

**Evaluation of the  
Professional Qualifications Directive  
2005/36/EC**

**Experience reports from national authorities  
with regard to veterinary surgeons**



## **Evaluating the Professional Qualifications Directive** **Experience reports from competent authorities**

### **POSSIBLE QUESTIONNAIRE FOR EACH SECTORAL PROFESSION**

#### **A. RECOGNITION PROCEDURE IN CASE OF MIGRATION ON A PERMANENT BASIS**

1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? Under which conditions can they send documents and declarations electronically? What are your experiences in this respect?
2. What is the yearly number of applications for recognition from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>.
3. To what extent have the system of automatic recognition and the general system been a success? How do you see the costs and benefits? Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:
  - automatic recognition based on diploma
  - automatic recognition based on acquired rights
  - recognition based on the general system.
4. Is the general system applied in your country each time the conditions for automatic recognition are not met? Are there major difficulties in the recognition procedure under the general system? Please include any comments you may have on the implementation of compensation measures.
5. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?
6. Please describe the government structure of the competent authority or authorities in charge of the recognition.

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<sup>1</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

## **B. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR AN EMPLOYED WORKER)**

7. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? How many citizens used this new system in 2008 and 2009 (per month, per year) <sup>2</sup>?
8. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:
  - How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?
  - How are the "temporary and occasional basis" criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?
9. Why is a prior declaration system necessary? What do competent authorities do with the information received? Are other possibilities conceivable?

## **C. MINIMUM TRAINING REQUIREMENTS**

10. To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant and up to date? Please specify. What about the conditions relating to the duration of training?
11. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved? Are training programmes accredited in your country? Does accreditation of a training program in another Member State enhance trust or is it not relevant?
12. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions?

## **D. ADMINISTRATIVE COOPERATION**

13. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?
14. Is the competent authority in your country registered with IMI? Under which circumstances does your competent authority use IMI? If not registered, why not and what would be the conditions for changing this situation?

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<sup>2</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

15. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? Under which conditions could it be issued by professional associations?

16. How do you share information about suspensions/restrictions with competent authorities in other Member States? Could more be done in this respect?

**E. OTHER OBSERVATIONS**

17. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants?

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QUESTIONNAIRE POSSIBLE POUR CHAQUE PROFESSION SECTORIELLE

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A. PROCEDURE DE RECONNAISSANCE EN CAS DE MIGRATION DEFINITIVE

1. Acceptez-vous les demandes de reconnaissance de diplômes étrangers transmis par courriel ou introduites en ligne par les citoyens de l'Union? Sous quelles conditions peuvent-ils envoyer des documents et des déclarations par voie électronique? Quelle est votre expérience à cet égard?

*Oui, nous le faisons, la difficulté réside dans le fait que nous ne pouvons garantir l'authenticité des documents présentés.*

2. Quel est le nombre annuel de demandes de reconnaissance acceptées et refusées de 2000 à 2009? Veuillez soumettre des données spécifiques pour les demandes de reconnaissance automatique fondées sur les diplômes, de reconnaissance automatique fondée sur les droits acquis (à partir de 2005), et de reconnaissance fondée sur le système général<sup>1</sup>. Si cette donnée est disponible, veuillez indiquer la durée moyenne de la procédure de reconnaissance.

*De 2003 à 2009 : 57*

*2003 :5*

*2004 :7*

*2005 :17*

*2006 :12 dont 2 droits acquis*

*2007 :16 dont 3 droits acquis*

*2008 :5*

*2009 :10*

3. Le système de reconnaissance automatique et le système général ont-ils bien fonctionné? Quels sont selon vous ses coûts et ses avantages? En particulier, la reconnaissance automatique fondée sur le diplôme, l'annexe V et l'actuel système de notification facilitent-ils la reconnaissance automatique? Veuillez formuler vos observations pour:

- *la reconnaissance automatique fondée sur les diplômes, ce système fonctionne sans trop de problèmes*
- *la reconnaissance automatique fondée sur les droits acquis, nous avons eu peu de demandes, sans problème particulier*
- *la reconnaissance fondée sur le système général. Pas d'application*

Veuillez indiquer si l'annexe V donne lieu à des problèmes particuliers.

*L'annexe V ne renseigne que sur l'intitulé des diplômes et les universités qui les délivrent.*

*Toutefois, certains diplômes délivrés par des EM qui ont rejoint l'UE récemment nous posent des problèmes quant à leur traduction et la forme sous laquelle ils sont délivrés.*

*Nous déplorons l'absence de véritable grille de comparaison fiable dans l'ensemble que ce soit pour les nouveaux EM ou pour les anciens*

4. Votre pays applique-t-il le système général chaque fois que les conditions de reconnaissance

automatique sont remplies ? La procédure de reconnaissance fondée sur le système général donne-t-elle lieu à d'importantes difficultés ? Veuillez indiquer votre avis éventuel sur la mise en œuvre des mesures de compensation. Le migrant a-t-il le choix entre une épreuve d'aptitude et une période d'adaptation ou ce choix est-il restreint ? Veuillez préciser.

*Nous n'avons jamais organisé d'épreuves ou de stage comme prévu dans le système général.*

*Lorsque le demandeur s'installe en Belgique pour exercer la médecine vétérinaire, il ne peut exercer des missions à caractère officiel comme la vaccination contre la rage, travailler sous contrat officiel avec un détenteur, identifier des animaux etc...s'il n'est pas agréé par le ministre de l'agriculture. Pour effectuer des missions officielles, il doit être agréé et prêter le serment constitutionnel dans le cadre d'un « mandat sanitaire » (agrément par le ministre de l'agriculture)*

5. Quelle est votre expérience concernant la procédure de reconnaissance applicable aux citoyens UE dont les qualifications professionnelles ont été acquises dans un pays tiers et ont été reconnues dans un premier Etat membre (article 2, paragraphes 2, et article 3, paragraphe 3) ?

*Nous n'avons que peu d'expérience en la matière, nous avons communiqué au moyen du système IMI lorsqu'un doute raisonnable existait. Cela reste un terrain peu clair en ce qui nous concerne.*

6. Veuillez décrire la structure administrative des autorités compétentes pour la reconnaissance.

#### B. MOBILITE TEMPORAIRE (DES INDEPENDANTS OU DES SALARIES)

7. Les citoyens UE se montrent-ils désireux de recourir aux dispositions leur permettant d'exercer une activité professionnelle temporairement et occasionnellement dans votre Etat membre ? Combien de citoyens ont recouru à ce nouveau système en 2008 et 2009 (par mois, par année) ?

*En 2008 : 7*

*En 2009 : 6*

*Surtout les vétérinaires Français, Hollandais, Allemands en ce qui concerne l'exercice de la médecine vétérinaire (Régions frontalières), des vétérinaires employés par des laboratoires pharmaceutiques également, issus d'autres PM de l'UE.*

8. Comment les autorités compétentes appliquent-elles pratiquement les dispositions de la directive 2005/36/CE concernant la mobilité temporaire, compte tenu des dispositions applicables du code de conduite ? Par exemple:

*Par l'obligation de notification des prestations de services au moins une fois par an au moyen d'un formulaire de déclaration.*

Ne pas répondre si ces informations ont déjà été transmises à la Commission via la base de données ou les rapports de mise en œuvre.

- Comment le critère d'établissement légalement prévu à l'article 5, paragraphe 1, point a), est-il interprété en pratique ? Quelles conditions un migrant doit-il remplir dans son Etat membre d'origine pour pouvoir fournir des services ?

*Il doit être inscrit à l'ordre dans son pays d'origine, il doit être de bonne conduite, vie et mœurs ne pas être sous le coup d'une sanction disciplinaire professionnelle dans son pays.*

- Comment les critères prévus à l'article 5, paragraphe 2, concernant le caractère «temporaire et occasionnel» sont-ils interprétés en pratique ? Votre pays évalue-t-il la durée, la fréquence, la régularité et la continuité des activités et, dans l'affirmative, selon quels critères?

*Au moyen de la déclaration annuelle.*

9. Pourquoi un système de déclaration préalable est-il nécessaire ? Que font les autorités compétentes des informations obtenues ? D'autres possibilités sont-elles concevables ? Avez-vous connaissance de cas - et si oui, combien - ou des docteurs ont envoyé leur déclaration après avoir commencé à fournir des services ?



*Car la directive ne prévoit pas d'obligation d'enregistrement.*

10. Réclamez-vous le paiement de frais en cas d'application de l'article 7, paragraphe 4 ?

*Non*

C. CONDITIONS MINIMALES DE FORMATION

11. Dans quelle mesure les conditions minimales de formation des Médecins spécialistes et généralistes établies au titre III, chapitre III, de la directive 2005/36/CE et définies à l'annexe V correspondent-elles aux progrès scientifiques et aux besoins professionnels ? En outre, les connaissances et compétences requises par la directive sont-elles toujours d'actualité ? Veuillez préciser. Que pensez-vous des conditions portant sur la durée de la formation ? Disposez-vous de plusieurs formations spécialisées présentant un tronc commun ? Dans l'affirmative, veuillez préciser lesquelles.

*Sans objet*

12. Dans quelle mesure les conditions minimales de formation établies au titre III, chapitre III, de la directive 2005/36/CE correspondent-elles aux progrès scientifiques et aux besoins professionnels depuis dix ans ? Les connaissances et compétences définies à l'article 24, paragraphe 3, sont-elles toujours d'actualité ? Veuillez préciser. Que pensez-vous des conditions portant sur la durée de la formation ?

*D'une manière générale, nous avons très peu de critères d'évaluation, seules les universités, je pense, sont à même d'évaluer la valeur d'une formation.*

13. La directive se fonde sur la confiance réciproque entre Etats membres. Dans quelle mesure cette confiance est-elle effectivement stable ? Votre pays a-t-il admis des programmes de formation ? L'admission d'un programme de formation dans un autre Etat membre améliore-t-elle la confiance ou ne joue-t-elle aucun rôle ?

