denmark</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Deutschland / Germany</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Eesti / Estonia</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Eire / Ireland</b>	<b>Veterinary Council of Ireland</b>	<b>Add:</b> 53 Lansdowne Road, Ballsbridge, Dublin 4, Ireland.  <b>Tel:</b> +353-1-668-4402 <b>Fax:</b> +353-1- <b>e-mail:</b> info@vci.ie <b>Web:</b> www.vci.ie
<b>Ελλάς / Greece</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>España / Spain</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>France</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Italia / Italy</b>		<b>Add:</b>

## ANNEX A

## COMPETENT AUTHORITIES

		<b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Κύπρος / Cyprus</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Latvija / Latvia</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Lietuva / Lithuania</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Luxembourg</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Magyarország / Hungary</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Malta</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Nederland / Netherlands</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Österreich / Austria</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Polska / Poland</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Portugal</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b>

## ANNEX A

## COMPETENT AUTHORITIES

		<b>e-mail:</b> <b>Web:</b>
<b>Slovenija / Slovenia</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Slovensko / Slovakia</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Suomi / Finland</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>Sverige /Sweden</b>		<b>Add:</b> <b>Tel:</b> <b>Fax:</b> <b>e-mail:</b> <b>Web:</b>
<b>United Kingdom</b>	<b>Royal College of veterinary surgeons</b>	<b>Add:</b> Belgravia House, 62-64 Horseferry Road, London, SW1P 2AF, UK <b>Tel:</b> +44- <b>Fax:</b> +44- <b>e-mail:</b> <b>Web:</b> <a href="http://www.rcvs.org.uk">www.rcvs.org.uk</a>

## ANNEX B

## FORMAL QUALIFICATIONS

Country	Evidence of formal qualifications	Body awarding the evidence of qualifications
België/Belgique/ Belgien	Diploma van dierenarts/Diplôme de docteur en médecine vétérinaire	De universiteiten/Les universités De bevoegde Examen-commissie van de Vlaamse Gemeenschap/Le Jury compétent d'enseignement de la Communauté française
Česká republika	Diplom o ukončení studia ve studijním programu veterinární lékařství (doktor veterinární medicíny, MVDr.) Diplom o ukončení studia ve studijním programu veterinární hygiena a ekologie (doktor veterinární medicíny, MVDr.)	Veterinární fakulta univerzity v České republice
Danmark	Bevis for bestået kandidateksamen i veterinærvidenskab	Kongelige Veterinær- og Landbohøjskole
Deutschland	Zeugnis über das Ergebnis des Dritten Abschnitts der Tierärztlichen Prüfung und das Gesamtergebnis der Tierärztlichen Prüfung	Der Vorsitzende des Prüfungsausschusses für die Tierärztliche Prüfung einer Universität oder Hochschule
Eesti	Diplom: täitnud veterinaarmeditsiini õppekava	Eesti Põllumajandusülikool
Ελλάς	Πτυχίο Κτηνιατρικής	Πανεπιστήμιο Θεσσαλονίκης και Θεσσαλίας
España	Título de Licenciado en Veterinaria	Ministerio de Educación y Cultura El rector de una universidad
France	Diplôme d'Etat de docteur vétérinaire	Conseil Supérieur de l'Ordre des Vétérinaires
Ireland	Diploma of Bachelor in/of Veterinary Medicine (MVB) Diploma of Membership of the Royal College of Veterinary Surgeons (MRCVS)	
Italia	Diploma di laurea in medicina veterinaria	Università
Κύπρος	Πιστοποιητικό Εγγραφής Κτηνιάτρου	Κτηνιατρικό Συμβούλιο
Latvija	Veterinārārsta diploms	Latvijas Lauksaimniecības Universitāte
Lietuva	Aukštojo mokslo diplomas (veterinarijos gydytojo (DVM))	Lietuvos Veterinarijos Akademiija
Luxembourg	Diplôme d'Etat de docteur en médecine vétérinaire	Jury d'examen d'Etat
Magyarország	Állatorvos doktor oklevél dr. med. vet.	Szent István Egyetem Állatorvos-tudományi Kar
Malta	Liċenzja ta' Kirurgu Veterinarju	Kunsill tal-Kirurgi Veterinarji
Nederland	Getuigschrift van met goed gevolg afgelegd diergeneeskundig/veeartsenijkundig examen	
Österreich	Diplom-Tierarzt Magister medicinae veterinariae	Universität
Polska	Dyplom lekarza weterynarii	1. Szkoła Główna Gospodarstwa Wiejskiego w Warszawie 2. Akademia Rolnicza we Wrocławiu 3. Akademia Rolnicza w Lublinie 4. Uniwersytet Warmińsko-Mazurski w

