



FEDERATION OF VETERINARIANS OF EUROPE

*FVE/Doc/2016/043\_Final  
08 November 2016*

## “Veterinarians crossing borders”

2016

EU Directives

[2013/55/EC](#) amending [Directive 2005/36/EC](#) on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (IMI)

&

[Directive 2006/123/EC](#) of the European Parliament and of the Council on services in the internal market

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

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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 European Union adopted two pieces of legislation, both aimed at the development of one open internal market. With these two "*Directives*" the European Union wishes to remove possible hurdles that might unnecessarily hinder the functioning of the open market.

The first Directive is the Dir. [2013/55/EC](#) amending Directive 2005/36/EC **the Recognition of Professional Qualifications**, which 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 harmonized requirements for training for these professions in EU Member States.

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

## *Directives*

The two Directives concerned are:

Directive [2013/55/EC](#) of 20 November 2013 amending Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the Recognition of Professional Qualifications and fully transposed into National Legislation by 18 January 2016.

[Directive 2006/123/EC](#) of the European Parliament and of the Council of 12 December 2006 on Services in the Internal Market

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.

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. 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.

## Definitions

Both Directives provide a series of definitions applying to all the professions. 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 2013/55/EC <b>the recognition of professional qualifications</b>, the following definitions apply:</p>	<p>For the purposes of Directive 2006/123 on <b>services on the internal market</b> the following definitions apply:</p>
<p><b>Regulated profession:</b> a professional activity or group of professional activities, access to which, the pursuit of which, or one of the modes of pursuit of which is subject, directly or indirectly, 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. This period of supervised practice shall be the subject of an assessment. The detailed rules governing the adaptation period and its assessment as well as the status of a migrant under supervision shall be laid down by the Competent Authority in the host Member State.</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>Authorization 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>

**Aptitude test:** a test of the professional knowledge, skills and competences of the applicant, carried out or recognised 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.

**Professional traineeship:** a period of professional practice carried out under supervision provided it constitutes a condition for access to a regulated profession, and which can take place either during or after completion of an education leading to a diploma.

**European Professional Card:** an electronic certificate proving either that the professional has met all the necessary conditions to provide services in a host Member State on a temporary and occasional basis or the recognition of professional qualifications for establishment in a host Member State;

**Lifelong learning:** all general education, vocational education and training, non-formal education and informal learning undertaken throughout life, resulting in an improvement in knowledge, skills and competences, which may include professional ethics;

**Overriding reasons of general interest:** reasons recognised as such in the case-law of the Court of Justice of the European Union;

**European Credit Transfer and Accumulation System or ECTS credits:** the credit system for higher education used in the European Higher Education Area.

**Competent Authority:** 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;

**Member State where the service is provided:** the Member State where the service is supplied by a provider established in another Member State;

**Commercial communication:** 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.

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 Member State:** the country where a service provider is established ;

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

**Formal Qualification:** diplomas, certificates and other evidence issued by an authority in a Member State designated pursuant to legislative, regulatory or administrative provisions of that Member State and certifying successful completion of professional training obtained mainly in the Community.

## *Directive 2013/55/EC amending Directive 2005/36/EC on the recognition of professional qualifications*

The main objective of this Directive is to avoid discrimination between formal qualifications obtained in different Member States. The Directive establishes rules according to which a EU Member State (hereinafter Host Member State) shall recognise professional qualifications obtained in one or more other EU Member States (hereinafter Home Member State) and which allow the holder of the qualifications to pursue the same profession there, for access to and pursuit of that profession.

The amended Directive also establishes rules concerning partial access to a regulated profession and recognition of professional traineeships pursued in another Member State.

The Directive shall apply to all nationals of a Member State wishing to pursue a regulated profession in a Member State, including those belonging to the liberal professions, other than that in which they obtained their professional qualifications, on either a self-employed or employed basis. 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 and according to the Annex V.4.2. Evidence of formal qualifications of veterinary surgeons..

The Directive and its Annexes also provide further information on the training of veterinarians, the knowledge and skills and competences that have to be acquired and the programme of veterinary education (minimum training requirements across Europe) which must be provided. 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.

### *Focus of the two Directives*

The Directives concern :

- Recognition of professional qualification;
- Establishment as a veterinarian in another EU Member State (Title III Freedom of Establishment) ;
- Cross border provision of veterinary medicine services on a permanent, temporary basis (Title II Provision of Services) ;

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.

### *Title II of the Directive : FREE PROVISION OF SERVICES*

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 provision of services in the Host Member state can be on a permanent basis or provided on a temporary and occasional basis (this to be defined by the Competent Authority of the host Member State 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 (a veterinarian) first moves to another Member State, he shall inform the Competent Authority in the host Member State in writing and in advance including the details of any insurance cover or other means of personal or collective protection with regard to professional liability. The Competent Authority of the host Member State may also require the following documents:

- Proof of nationality;
- Attestation certifying that the holder is legally established in a Member State for the purpose of pursuing the activities concerned and that he/she is not prohibited from practising, even temporarily, at the moment of delivering the attestation;
- Evidence of professional qualifications;

The procedure involves the service provider (the veterinarian) writing to the Competent Authority (or to the Veterinary 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.