*Les règles de la directive sont d'application. Nous n'avons pas été confrontés à ce cas.*

14. Les dispositions actuelles de la directive (considérant 39 et article 22, point b), sur la formation professionnelle continue) sont-elles adéquates ? La formation continue est-elle obligatoire dans votre pays et sous quelles conditions exactement ?

*Oui, la formation continue n'est pas obligatoire mais l'offre est de qualité, abondante et fort suivie.*

D. COOPERATION ADMINISTRATIVE

15. Dans quelle mesure la coopération administrative définie aux articles 8, 50 et 56 de la directive simplifie-t-elle les procédures pour les travailleurs migrants ?

*Il s'agit plus d'une assurance pour l'EM de destination que pour le migrant lui-même; toutefois, en cas de doute justifié, le système IMI est rapide.*

16. L'autorité compétente de votre pays est-elle enregistrée auprès de l'IMI ? Dans quels cas utilise-t-elle l'IMI ? Si elle n'est pas enregistrée, pourquoi ? Que faudrait-il pour modifier cette situation ?

*Oui, nous utilisons l'IMI en cas de doute justifié sur la formation du candidat.*

17. Les autres Etats membres vous préviennent-ils en cas de sanctions disciplinaires ou pénales ou de faits graves et précis susceptibles d'avoir des conséquences sur l'exercice des activités au titre de la directive ? Comment partagez-vous ces informations ? Pourrait-on en faire davantage dans ce domaine ?

*C'est encore très discret et les demandes directes sont considérées avec la plus grande prudence, même lorsqu'il s'agit d'obtenir la validité d'un intitulé de diplôme.*

E. AUTRES OBSERVATIONS

18. Comment et quand les compétences linguistiques requises des migrants sont-elles vérifiées suite à la reconnaissance de leurs qualifications professionnelles ? Des plaintes ont-elles été formulées (notamment par des patients, des clients ou des employeurs) au sujet des compétences linguistiques insuffisantes des migrants ?

*Ces connaissances sont évaluées au cours d'un entretien, nous n'avons pas reçu de plaintes.*

19. L'application de l'article 30 pose-t-elle des difficultés particulières ?

*Pas d'application.*

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Ministry of Agriculture and Food

NATIONAL VETERINARY SERVICE

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TO JAN VAARTEN  
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#### REPORT

### ON THE ACTIVITY OF THE NATIONAL VETERINARY SERVICE OF REPUBLIC OF BULGARIA REPRESENTED BY DR YORDAN VOYNOV, DIRECTOR GENERAL AND CVO, COMPETENT AUTHORITY OF RECOGNITION OF PROFESSIONAL QUALIFICATION IN VETERINARY MEDICINE WITH REGARD TO THE RESULTS OBTAINED BY THE IMPLEMENTATION OF COUNCIL DIRECTIVE 2005/36/EC

In Republic of Bulgaria the recognition of professional qualification in veterinary medicine of EU Member States and European Economic Area's (EEA countries) citizens is carried out according to the Law on the recognition of professional qualifications, in effect since 08.02.2008. According to the latter the Director General of the National Veterinary Service (NVS) is the competent authority of recognition of the professional qualification in veterinary medicine.

#### **Legislation applied with regard to the recognition of professional qualification in veterinary medicine in Bulgaria.**

1. Law on the recognition of professional qualifications, in effect since 08.02.2008, transposing the requirements of Council Directive 2005/36/EC;
2. Law on the veterinary activities (Articles 17 and 18 thereof);
3. Law on the higher education;
4. Ordinance on the state requirements for recognition of higher education obtained and graduated stages of education carried out in foreign high schools;
5. Internal rules on the terms and requirements for recognition of the professional qualification in veterinary medicine obtained in other EU Member State or third country regarding the admission and exercising the profession in Bulgaria. These rules are available on the web page of the NVS: <http://www.nvms.government.bg/files/VatreshniPravila.pdf>.

A commission has been set up by an order of the Director General of NVS which includes NVS and Higher education school's representatives – a professor from Trakya University located in the city of Stara Zagora, and an associate professor from the University

of forestry, located in the city of Sofia who are responsible for the assessment of the diplomas presented. The latter commission works out positions on the recognition of the professional qualification, and in case of necessity defines compensatory measures or grounds for refusals for recognition of professional qualification in veterinary medicine.

The academic recognition of diplomas obtained in third countries is carried out first by the Ministry of education, youth and science (by the National center for information and documentation) where the authenticity of the document is confirmed. The recognition is valid only for Bulgaria, according to the requirements of the Ordinance mentioned above.

As by now, at NVS, as a competent authority no application for recognition of professional qualification in veterinary medicine has been submitted by an EU Member State citizen either for permanent stay as well as for free provision of service.

The main activity on the recognition of the professional qualification is related to submission of application by Bulgarian citizens obtained their higher education in third countries, mainly in the former Soviet Union, or Turkey.

Registration is carried out only of the private veterinarians according to the requirements of Article 32 (1) and (4) of the Law on the veterinary activity, in the 28 Regional Veterinary Services (RVSS), located on the territory of the country and which are specialized structures within the NVS. No registration is required for the official veterinarians. There are two professional veterinary organizations in Bulgaria – the Bulgarian veterinary union of the private veterinarians, and the Union of the veterinarians in Bulgaria of the official veterinarians, NVS and Universities' officials. According to Article 2 of the Law on the professional organization of the veterinarians in Bulgaria (published in State Gazette 84/19.10.2007) the membership in the Bulgarian veterinary union is obligatory for all private veterinarians.

### **Answers of your preliminary questions:**

#### **A. RECOGNITION PROCEDURE IN CASE OF MIGRATION ON A PERMANENT BASIS**

1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? Under which conditions can they send documents and declarations electronically? What are your experiences in this respect?

As by now, at NVS, as a competent authority no application for recognition of professional qualification in veterinary medicine has been submitted by an EU Member State citizen, or citizens of the EEA countries or Switzerland, either for permanent stay as well as for free provision of service. No applications have been submitted also electronically. NVS has experience in the submission of documents for issuing certificates for recognition of professional qualification in other EU Member States of veterinarians graduated in Bulgaria. In such cases the application with the accompanying documents is submitted by the applicant or by an authorized person. In many cases the commission experienced difficulties because of incomplete submitted documents. Such difficulties regarding incomplete documents probably will be experienced either when the application is submitted electronically. Furthermore, the original documents cannot be presented online. That is the reason for expressing opinion that recognition of the professional qualification will be more difficult if the submission of documents is carried online.

2. What is the yearly number of applications for recognition from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas,

automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>.

As it was mentioned above, no applications for recognition of professional qualification in veterinary medicine have been submitted by EU Member States citizens in NVS for the period 2000 – 2009, either for automatic recognition based on diploma, as well as automatic recognition as a result of rights obtained or recognition based on the general system.

Information has been provided by NVS through the Bulgaria's contact point to the European Commission for all years in a tabular format.

3. To what extent have the system of automatic recognition and the general system been a success? How do you see the costs and benefits? Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:

- automatic recognition based on diploma
- automatic recognition based on acquired rights
- recognition based on the general system.

As by now no applications for recognition of professional qualification in veterinary medicine have been submitted by EU Member States citizens, as it was stated in point 2.

It is important to be mentioned that the main activity on the recognition of the professional qualification of veterinarians in Bulgaria is related to recognition of diplomas obtained in third countries (mainly from the former Soviet Union obtained by Bulgarians on the basis on the general system of recognition) submission of application. The expenditures are to be payable by NVS and the procedure is obligatory. For the time being, there is no fee but the new draft Tariff provides for such fare, which will be symbolic.

4. Is the general system applied in your country each time the conditions for automatic recognition are not met? Are there major difficulties in the recognition procedure under the general system? Please include any comments you may have on the implementation of compensation measures.

The general system of recognition is applied in all cases when there is no automatic recognition because the diplomas submitted for recognitions have been obtained in third countries.

There is a case being made academic recognition by the Ministry of Education, Youth and Science a diploma from the former Soviet Union, particularly in Ukraine for part-time training in veterinary medicine, acquired 15 years ago and NVS has refused to professional recognition as the applicant has repeatedly refused admission to the special compensatory measures for individual training plan in higher education. Currently the applicant is leading a lawsuit and pending the case to be decided in court.

5. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?

As by now, in the NVS, as the Competent Authority in recognition of professional qualifications in veterinary medicine no application has been submitted by a EU Member State citizen holding a diploma acquired in a third country and recognized in another EU Member State.

6. Please describe the government structure of the competent authority or authorities in charge of the recognition.

Recognition of professional qualifications in veterinary medicine in Bulgaria of citizens of EU and EEA countries and Switzerland is carried out according to the Law on the recognition of professional qualifications, in effect since 08.02.2008, pursuant to which the Director General of NVS is competent authority for recognition. The Law on the recognition of professional qualifications introduces the provisions of Council Directive 2005/36/EC.

By Order of the Director General of the NVS a commission of the Central Office of NVS, which also includes representatives of NVS and a professor of Trakya University, Stara Zagora and an associate professor of University of forestry, Sofia, participating in the evaluation of the diploma. As a result of their work, the commission shall prepare a statement of recognition of professional qualifications, determine compensatory measures or, ultimately, in the presence of grounds for refusing recognition of professional qualifications in veterinary medicine.

The academic recognition of diplomas obtained in third countries is carried out first by the Ministry of education, youth and science (by the National center for information and documentation) where the authenticity of the document is confirmed. The recognition is valid only for Bulgaria, according to the requirements of the Ordinance mentioned above, and then the NVS starts the recognition of the professional qualification. .

## **B. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR AN EMPLOYED WORKER)**

7. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? How many citizens used this new system in 2008 and 2009 (per month, per year)<sup>2</sup>?

As by now, in the NVS, as the Competent Authority in recognition of professional qualifications in veterinary medicine no application has been submitted by an EU Member State citizen to free provision of services.

8. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:

As by now, in the NVS, as the Competent Authority in recognition of professional qualifications in veterinary medicine no application has been submitted by an EU Member State citizen to free provision of services. In Bulgaria veterinarians conform to ethical codes of conduct and after their graduation shall be sworn.

How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?