## ANNEX B

## FORMAL QUALIFICATIONS

		Olsztynie
Portugal	Carta de curso de licenciatura em medicina veterinária	Universidade
Slovenija	Diploma, s katero se podeljuje strokovni naslov "doktor veterinarske medicine/doktorica veterinarske medicine"	Univerza
Slovensko	Vysokoškolský diplom o udelení akademického titulu "doktor veterinarskej medicíny" ("MVDr.")	Univerzita veterinárskeho lekárstva
Suomi/ Finland	Eläinlääketieteen lisensiaatin tutkinto/Veterinärmedicin licentiatexamen	Helsingin yliopisto/Helsingfors universitet
Sverige	Veterinärexamen	Sveriges Lantbruksuniversitet
United Kingdom	1.Bachelor of Veterinary Science (BVSc)	1.University of Bristol
	2.Bachelor of Veterinary Science (BVSc)	2.University of Liverpool
	3.Bachelor of Veterinary Medicine (BvetMB)	3.University of Cambridge
	4.Bachelor of Veterinary Medicine and Surgery (BVM&S)	4.University of Edinburgh
	5.Bachelor of Veterinary Medicine and Surgery (BVM&S)	5.University of Glasgow
	6.Bachelor of Veterinary Medicine (BvetMed)	6.University of London

**Directive 2005/36EC on the Recognition of Professional Qualifications**

## Section 5

**Veterinary surgeons***Article 38***The training of veterinary surgeons**

1. The training of veterinary surgeons shall comprise a total of at least five years of full-time theoretical and practical study at a university or at a higher institute providing training recognised as being of an equivalent level, or under the supervision of a university, covering at least the study programme referred to in Annex V, point 5.4.1. The content listed in Annex V, point 5.4.1 may be amended in accordance with the procedure referred to in Article 58(2) with a view to adapting it to scientific and technical progress. Such updates may not entail, for any Member State, any amendment of its existing legislative principles relating to the structure of professions as regards training and conditions of access by natural persons.

2. Admission to veterinary training shall be contingent upon possession of a diploma or certificate entitling the holder to enter, for the studies in question, university establishments or institutes of higher education recognised by a Member State to be of an equivalent level for the purpose of the relevant study.

3. Training as a veterinary surgeon shall provide an assurance that the person in question has acquired the following knowledge and skills:

- (a) adequate knowledge of the sciences on which the activities of the veterinary surgeon are based;
- (b) adequate knowledge of the structure and functions of healthy animals, of their husbandry, reproduction and hygiene in general, as well as their feeding, including the technology involved in the manufacture and preservation of foods corresponding to their needs;
- (c) adequate knowledge of the behaviour and protection of animals;
- (d) adequate knowledge of the causes, nature, course, effects, diagnosis and treatment of the diseases of animals, whether considered individually or in groups, including a special knowledge of the diseases which may be transmitted to humans;
- (e) adequate knowledge of preventive medicine;
- (f) adequate knowledge of the hygiene and technology involved in the production, manufacture and putting into circulation of animal foodstuffs or foodstuffs of animal origin intended for human consumption;
- (g) adequate knowledge of the laws, regulations and administrative provisions relating to the subjects listed above;
- (h) adequate clinical and other practical experience under appropriate supervision.