In practice the Provision of Services Certificate is generally provided by the Competent Authority in the Home Member State.

### *Exemptions*

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*

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 (alert mechanism) must be facilitated between Member States throughout the Internal Market Information System (IMI).

The Competent Authority in the home Member State shall certify that the person holds a certificate of good professional standing.

### *Recipients of Service Providers*

- 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*

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 or with the Regulatory body 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 listed 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.

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*

Veterinarians have acquired rights under the general system for the recognition of qualifications. With regard to nationals of Member States whose evidence of formal qualifications as a veterinary surgeon was issued by, or whose training commenced in, Estonia before 1 May 2004, Member States shall recognise such evidence of formal qualifications as a veterinary surgeon if it is accompanied by a certificate stating that such persons have effectively and lawfully been



engaged in the activities in question 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 Member State for the purposes of recognition.

### *Third Country nationals and family members of a EU citizen*

According to Recital 1 of the Directive 155/2013/EC, third- country family members of Union citizens benefit from equal treatment in accordance with [Directive 2004/38/EC](#) of the European Parliament and of the Council 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.

Third- country nationals may also benefit from equal treatment with regard to recognition of diplomas, certificates and other professional qualifications, in accordance with the relevant national procedures, under specific Union legal acts such as those on long-term residence, refugees, 'blue card holders' and scientific researchers.

### *Knowledge of Languages*

Persons benefiting from the recognition of professional qualifications must have knowledge of the local language necessary for practising in the host Member State. Controls carried out may be imposed if the profession to be practised has patient safety implications. Controls may be imposed in respect of other professions in cases where there is a serious and concrete doubt about the sufficiency of the professional's language knowledge in respect of the professional activities that that professional intends to pursue.

### *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.

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

This Directive deals with the access to or the exercise of a service activity in the internal market. 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 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 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.

## **CHAPTER III - FREEDOM OF ESTABLISHMENT FOR PROVIDERS**

Member States shall not make access to, or the exercise of, a service activity in their territory subject to compliance with any of the following:

1. Discriminatory requirements based directly or indirectly on nationality or, in the case of companies, the location of the registered office, including in particular:

- (a) nationality requirements for the provider, his staff, persons holding the share capital or members of the provider's management or supervisory bodies;
- (b) a requirement that the provider, his staff, persons holding the share capital or members of the provider's management

or 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.

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.

- 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 ;
- 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

- 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*

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*

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 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" temporary 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"

## ANNEX A – Veterinary Medicinal Products

The general rule is that in each Member State (apart from exceptional situations) 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 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:

- The authorisation has been issued by the Member State in which the veterinarian is established;
- The veterinary medicinal products are transported by the veterinarian in the original manufacturer's packaging;
- 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;
- 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;
- 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;
- 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;
- 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.

# ANNEX B – Art. 38 of the Directive 2013/55/EC 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.

## ANNEX C - Frequently Asked Questions

### **1. Where can I find a copy of the Directive on Recognition of Professional Qualifications and EU Commission “Users’ guide”?**

For the full text of Directive 2013/55/EC on the Recognition of Professional Qualifications see:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013L0055>

Users’ guide

<http://ec.europa.eu/DocsRoom/documents/15032/attachments/1/translations>

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

The Professional Qualifications Directive was modernised in 2013, when the European Parliament and the Council of the European Union adopted Directive 2013/55/EU, amending Directive 2005/36/EC. The transposition period was two years (to be implemented by 18 January 2016).

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

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

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006L0123>

### **4. When did the Directive on Services in the Internal Market come into force?**

The Directive on Services in the Internal Market (2006/123/EC) was implemented by Member States in 28 December 2009. Member States transposed the provisions of the Directive into their own national legislation.

### **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:

- For the establishment of a veterinary medicine service in another EU Member State on a regular and ongoing basis
- To provide cross-border veterinary medicine services on a temporary and occasional basis;

In the case of *temporary provision of cross-border services*, the veterinarian moves from his/her Home Member State, where he is established, to provide a service in another, Host Member State, and then returns back to his/her 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.



## **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 and listed in annex V.4.2 of the Directive should be regarded as equal in the Host State. This entitles an EU Member State to automatic recognition of a veterinary formal qualification. If you are unsure of your qualification, Section 5, Article 38 of the Directive outlines the training knowledge and skills 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 or the Competent Authority 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 must have knowledge of the languages necessary for practising in the host Member State.

## **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

## **13. Where do I find details of a Competent Authority and National Contact Points?**

- <http://ec.europa.eu/growth/tools-databases/regprof/index.cfm?action=sites>
- <http://ec.europa.eu/growth/single-market/services/free-movement-professionals/>

**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.

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

Under the Directive on Services in the Internal Market (Directive2006/123/EC) you are obliged to make the following information available to your clients:

- 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

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 professional standing by the competent authority of the veterinary statutory body (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 professional rules in the Host Member State may be dealt with by the disciplinary procedures of the Home Member State. See questions 16 and 2.