According to Art. 10 para. (1) of the Act on recognition of professional qualifications, in force from 2.08.2008, the applicant for the free provision of services can not be restricted on grounds relating to his professional qualifications. Citizen of another EU Member State, candidate for the freedom to provide services need to be legally established in Member State of origin to exercise the profession.

How are the "temporary and occasional basis" criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?

According to Art. 11 para. (1) and para. (2) of the Act on recognition of professional qualifications, in force from 2.08.2008, single or temporary nature of the service is subject of assessment in each specific case regarding terms of duration, frequency, regularity and continuity of service provided.

9. Why is a prior declaration system necessary? What do competent authorities do with the information received? Are other possibilities conceivable?

Information obtained by the applicant for recognition of professional qualifications is stored in the "Science, laboratory control and training" Directorate within the NVS and is only available to the committee for consideration for making the statement.

## **C MINIMUM TRAINING REQUIREMENTS**

10. To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant and up to date? Please specify. What about the conditions relating to the duration of training?

Requirements of Directive 2005/36 / EU are very general and therefore give freedom to schools to form a curriculum that includes subjects other than those mentioned. There are extremely high specificity in the curricula of the various veterinary faculties, even in the same country. In connection to this, we consider not appropriate to further specify or complicate the requirements, laid down in Directive 2005/36/EC.

Unquestionable development of science in recent years reflects on the curriculum of various disciplines taught in the veterinary university and this fact allows us to make sure that each teacher has a duty to familiarize students with developments in veterinary medicine.

This is not always connected with changes in the disciplines or curricula. The duration of the training is fixed at a minimum of 5 years and we consider that a shorter period is impossible to obtain adequate education. In future it is possible to consider taking the time for practice out of the 5 year period.

11. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved? Are training programmes accredited in your country? Does accreditation of a training program in another Member State enhance trust or is it not relevant?

The trust between the universities, teaching veterinary medicine should be on a higher level. We actually recognize periods of study of domestic and foreign students at other universities (especially within the "Erasmus" program) on subjects whose names and contents are similar to those in Bulgaria. In other cases, after an assessment we require the course curriculum that is studied and thus fully or partially recognize teaching it. It would be better, if there is a uniform content of the curriculum, which will lead to greater unification of the disciplines and their content. However, this should not be brought to the extreme, because of the national and regional particularities in each country (specific climate, epidemiological situation, define species, etc.).

12. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions?

There are several European documents, which introduce requirements for continuing (postgraduate) education and it is actually implementing in the Veterinary Faculty at Trakia University, Stara Zagora and in Forestry University in Sofia. This training, however, covers a very small part of the veterinary practitioners and for this purpose it is necessary to introduce regulations to include "credits" that veterinary graduates must acquire each year (or in a certain periods). We developed a working group within the NVS and the universities and now in process of drafting is the Ordinance on postgraduate training for veterinarians. In the Thracian university in Stara Zagora and in the University of Forestry in Sofia is carrying out a long-term specializations with a duration of 18 months. This training is not obligatory. The National Veterinary Service carrying out short term courses such as seminars, practical trainings in Bulgaria and abroad for qualification of the staff. Participants in this courses are official veterinarians, inspectors, laboratory specialists, practitioners and experts from NVS.

#### D. Administrative cooperation

13. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?

The National Veterinary Service is carrying out its duties on administrative cooperation under Art. 8, Art. 50 and Art. 56 of Directive 2005/36/EC through responding to all inquiries received by the competent authorities of another Member States in connection with recognition of the professional qualifications in the veterinary medicine. These answers are sent via correspondence, fax, e-mail system and through the IMI



14. Is the competent authority in your country registered with IMI? Under which circumstances does your competent authority use IMI? If not registered, why not and what would be the conditions for changing this situation?

The National Veterinary Service of Bulgaria is registered with the IMI system from 2008. Till now, the NVS is not requesting any other competent authority of the other Member State, but has received inquiries, which meets regularly. As a result of our practical experience, we believe that the IMI system is reliable, useful and a quick way to exchange information between the competent authorities of Member States and would have been better all competent authorities to register in this system.

15. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? Under which conditions could it be issued by professional associations?

In Republic of Bulgaria the veterinarians have no professional cards issued, according to art.32 of the Directive 2005/36/EC. The experts from the NVS believe that the issue of such professional electronic cards which included the information for the data diplomas would facilitate the work of the CAs of the Member States.

16. How do you share information about suspensions/restrictions with competent authorities in other Member States? Could more be done in this respect?

The registration in the IMI system would facilitate the contacts between the competent authorities. But it is sometimes necessary in connection with inquiries made to consult with other institutions, sometimes situated in other locations, making it difficult to timely respond to the inquiry. Sometimes an information (for example document proving the clear criminal records) for a migrant is required, which legally can be obtained only by him or by an authorized person. Therefore it is impossible to answer without the assistance of the migrant. In some cases NVS can answer only in the scope of its competence, because of a lack of information, which is in competence of other departments.

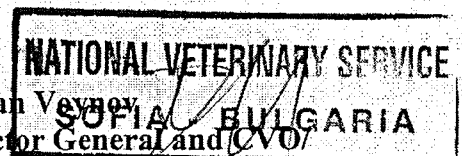
#### E. OTHER OBSERVATIONS

17. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants?

Regarding the knowing of the language of the host country, we believe that the applicant is required to have adequate language skills. It should be keep in mind that inadequate language skills could lead to the admission of professional misconduct, provided that the Veterinary profession is essential for the protection of the public health. According to this, we think it would be necessary to introduce a test or another way for verifying the language skills of applicants for recognition of the professional qualifications.

Sincerely yours,

D-r Yordan Veychev  
/Director General and CVO/





# Ministry of Food, Agriculture and Fisheries

Danish Veterinary and Food Administration



DENMARK

DIVISION FOR  
CHEMICAL FOOD SAFETY,  
ANIMAL WELFARE  
AND VETERINARY  
MEDICINAL PRODUCTS

09.09.2010

File: 2010-20-221-00672/KISE

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## **Evaluating the Professional Qualifications Directive Experience report from the Danish competent authority**

### **Sectoral profession: Veterinary surgeon**

#### **A. Recognition procedure in case of migration on a permanent basis**

##### **Re Question 1**

Applications from EU citizens send by e-mail are accepted, but the quality of the scanned documents must be good and no doubt must be left with regard to the authenticity of the documents. If there is the slightest doubt - original documents must be forwarded. In all the system is functioning satisfactory, although most applications are received by ordinary mail. With regard to requests in general for information concerning the conditions for obtaining a Danish authorization as a veterinary surgeon most requests are received by e-mail and answered in the same way.

##### **Re Question 2**

The yearly number of applications various, but in average it is around 100 applications from EU citizens per year. Most applications are for automatic recognition based on diplomas. During the years 2000 – 2009 only a few applications were based on acquired rights (as from 2005) or recognition based on the general system.

##### **Re question 3**

Denmark finds that the systems of recognition have been functioning satisfactory. As mentioned under the answer to question 2, Denmark has mainly experience with regard to applications for automatic recognition.

##### **Re Question 4**

No comments.

**Re Question 5**

No experience.

**Re Question 6**

The competent authority in Denmark is the Veterinary and Food Administration, which is an agency under the Ministry of Food, Agriculture and Fisheries. Danish authorisation as a veterinary surgeon is issued by the Danish Veterinary and Food Administration.

With regard to applications, which are not covered by the rules on automatic recognition based on diploma or the rules on automatic recognition based on acquired rights, the Danish Agency for International Education (an agency under the Danish Ministry of Science, Technology and Innovation) provides assessments of non-Danish degrees, diplomas and certificates. If such an application needs further assessment of professional qualifications (normally with regard to applicants from third countries) a request for assessment of professional qualifications has to be forwarded by the Danish Veterinary and Food Administration to the Danish Agency for International Education. The assessment itself is made by the University of Copenhagen.

**B. Temporary mobility (of a self-employed or an employed worker)****Re Question 7**

Only a very few EU citizens have used this possibility in Denmark, including in 2008 and 2009. The number is maximum 2-3 persons per year.

**Re Question 8**

The first declaration must include the following information: 1) Proof of citizenship 2) Attestation that the person is legally established to practice as a veterinary surgeon in his/hers home country and that he/she is not prohibited, even temporarily, from practicing at the time of the attestation and 3) Proof of professional qualifications.

**Recommendation: It would be preferable if it also was a requirement, that the first declaration should also include information on whether the provision of service would include prescription of veterinary medicine.**

The declaration must be renewed if the person intends to provide temporary or occasional services in Denmark during the following year.

**Re Question 9**

It is important with a prior declaration system to be able to know who will be working as a veterinary surgeon in Denmark due to the legislation on animal health and animal welfare. This is in particular important with regard to the prescription of veterinary medicine, as prescription of veterinary medicine in relation to farmed animals is to be reported to the authorities.

The Danish Veterinary and Food Administration would prefer that everyone as a condition for working as a veterinary surgeon in Denmark is to receive a Danish authorization. To be able to monitor the use of veterinary medicine in relation to farmed animals, veterinary surgeons in Denmark have to report to the authorities any prescription of veterinary medicine in relation to farmed animals.

### **C. Minimum training requirements**

#### **Re Question 10**

The knowledge and skills required by the directive are still relevant.

#### **Re Question 11**

In Denmark it is the University of Copenhagen, as the only educational institution for veterinarians, which is conducting the training as veterinary surgeon and issuing the diplomas (evidence of formal qualifications).

#### **Re Question 12**

Continuous training is not mandatory in Denmark.

### **D. Administrative cooperation**

#### **Re question 13**

No experience.

#### **Re Question 14**

The Danish Veterinary and Food Administration is registered with IMI.

#### **Re Question 15**

An eventual professional card must not replace the existing system with national authorisation. Professional cards should be issued by the competent authority in each member state, but the potential benefits of such cards seem not immediately obvious compared to the costs of issuing and updating the cards. The Danish Veterinary and Food Administration does not want the existing national authorisation system changed.

#### **Re Question 16**

The information is shared through the good standing certificate. This system is functioning well.

### **E. Other observations**

#### **Re Question 17**

In Denmark the language skills are not checked after recognition of the professional qualifications. The Danish competent authority has not received any complaints about insufficient language skills of migrants. It is the impression that the matter is regulated “automatically”, as any employer as a condition for employment will demand the necessary language skills with the staff.



## Bewertung der Richtlinie über Berufsqualifikationen Erfahrungsberichte der zuständigen Behörden

### MÖGLICHER FRAGEBOGEN FÜR DIE VERSCHIEDENEN EINZELRICHTLINIEN-BERUFE

#### A. ANERKENNUNGSVERFAHREN BEI DAUERHAFTER NIEDERLASSUNG

1. Akzeptieren Sie Anträge von EU-Bürgern auf Anerkennung ausländischer Diplome, die per E-Mail oder online gestellt werden? Unter welchen Bedingungen können Anträge und Unterlagen elektronisch übermittelt werden? Welche Erfahrungen haben Sie in diesem Zusammenhang gemacht?

*Nach den Bestimmungen der Bundestierärzteordnung, die mit Inkrafttreten des Gesetzes zur Umsetzung der Richtlinie 2005/36/EG des Europäischen Parlaments und des Rates über die Anerkennung von Berufsqualifikationen der Heilberufe angepasst wurde, sind u. a. Befähigungsnachweise im Original oder in amtlich beglaubigter Kopie sowie ein Staatsangehörigkeitsnachweis vorzulegen. Vor dem Hintergrund der Plausibilisierung der Unterlagen ist deshalb eine Antragstellung auf elektronischem Weg nicht möglich. Lediglich Nachfragen oder weitere Informationen können auf elektronischem Weg weitergegeben werden.*

2. Wie viele Anerkennungsanträge wurden im Zeitraum 2000 bis 2009 jährlich gestellt? Bitte übermitteln Sie uns spezifische Angaben zu Anträgen auf automatische Anerkennung auf der Grundlage von Diplomen, automatische Anerkennung auf der Grundlage erworbener Rechte (ab 2005) und Anerkennung nach der allgemeinen Regelung<sup>1</sup>.

*Die Zahlen sind der EU – Kommission bekannt (Berichterstattung gem. Art. 60 der RL 2005/36/EG).*

3. Inwieweit waren das System der automatischen Anerkennung und die allgemeine Regelung ein Erfolg? Wie schätzen Sie Kosten und Nutzen ein? Bitte äußern Sie sich insbesondere dazu, ob die automatische Anerkennung auf der Grundlage von Diplomen, Anhang V und das derzeitige Meldesystem die automatische Anerkennung wirksam erleichtern. Bitte machen Sie Angaben zur
  - automatischen Anerkennung auf der Grundlage von Diplomen,
  - automatischen Anerkennung auf der Grundlage erworbener Rechte,
  - Anerkennung nach der allgemeinen Regelung.

*Die automatische Anerkennung erweist sich zeitweise als problematisch hinsichtlich der Beibringung der notwendigen Konformitätsbescheinigungen, denn die zuständigen Behörden der*

<sup>1</sup> Es sei denn, diese Angaben wurden der Kommission bereits für die Datenbank oder in den Durchführungsberichten übermittelt.

*neuen Beitrittsländer stimmen nicht immer mit denen überein, die hier als solche mitgeteilt wurden. Entweder liegt ein Versäumnis der Beitrittsländer vor, Änderungen der EU zu melden, oder diese gibt die aktualisierten Fassungen nicht an die Mitgliedstaaten wieder. Als Beispiel sei hier Ungarn genannt.*

*Zum anderen sollten die Konformitätsbescheinigungen als einheitlich zu verwendendes Muster im Anhang der Richtlinie vorgegeben werden.*

*Abgesehen von den v.g. Bescheinigung ist die Anerkennung unproblematisch. Konkrete Aussagen zu Kosten-Nutzen sind nicht möglich.*

*Das Herkunftsland sollte stärker in die Prüfung der Berufsqualifikation eingebunden werden. Es wird daher die Einführung einer Bescheinigung des Heimatlandes befürwortet, die es EU-Bürgern ermöglichen würde, ihren Beruf ohne erneute Prüfung ihrer Berufsqualifikation in allen Mitgliedstaaten auszuüben, wenn sie die Voraussetzungen für eine automatische Anerkennung ihrer Berufsqualifikation nach der Richtlinie 2005/36/EG zweifelsfrei erfüllen.*

4. Wird in Ihrem Land in allen Fällen, in denen die Bedingungen für die automatische Anerkennung nicht erfüllt sind, die allgemeine Regelung angewendet? Existieren größere Probleme mit dem Anerkennungsverfahren nach der allgemeinen Regelung? Machen Sie gegebenenfalls Angaben zur Anwendung der Ausgleichsmaßnahmen.

*Ja, die Allgemeinen Regelungen werden angewendet. Die Ermittlung der Defizite und die Beurteilung und Berücksichtigungsfähigkeit von Berufserfahrungen/-praxis oder anderen Qualifikationsnachweisen sind problematisch, da keine konkreten Festlegungen über Art, Dauer, Umfang und Inhalt vorgegeben sind. Als Ausgleichsmaßnahme wird die Eignungsprüfung (Defizit- bzw. Kenntnisstandprüfung) angeboten.*

5. Welche Erfahrungen haben Sie mit dem Anerkennungsverfahren für EU-Bürger gemacht, die über in Drittländern erworbene Berufsqualifikationen verfügen, die bereits in einem anderen Mitgliedstaat anerkannt wurden (s. Artikel 2 Absatz 2 und Artikel 3 Absatz 3)?

*Bislang liegen nur wenige Fälle vor. Zum Teil fehlte die erforderliche 3-jährige Berufserfahrung in dem MS, der die Ausbildung des Drittlandes anerkannt hatte, bzw. konnte auf Nachfrage nicht nachgewiesen werden. In einem Fall hatte die Antragstellerin Klage eingereicht. Da das Gericht jedoch über mehr als 2 Jahre über diese Klage nicht entschieden hatte, hatte die Antragstellerin die Kenntnisstandprüfungen absolviert. Nach erfolgter Erledigungsmitteilung an das Gericht wurden der Antragstellerin vom Gericht die Verfahrenskosten auferlegt, da das Gericht der Auffassung war, dass die Antragstellerin ohne die Prüfungen keinen Anspruch auf Approbation gehabt hätte.*

6. Stellen Sie bitte die Organisationsstruktur der zuständigen Behörde(n) dar, die für die Anerkennungen verantwortlich ist (sind).

*Unterschiedlich, entweder oberste (Ministerien, bzw. Senatsverwaltungen), obere (Landesämter) oder mittlere (Regierungspräsidien) Landesbehörden.*



**B. VORÜBERGEHENDE MOBILITÄT (SELBSTÄNDIGER ODER ABHÄNGIG BESCHÄFTIGTER)**

7. Zeigen die EU-Bürger Interesse an der Nutzung der Bestimmungen für die vorübergehende oder gelegentliche Ausübung ihres Berufes in Ihrem Mitgliedstaat? Wie viele Bürger haben dieses neue System 2008 und 2009 genutzt (monatlich, jährlich)<sup>2</sup>?

*Dienstleistungserbringer sind überwiegend aus den unmittelbaren Nachbarstaaten. Diese beantragen jedoch in der Regel direkt die Approbation. Ansonsten gelten die Vorgaben der Bundes-tierärzteordnung.*

8. Wie wenden die zuständigen Behörden – unter Berücksichtigung der relevanten Bestimmungen des Verhaltenskodex – die Bestimmungen der Richtlinie 2005/36/EG zur vorübergehenden Mobilität in der Praxis an? Geben Sie z. B. an,

- wie das in Artikel 5 Absatz 1 Buchstabe a vorgesehene Kriterium der „rechtmäßigen Niederlassung“ in der Praxis ausgelegt wird. Welche Bedingungen muss ein Migrant in seinem Herkunftsmitgliedstaat erfüllen, um Dienstleistungen erbringen zu dürfen?
- wie die in Artikel 5 Absatz 2 vorgesehenen Kriterien für den “vorübergehenden und gelegentlichen“ Charakter der Berufsausübung in der Praxis ausgelegt werden. Prüfen die Mitgliedstaaten Dauer, Häufigkeit, regelmäßige Wiederkehr und Kontinuität der Tätigkeit, und, wenn ja, anhand welcher Kriterien?

*Die vorübergehende und gelegentliche Ausübung des Berufs des Tierarztes aus EU-Mitgliedstaaten ohne Approbation muss vor der ersten Dienstleistungserbringung bzw. unverzüglich nach Erbringung der Dienstleistung, wenn eine vorherige Meldung wegen der Dringlichkeit des Tätigwerdens nicht möglich war, angezeigt werden.*

*Bei der Anzeige müssen folgende Bescheinigungen vorgelegt werden:*

- *Nachweis über die Staatsangehörigkeit,*
- *Nachweis, dass der Tierarzt/die Tierärztin in einem Mitgliedstaat rechtmäßig als Tierarzt/Tierärztin niedergelassen ist und dass dem Tierarzt/Tierärztin die Ausübung dieses Berufs zum Zeitpunkt der Vorlage der Bescheinigung nicht, auch nicht vorübergehend, untersagt ist,*
- *Berufsqualifikationsnachweis (tierärztliches Diplom, Prüfungszeugnis oder ein sonstiger tierärztlicher Befähigungsnachweis).*

9. Warum ist ein System der vorherigen Meldung notwendig? Wie verwenden die zuständigen Behörden die eingegangenen Informationen? Sind andere Lösungen denkbar?

*Das System der vorherigen Meldung ist notwendig, um vorab zu prüfen, ob der Migrant alle Bedingungen erfüllt, um die Dienstleistungen erbringen zu dürfen und um eine Übersicht über die Dienstleistungserbringenden zu haben.*

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<sup>2</sup> Machen Sie die Angaben bitte dann, wenn sie der Kommission nicht bereits für die Datenbank oder in den Durchführungsberichten übermittelt wurden.

### C. MINDESTAUSBILDUNGSANFORDERUNGEN

10. Inwieweit entsprechen die in Titel III Kapitel III der Richtlinie 2005/36/EG enthaltenen gemeinsamen Mindestanforderungen an die Ausbildung und die in Anhang V vorgeschriebenen Ausbildungsfächer noch dem wissenschaftlichen Fortschritt und den beruflichen Erfordernissen? Sind die in der Richtlinie geforderten Kenntnisse und Fähigkeiten noch relevant und aktuell? (Bitte machen Sie hierzu spezifische Angaben.) Was ist zu den Bestimmungen betreffend die Dauer der Ausbildung zu bemerken?

*Die Anforderungen sind in der Tierärztlichen Approbationsverordnung niedergelegt und entsprechen dem jetzigen Anforderungsprofil an die tierärztliche Tätigkeit.*

11. Grundlage der Richtlinie ist das Vertrauen zwischen den Mitgliedstaaten. Inwieweit existiert dieses Vertrauen wirklich? Werden in Ihrem Land Ausbildungsgänge akkreditiert? Fördert es das Vertrauen, wenn ein Ausbildungsgang in einem anderen Mitgliedstaat akkreditiert ist, oder ist dies ohne Bedeutung?

*Die Ausbildungsgänge sind in der Regel nicht akkreditiert, es ist teilweise eine Evaluierung durch die European Association of Establishment for Veterinary Education (EAEVG) erfolgt.*

12. Inwieweit sind die derzeitigen Bestimmungen der Richtlinie zur beruflichen Weiterbildung (Erwägungsgrund 39 und Artikel 22 Buchstabe b angemessen? Ist Weiterbildung in Ihrem Land vorgeschrieben, und wie sehen die Bestimmungen im Einzelnen aus?

*Da die Ausübung der tierärztlichen Tätigkeit in Deutschland die Approbation und die Meldeverpflichtung bei der jeweiligen Kammer umfasst, gelten die jeweiligen länderspezifischen Regelungen (Tierärzteordnung) bezüglich der Weiterbildungsverpflichtung für alle Kammerangehörigen. Damit ist die Anforderung des Art. 22 b erfüllt. Zur Durchführung der Weiterbildung und einer Anerkennung wird auf die Arbeit der Akademie für die tierärztliche Fortbildung verwiesen.*

### D. VERWALTUNGSZUSAMMENARBEIT

13. Inwieweit vereinfacht die Verwaltungszusammenarbeit gemäß den Artikeln 8, 50 und 56 der Richtlinie die Verfahren für Migranten?

*Die zuständigen Behörden der Aufnahme- und Herkunftsmitgliedstaaten arbeiten eng zusammen und leisten sich Amtshilfe.*

*Sie unterrichten sich gegenseitig über das Vorliegen disziplinarischer oder strafrechtlicher Sanktionen oder über sonstige schwerwiegende, genau bestimmte Sachverhalte, die sich auf die Ausübung der Tätigkeit als Tierarzt/Tierärztin auswirken könnten. Damit kann die Anerkennung der Berufsqualifikation für Migranten schneller abgewickelt werden.*

14. Ist die zuständige Behörde in Ihrem Land im IMI (Binnenmarktinformationssystem) registriert? Unter welchen Bedingungen nutzt Ihre zuständige Behörde das IMI? Falls sie nicht registriert ist: warum nicht, und unter welchen Bedingungen könnte sich dies ändern?

*Die zuständigen Behörden sind registriert. Eine Nutzung ist bislang nur sehr selten erfolgt, auch erfolgten umgekehrt kaum Anfragen von anderen MS über IMI.*

15. Auf welche Weise könnten Berufsausweise (s. Erwägungsgrund 32 der Richtlinie) die Anerkennung von Berufsqualifikationen und die vorübergehende Erbringung von Dienstleistungen erleichtern? Unter welchen Bedingungen könnten Berufsausweise von Berufsorganisationen ausgestellt werden?

*Enthalten Berufsausweise neben den grundlegenden Informationen wie Name, Geburtsdatum, Adresse der Niederlassung, die weiteren im Erwägungsgrund 32 der Richtlinie enthaltenen Angaben, wäre die Erfassung der für eine Anerkennung bzw. zur Aufnahme einer vorübergehenden Tätigkeit erforderlichen Daten einfacher und würde zu einer Beschleunigung des Anerkennungsverfahrens führen. Ebenso würde sich die Nachverfolgung der beruflichen Stationen eines Staatsangehörigen eines Mitgliedstaates verbessern. Eine Ausstellung von Berufsausweisen durch berufsständische Organisationen ist nur dann angezeigt, wenn diese einer gesetzlichen Reglementierung und der Aufsicht der zuständigen Behörden unterliegen (wie dies für die Kammern nach den Ländergesetzen der Fall ist). Nur dann ist eine ausreichende Überwachung gegeben, die eine Einheitlichkeit in Bezug auf die Ausstellung der Berufsausweise garantiert..*

16. Auf welche Weise tauschen Sie Informationen über Aussetzungen/Beschränkungen mit den zuständigen Behörden anderer Mitgliedstaaten aus? Könnte hier mehr getan werden?

*War bisher kaum notwendig, wenn, dann über das IMI – System.*

#### **E. SONSTIGE BEOBACHTUNGEN**

17. Wie und zu welchem Zeitpunkt werden die erforderlichen Sprachkenntnisse der Migranten geprüft, nachdem ihre Berufsqualifikation anerkannt wurde? Liegen Ihnen Informationen über Beschwerden (insbesondere von Patienten/Kunden/Arbeitgebern) über ungenügende Sprachkenntnisse von Migranten vor?

*Nach den Bestimmungen der Bundestierärzteordnung (BTO) ist der Nachweis, der zur Ausübung erforderlichen deutschen Sprachkenntnisse erforderlich. Entsprechend der amtlichen Begründung zu § 4 Abs. 1 Nr. 5 BTO sind unter Beachtung des Grundsatzes der Verhältnismäßigkeit von der Approbationsbehörde die Sprachkenntnisse des Antragstellers z.B. aufgrund entsprechender Nachweise über Sprachkenntnisse oder Feststellung der Kenntnisse in einem persönlichen Gespräch zu prüfen. Grundsätzlich sollte eine Sprachprüfung nur dann erfolgen, wenn seitens der Approbationsbehörde erkennbare Defizite beim Umgang mit dem Antragsteller in der Sprache erkennbar sind. Beschwerden über mangelnde Sprachkenntnisse sind aber nicht bekannt.*

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## Evaluating the Professional Qualifications Directive

### Experience reports from competent authorities

#### POSSIBLE QUESTIONNAIRE FOR EACH SECTORAL PROFESSION

##### A. RECOGNITION PROCEDURE IN CASE OF MIGRATION ON A PERMANENT BASIS

1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? Under which conditions can they send documents and declarations electronically? What are your experiences in this respect?

*We do not accept documents sent by e-mail.*

*Electronically sent documents must be signed electronically (digital signature).*

2. What is the yearly number of applications for recognition from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>.

*Automatic recognition based on diplomas:*

*2006 2 applications*

*2007 1 application*

*2008 6 applications*

*Automatic recognition based on acquired rights:*

*2005 25 applications*

*2008 1 application*

*Recognition based on the general system*

*2008 1 application*

To what extent have the system of automatic recognition and the general system been a success? How do you see the costs and benefits? Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:

automatic recognition based on diploma

*This has proven to work well, there have not been any problems.*

automatic recognition based on acquired rights

*This has proven to work well, there have not been any problems.*

recognition based on the general system.

*Very little experience, hard to assess.*

<sup>1</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

3. Is the general system applied in your country each time the conditions for automatic recognition are not met? Are there major difficulties in the recognition procedure under the general system? Please include any comments you may have on the implementation of compensation measures.

*Very little experience, hard to assess.*

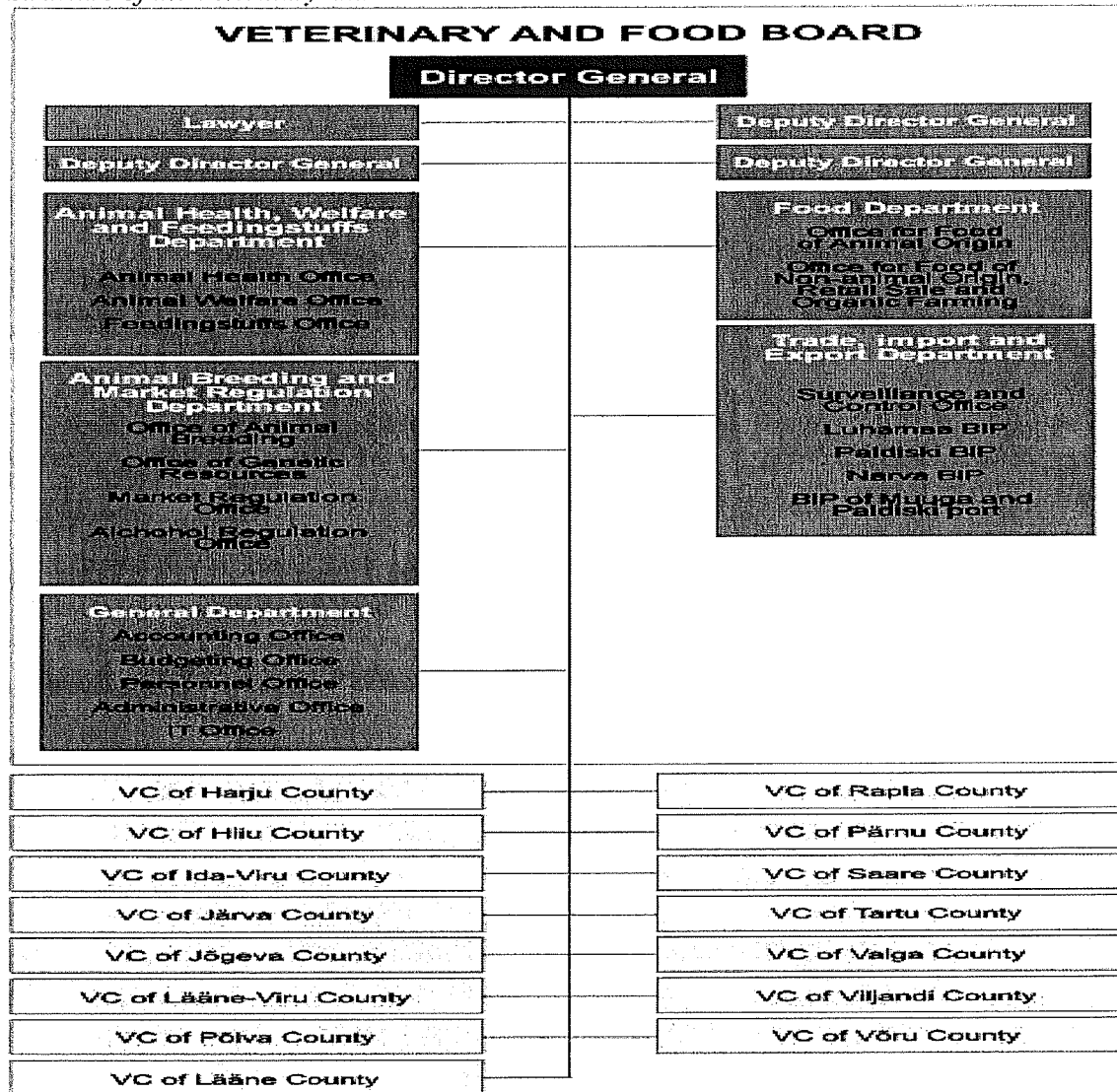
4. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?

*No experience.*

5. Please describe the government structure of the competent authority or authorities in charge of the recognition.

*The Veterinary and Food Board, a governmental agency carrying out its tasks under the government of the Ministry of Agriculture, functions as a supervising body and sees to that that the requirements stipulated by the legislation that governs veterinary, food safety, market regulation, animal welfare and farm animal breeding are followed and executes supervision over fulfilment of these requirements and applies enforcement by state pursuant to the procedures and in the amount prescribed by law.*

Structure of the Veterinary and Food Board:



VC - Veterinary Centre  
BIP - Border Inspection Post

*The Veterinary and Food board*

- deals with the recognition of veterinarians;
- holds the register of veterinarians;
- makes recognition decisions;
- exchanges information with competent authorities that may affect the recognition of an applicant's professional qualification;
- Issues certificates and documents that are necessary for the recognition of the professional qualifications in another country.

**B. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR AN EMPLOYED WORKER)**

6. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? How many citizens used this new system in 2008 and 2009 (per month, per year) <sup>2</sup>?

*No cases in 2008 and 2009.*

<sup>2</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

7. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:

- How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?

*Service provider must be registered and have a legal right of a veterinary surgeon in the home country.*

- How are the "temporary and occasional basis" criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?

*According to the law, the frequency and duration of temporary provision of services is assessed case by case.*

8. Why is a prior declaration system necessary? What do competent authorities do with the information received? Are other possibilities conceivable?

*Prior declaration is necessary to make sure that the person has truly a right to provide veterinary service without any restrictions.*

#### **C MINIMUM TRAINING REQUIREMENTS**

9. To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant and up to date? Please specify. What about the conditions relating to the duration of training?

*Yes, we consider the minimum training requirements relevant.*

10. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved? Are training programmes accredited in your country? Does accreditation of a training program in another Member State enhance trust or is it not relevant?

*Yes, the training programme of a veterinary surgeon in Estonia is internationally accredited and we think accreditation does enhance mutual trust between competent authorities on MS.*

11. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions?

*Continuous training in Estonia is mandatory, regulated by Veterinary Activities Organisation Act.*



**D. ADMINISTRATIVE COOPERATION**

12. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?

*Administrative cooperation is necessary between competent authorities, making the recognition process easier.*

13. Is the competent authority in your country registered with IMI? Under which circumstances does your competent authority use IMI? If not registered, why not and what would be the conditions for changing this situation?

*Estonian Veterinary and Food Board is registered with IMI. We have good experiences with the IMI but unfortunately we replied only to test questions from other MS. IMI is a good instrument to get a quick response from competent authorities and it makes information interchange quicker and easier.*

14. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? Under which conditions could it be issued by professional associations?

*Professional card (especially an electronic card) would facilitate the work of competent authorities and the mobility of professionals.*

15. How do you share information about suspensions/restrictions with competent authorities in other Member States? Could more be done in this respect?

*We always share information about suspensions/restrictions with competent authorities if they need this kind of information. The current interchange of information is sufficient.*

**E. OTHER OBSERVATIONS**

16. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants?

*According to Estonian law the Veterinary and Food Board deals only with recognition of the professional qualifications of veterinarians. We do not check language skills. The Estonian Language Board responds to complaints from the public about language skills.*

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## Evaluating the Professional Qualifications Directive

### Experience reports from competent authorities

Registrar, Veterinary Council of Ireland

53 Lansdowne Road  
Ballsbridge  
Dublin 4  
Ireland

#### POSSIBLE QUESTIONNAIRE FOR EACH SECTORAL PROFESSION

##### A. RECOGNITION PROCEDURE IN CASE OF MIGRATION ON A PERMANENT BASIS

1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? *Yes the initial request can be made via email or on line.*
2. Under which conditions can they send documents and declarations electronically? *Initial documents can be scanned and sent electronically at the inquiry stage, however registration can only be completed in person. Prior to an appointment being made to attend for registration the person must provide (i) a certified copy of their qualification, (ii) a certified copy of the full results per subject of their final examination (iii) a copy of the picture page of their passport and (iv) a original letter of good standing from the competent authority in the country in which they are established. If these documents are not in English original English translations, conducted by an official translator, must also be provided. When the person presents themselves to register they must bring with them the original of their qualification, their final results, their passport and registration fee. The registration procedure involves providing the applicant with about 10 separate items of information such as the Code of Professional Conduct; Information on the Fitness to Practise Procedures; Regulations on the Council's mandatory CPD requirements; Information on the Council's mandatory Premises Accreditation Scheme; Information on Professional Indemnity Insurance etc. The applicant is also obliged to take a solemn oath prior to signing the register, this oath is witnessed by two people.*
3. What are your experiences in this respect? *No problems for the initial inquiry.*
4. What is the yearly number of applications for recognition from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>.

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
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<sup>1</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

Applications received						140	75	93	57
Applicants who registered	74	42	35	33	40	50	73	68	48

5. To what extent have the system of automatic recognition and the general system been a success? *It has helped standardise the application process and provide the rules for accessing applications.*
  
6. How do you see the costs and benefits? Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:
  - automatic recognition based on diploma – *this is relatively straightforward and the least costly and time consuming approach*
  - automatic recognition based on acquired rights – *this can be time consuming because the applicant must provide verifiable information on their post graduate experience as a veterinary practitioner.*
  - recognition based on the general system – *we have little experience of using this for veterinary practitioners but do use it for recognising veterinary nurses.*
  
7. Is the general system applied in your country each time the conditions for automatic recognition are not met? - *we have little experience of using this for veterinary practitioners* Are there major difficulties in the recognition procedure under the general system? – *assessing the standard or level of the qualification which the person has particularly when there appears to be a high percentage of the curriculum devoted to non veterinary subjects.* Please include any comments you may have on the implementation of compensation measures. – *this is an onerous responsibility in a small country with a small number of veterinary practices. Many practices are not willing to accept someone during an adaptation period as it is time consuming to supervise someone and in the event that something goes wrong which leads to a fitness to practise inquiry the facilitating veterinary practitioner will be implicated in this inquiry which may affect his good standing in the profession. An aptitude test is expensive to run and so can only be made available once a year.*
  
8. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))? – *we have had a limited number of applications under this heading.*
  
9. Please describe the government structure of the competent authority or authorities in charge of the recognition. – *in relation to veterinary practitioners and veterinary nurses in Ireland the Veterinary Council is the competent authority for their registration under the Veterinary Practice Act 2005. The Council's parent government department is the Department of Agriculture, Fisheries and Food, however, responsibility for the implementation of the Mutual Recognition Directive is the responsibility of the Department of Education.*

## B. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR AN EMPLOYED WORKER)

10. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? – Yes. How many citizens used this new system in 2008 and 2009 (per month, per year)<sup>2</sup>?

Year	Jan	Feb	Mar	Apr	Jul	Aug	Sep	Oct	Total
2008	7	2	8	2	1	4	1	1	26
2009	18		2		1			1	22

11. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:

- How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? - *he/she must be registered in another jurisdiction in accordance with the mutual recognition directive. What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services? – be legally established there and provide a certificate from the competent authority stating this.*
- How are the "temporary and occasional basis" criteria foreseen by Article 5.2 interpreted in practice? - *a judgement is made based on the frequency with which the person intends to provide services in the State and whether he/she will have a premises in the State. Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria? – yes, a judgement is made based on the information provided. A veterinary practitioner cannot be seen to be practically practising continually and services can only be provided on a very temporary and occasional basis.*

12. Why is a prior declaration system necessary? – *legislation differs between countries as do the ethical standards expected so it is necessary to know who is working in the State and advise them of their obligations under the State's laws. What do competent authorities do with the information received? – a file is opened for each applicant and they are requested annually to confirm that they are providing services, how often and where. Are other possibilities conceivable?*

## C MINIMUM TRAINING REQUIREMENTS

13. To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant and up to date? Please specify. What about the conditions relating to the duration of training? *The subjects mentioned in Annex V need updating. Some of the subject names are no longer current and should be replaced. For example, radiology would now more correctly be described as Diagnostic Imaging. Similarly, the term veterinary hygiene would not be in common parlance. The omission of Veterinary Public Health as a subject is glaring. This subject incorporates*

<sup>2</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

*food safety (which can be itemised separately within the overall heading) as well as control of zoonotic diseases and other topics. The inclusion of food technology and processing, as distinct from food safety, is controversial and typically given much more attention in southern Europe. Plant biology probably should not be there. The animal production type subjects should be spelled out in a lot more detail than clinical subjects, given the balance of the curriculum. This needs attention. Below are some suggested changes - red indicates remove or amend, green add in*

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#### Suggested Changes to Article 38

14. Training as a veterinary surgeon shall provide an assurance that the person in question has acquired the following knowledge and skills:
15. (a) adequate knowledge of the sciences on which the activities of the veterinary surgeon are based;
16. (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;
17. (c) adequate knowledge of the behaviour and protection of animals;
18. (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;
19. (e) adequate knowledge of preventive medicine;
20. (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;
21. (g) adequate knowledge of the laws, regulations and administrative provisions relating to the subjects listed above;
22. (h) adequate clinical and other practical experience under appropriate supervision.

#### Suggested Changes to Annex V

##### 5.4.1. Study programme for veterinary surgeons

The programme of studies leading to the evidence of formal qualifications in veterinary medicine shall include at least the subjects listed below.

Instruction in one or more of these subjects may be given as part of, or in association with, other courses.

##### A. Basic subjects

- Physics
- Chemistry
- Animal biology
- Plant biology
- Biomathematics

##### B. Specific subjects

###### a. Basic sciences:

- Anatomy (including histology and embryology)
- Physiology
- Biochemistry

- Genetics
- Pharmacology
- Pharmacy
- Toxicology
- Microbiology\*
- Immunology
- Epidemiology
- Professional ethics
- b. Clinical sciences:
  - Obstetrics
  - Pathology (including pathological anatomy)
  - Parasitology\*
  - Clinical medicine and surgery (including anaesthetics)
  - Clinical lectures on the various domestic animals, poultry and other animal species
  - Preventive medicine
  - Radiology (Diagnostic Imaging)
  - Reproduction and reproductive disorders
  - Veterinary state medicine
  - Veterinary legislation and forensic medicine
  - Therapeutics
  - Propaedeutics (I'm not sure the correct interpretation of the word is implied)
- c. Animal production
  - Animal production
  - Animal nutrition
  - Agronomy
  - Rural economics
  - Animal husbandry
  - Veterinary hygiene
  - Animal ethology and protection
- d. Food hygiene
  - Inspection and control of animal foodstuffs or foodstuffs of animal origin
  - Food hygiene and technology
    - Practical work (including practical work in places where slaughtering and processing of foodstuffs takes place)

#### Veterinary Public Health

Practical training may be in the form of a training period, provided that such training is full-time and under the direct control of the competent authority, and does not exceed six months within the aggregate training period of five years study.

The distribution of the theoretical and practical training among the various groups of subjects shall be balanced and coordinated in such a way that the knowledge and experience may be acquired in a manner which will enable veterinary surgeons to perform all their duties.

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*It is very odd that microbiology is considered a basic subject and parasitology a clinical subject. They are two sides of the same coin. Principles of microbiology and parasitology should be in the Basic category and Infectious Diseases, or Clinical Microbiology and Parasitology, in the Clinical category. Everybody wonders about why propaedeutics is in there.*

23. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved? Are training programmes accredited in your country? Does accreditation of a training program in another Member State enhance trust or is it not relevant? *The standard of graduate from European countries is not uniform, the evaluation system operated by EAEVE is not recognised and some of the schools visited have not successfully completed this evaluation nevertheless the Directive obliges us to accept these graduates as equivalent for registration purposes. This is a major concern. The implications for animal welfare and human health of poor veterinary standards of a key concern for the Council in fulfilling its statutory role. The Council is statutorily bound to accredit all veterinary medicine programmes in Ireland and does so using an independent panel of experts which includes overseas experts. Where another country has a robust accreditation system then it is expected that graduates from schools in these countries will be not compromise the high standards required from our own graduates*
24. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions? *CPD is mandatory for every veterinary surgeon on the register from 2012 onwards. Each veterinary surgeon must gain a minimum of 20 credits each credit year which equates to a minimum of 20 hours of further education per year.*

#### **D. ADMINISTRATIVE COOPERATION**

25. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals? – *this cooperation is very helpful in speeding up the registration process and in general other competent authorities are responsive.*
26. Is the competent authority in your country registered with IMI? – *yes* Under which circumstances does your competent authority use IMI? – *mainly to verify the details of a Competent Authority and to confirm that a qualification presented to us is the one which conforms to the Directive as the wording on some of the diplomas is not consistent with what is printed in Annex V. If not registered, why not and what would be the conditions for changing this situation?*
27. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? – *if it was up to date, readable and not open to fraud it would be helpful but it wouldn't replace the procedures we currently adopt. It would be an extra safeguard. Under which conditions could it be issued by professional associations? – it should only be issued by the competent authority whose responsibility it is to keep the register of veterinary practitioners in the country.*
28. How do you share information about suspensions/restrictions with competent authorities in other Member States? – *the information is shared when a registrant requests a letter of good standing from the Council. Could more be done in this respect?*

#### **E. OTHER OBSERVATIONS**

29. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? – *no formal process is in place for language testing post*



*registration, the market dictates whether this person gets a job in veterinary medicine without adequate language skills. Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants? – no formal complaint have been received citing this as the ground for the complaint.*

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**Evaluating the Professional Qualifications Directive  
Experience reports from competent authorities**

Subdirección General de Ordenación Profesional

Ministerio de Sanidad y Política Social

Paseo del Prado 18/20

28071 Madrid - España

**SPAIN**

**QUESTIONNAIRE FOR EACH SECTORAL PROFESSION**

**VETERINARY**

**A. RECOGNITION PROCEDURE IN CASE OF MIGRATION ON A PERMANENT BASIS**

1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? Under which conditions can they send documents and declarations electronically? What are your experiences in this respect?

Yes, we accept e-mailed or online applications. The required documents accompanying the application for recognition shall be original documents or certified copies. We must verify the authenticity of the documents accompanying the application, therefore applicants shall submit them in paper format; we do not admit electronic submission unless they are submitted with a digital signature certificate. In order to ensure the authenticity of the documents, we, the relevant authorities for recognition, should have a record of digital signature certificates to issue the required documents (diplomas, certificate in accordance with Directive 2005/36, etc.).

2. What is the yearly number of applications for recognition from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>.

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<sup>1</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports. As regards the harmonisation of training to obtain a degree, diploma or qualification, the automatic system based on diplomas has the advantage of reducing the required documentation to be provided by the applicant, as well as the procedures and verifications to be carried out by the relevant authority for the recognition. This simplification makes this system faster than the general system.

The automatic system based on acquired rights has also the advantage of being faster than the general system; however, it has been observed that applicants are often unaware of the Directive 2005/36, and when their recognition is based on acquired rights, they do not provide the certificates issued by the relevant

Until September 2009 the relevant Authority for professional recognition was the Ministry of Education of Spain, attachment sent in the required data

3. To what extent have the system of automatic recognition and the general system been a success? How do you see the costs and benefits? Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:

- automatic recognition based on diploma
- automatic recognition based on acquired rights

recognition based on the general system.

As regards the harmonisation of training to obtain a degree, diploma or qualification, the automatic system based on diplomas has the advantage of reducing the required documentation to be provided by the applicant, as well as the procedures and verifications to be carried out by the relevant authority for the recognition. This simplification makes this system faster than the general system.

The automatic system based on acquired rights has also the advantage of being faster than the general system; however, it has been observed that applicants are often unaware of the Directive 2005/36, and when their recognition is based on acquired rights, they do not provide the certificates issued by the relevant authorities to prove compliance with the requirements of the Directive. In such cases, they should be required to provide these certificates and the period for the resolution of recognition is longer.

In principle, the automatic system involving full confidence in the certificates issued by the relevant Authorities of the EU is considered advantageous since training is harmonised. This same advantage may become a disadvantage if the certificates issued do not ensure compliance with the requirements established for recognition in the Directive.

Recognition based on the general system involves a more complex procedure and further documentation required from the applicant than in the automatic

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authorities to prove compliance with the requirements of the Directive. In such cases, they should be required to provide these certificates and the period for the resolution of recognition is longer.

In principle, the automatic system involving full confidence in the certificates issued by the relevant Authorities of the EU is considered advantageous since

system. For instance, it requires comparing the training programmes and establishing Expert committees for their verification and the adoption, where appropriate, of compensatory measures; this means that the resolution will take longer. Therefore, it would be advisable to extend the automatic system to those occupations that currently do not have it implemented.

Finally, in relation with Annex V, we have noticed that in certain cases, the title of the diplomas listed therein do not match with the diplomas presented by applicants, these being subsequent to the reference dates indicated in the Annex and meeting the training requirements of the Directive. A certificate of compliance with the Directive has to be requested and, therefore, the procedure is delayed.

4. Is the general system applied in your country each time the conditions for automatic recognition are not met? Are there major difficulties in the recognition procedure under the general system? Please include any comments you may have on the implementation of compensation measures.

As a matter of fact, when the conditions for automatic recognition are not met, the general system is applied, which, as we have already indicated, requires a more complex procedure thus it is delayed in time.

In those cases where degrees are not specialist degrees, compensatory measures are complicated, either because other government agencies not belonging to this Ministry have to be involved or because the cooperation of Professional Associations has to be requested. Moreover, if volume becomes important, it may be costly for our System.

5. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?

So far, we have not had problems with professional qualifications obtained in a third country and already recognised in a State Member. Those who have applied for recognition in this way and have presented a certificate (of the EU Member State that made the recognition) stating that this first recognition has been made according to the requirements set out in Title III, Chapter III of the Directive, but in most cases they did not have the certificate of three years' experience in the said country, thus we could not apply the procedure of the Directive.

6. Please describe the government structure of the competent authority or authorities in charge of the recognition.

Ministry of Health and Social Policy of Spain

- Director-General for Professional Organisation, National Health System Cohesion and Senior Inspectorate, who is the head of the relevant Body for the resolution of procedures, by delegation of the Minister.
- Deputy-Director for Professional Organisation, who runs, supervises and makes proposals for resolution to the Director-General.
- Head of Area, who advises and makes proposals for resolution.
- Head of Service, who coordinates the administrative support staff, supervises their work and makes proposals for resolution.

- Administrative support assistants.  
Sometimes requires collaboration of the Professional Association.

**B. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR AN EMPLOYED WORKER)**

7. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? How many citizens used this new system in 2008 and 2009 (per month, per year)<sup>2</sup>?

Since September 2009, the date on which the Ministry took over the responsibility for professional recognition, only one recognition has been made for the temporary or occasional practice of the profession (not being a veterinary). We believe this is because applicants prefer to apply for permanent recognition, which means that they do not need to renew their application and which does not require prior declaration of the provision of services they intend to carry out.

8. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:

- How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?

The requirement for legal establishment in the State of origin to practice the profession in question shall be demonstrated by the applicant by submitting a supporting certificate issued by the relevant authority of the said State.

- How are the "temporary and occasional basis" criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?

Applicants shall describe the services to be provided in their prior declaration, with particular reference to their continuity or temporality, as well as to their periodicity.

9. Why is a prior declaration system necessary? What do competent authorities do with the information received? Are other possibilities conceivable?

As we have already stated in answer number 7, since September 2009, the date when this Ministry of Health and Social Policy of Spain took over such responsibility, there has only been an application for temporary establishment in our country. Applicants choose to request for permanent recognition; we believe it is because the procedure is virtually the same and to avoid future renewals. Not requiring fees for temporary establishment is not an advantage, since no fees are currently being charged either for permanent professional recognition in Spain.

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<sup>2</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

The non-requirement to join a professional association for temporary establishment shall not be regarded as a significant advantage for applicants.

Prior declaration is necessary since it replaces the application for recognition and specifies the temporality of services.

#### **C        MINIMUM TRAINING REQUIREMENTS**

9. To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant and up to date? Please specify. What about the conditions relating to the duration of training?

We believe that the common minimum conditions of training set forth in Title III, Chapter III of the Directive 2005/36/CE are appropriate and valid at present. As for the conditions relating to the duration of training, we believe that the establishment of minimum training periods is adequate.

10. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved? Are training programmes accredited in your country? Does accreditation of a training program in another Member State enhance trust or is it not relevant?

In principle, we trust the veracity of the certificates issued by the relevant authorities for the EU recognition, and we suppose that the requirements as regards training have undergone prior harmonisation for automatic recognition.

We recognise diplomas (based on certain programmes that we do not require) in the automatic system. Recognition requires prior verification of the training programme in the general system. There are no accredited foreign training programmes, we have only accredited ours. Recognition of a training programme by another State improves confidence, but is not significant.

11. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions?

We believe that the provisions of the Directive in this point referred to continuous training are not suitable because they are too general.

In Spain, pursuant to the Spanish Act on the Organisation of Healthcare Professions (LOPS), continuous training is a right and obligation of workers; and it is taken into account both in terms of selective tests and for professional development and career.

#### **D.        ADMINISTRATIVE COOPERATION**

12. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?

It is an effective instrument to simplify the procedure.

13. Is the competent authority in your country registered with IMI? Under which circumstances does your competent authority use IMI? If not registered, why not and what would be the conditions for changing this situation? Yes, Spain is registered with the Internal Market Information System (IMI). We use it when in doubt or when we need information, as well as to answer questions from other relevant authorities.

However, while we consider it a great step forward, it should be further improved since it is very slow and the closed question system not always responds to the need. We have sometimes observed that e-mail communication is faster and more effective.

14. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? Under which conditions could it be issued by professional associations?

We find it an interesting initiative that must be taken into account, although we do not have the required instruments to implement it with all the necessary guarantees of security and veracity.

15. How do you share information about suspensions/restrictions with competent authorities in other Member States? Could more be done in this respect?

Among the documents we require is the certificate of good standing issued by the relevant authorities of the State of origin, provided by the applicants or directly by the relevant authorities.

There is a need to articulate mechanisms allowing for greater assurance of good practices; this issue should be addressed monographically.

#### **E. OTHER OBSERVATIONS**

How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants? Language skills are tested after recognition. Currently in the resolutions for recognition it is established that the beneficiary shall have the necessary language skills for the practice of the profession.

We are concerned about this issue because there have already been complaints from both patients and employers and we believe they should be required in advance.

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ANO	PAIS	TOTAL
2000	Italia	2
2000	Alemania	4
2000	Portugal	1
2000	Países Baj	1
2001	Italia	3
2001	Suecia	1
2001	Austria	1
2001	Bélgica	1
2001	Alemania	3
2001	Dinamarca	1
2001	Reino Unid	2
2001	Países Baj	1
2002	Italia	3
2002	Bélgica	3
2002	Alemania	4
2002	Portugal	1
2002	Reino Unid	3
2002	Países Baj	1
2003	Suiza	1
2003	Italia	7
2003	Bélgica	1
2003	Alemania	4
2003	Portugal	2
2004	Grecia	1
2004	Italia	4
2004	Suecia	1
2004	Bélgica	1
2004	Francia	2
2004	Alemania	3
2004	Portugal	4
2004	Dinamarca	1
2004	Reino Unid	1
2005	Italia	7
2005	Bélgica	1
2005	Irlanda	1
2005	Alemania	5
2005	Portugal	5
2005	Reino Unid	1
2006	Suiza	1
2006	Italia	19
2006	Austria	1
2006	Bélgica	4
2006	Francia	1
2006	Hungría	1
2006	Alemania	4
2006	Lituania	1
2006	Portugal	3
2006	Eslovenia	1
2006	Eslovaquia	2
2006	Reino Unid	10
2007	Italia	17

2007	Austria	1
2007	Bélgica	1
2007	Francia	1
2007	Hungría	1
2007	Polonia	1
2007	Rumanía	12
2007	Alemania	6
2007	Bulgaria	4
2007	Lituania	1
2007	Portugal	3
2007	Eslovaquia	1
2007	Reino Unid	1
2008	Italia	18
2008	Austria	1
2008	Bélgica	1
2008	Francia	1
2008	Hungría	1
2008	Polonia	1
2008	Rumanía	6
2008	Alemania	3
2008	Bulgaria	4
2008	Lituania	1
2008	Portugal	9
2008	Eslovaquia	1
2008	Reino Unid	2
2009	Italia	8
2009	Polonia	1
2009	Alemania	1
2009	Bulgaria	2
2009	Lituania	1
2009	Portugal	5

AÑO	ORD PAIS	TOTAL
2000	Italia	2
2000	Alemania	4
2000	Portugal	1
2000	Países Baj	1
2001	Italia	2
2001	Austria	1
2001	Bélgica	1
2001	Alemania	4
2001	Reino Unid	2
2001	Países Baj	1
2002	Italia	3
2002	Suecia	1
2002	Bélgica	2
2002	Alemania	4
2002	Portugal	1
2002	Dinamarca	1
2002	Reino Unid	2
2002	Países Baj	1
2003	Suiza	1
2003	Italia	5
2003	Bélgica	2
2003	Alemania	3
2003	Portugal	1
2004	Grecia	1
2004	Italia	4
2004	Suecia	1
2004	Bélgica	1
2004	Francia	2
2004	Alemania	2
2004	Portugal	5
2004	Dinamarca	1
2004	Reino Unid	1
2005	Italia	6
2005	Bélgica	1
2005	Irlanda	1
2005	Alemania	3
2005	Portugal	3
2006	Italia	10
2006	Austria	1
2006	Bélgica	2
2006	Francia	1
2006	Alemania	2
2006	Lituania	1
2006	Portugal	5
2006	Eslovaquia	1
2007	Italia	11
2007	Bélgica	2
2007	Hungría	1
2007	Alemania	5
2007	Lituania	1
2007	Portugal	2

2007	Eslovaquia	1
2008	Italia	13
2008	Austria	1
2008	Bélgica	2
2008	Francia	1
2008	Hungría	1
2008	Polonia	1
2008	Rumanía	1
2008	Alemania	4
2008	Portugal	5
2009	Italia	19
2009	Francia	1
2009	Polonia	2
2009	Rumanía	7
2009	Alemania	4
2009	Bulgaria	3
2009	Portugal	9
2009	Eslovenia	1
2009	Eslovaquia	1
2010	Rumanía	3
2010	Bulgaria	2
2010	Lituania	1

**Évaluation de la directive sur les qualifications professionnelles**  
**Rapports sur l'expérience des autorités compétentes**

Ordre National des vétérinaires, France

Ministry of Agriculture

**QUESTIONNAIRE POSSIBLE POUR CHAQUE PROFESSION SECTORIELLE****A. PROCEDURE DE RECONNAISSANCE EN CAS DE MIGRATION DEFINITIVE**

1. Acceptez-vous les demandes de reconnaissance de diplômes étrangers transmises par courriel ou introduites en ligne par les citoyens de l'Union? Sous quelles conditions peuvent-ils envoyer des documents et des déclarations par voie électronique? Quelle est votre expérience à cet égard?

1 - Reconnaissance automatique des diplômes au titre de la Directive 2005/36/CE :

Nous recevons beaucoup de demandes par courrier postal mais afin de faciliter la démarche des demandeurs nous acceptons la transmission de certaines informations par courriel. Toutefois avant l'installation, le vétérinaire qui a demandé son inscription doit rencontrer un élu ordinal. En cas de doute sur l'authenticité du diplôme, nous interrogeons les autorités compétentes via l'IMI.

2 - Reconnaissance des diplômes autres que les diplômes bénéficiant d'une reconnaissance automatique au titre de la Directive 2005/36/CE :

Les demandes de dossiers de candidature pour les différentes voies d'accès à l'exercice de la profession sont effectuées par courrier postal ou par courriel. En revanche le dépôt de dossier de candidature ne peut s'effectuer que par courrier ou remise en mains propres.

2. Quel est le nombre annuel de demandes de reconnaissance de 2000 à 2009? Veuillez soumettre des données spécifiques pour les demandes de reconnaissance automatique fondée sur les diplômes, de reconnaissance automatique fondée sur les droits acquis (à partir de 2005), et de reconnaissance fondée sur le système général<sup>1</sup>.

En ce qui concerne la reconnaissance automatique, nous avons connu une forte augmentation des inscriptions notamment compte tenu du nombre de français partis se formés à l'étranger et surtout en Belgique. Vous trouverez ci-après l'estimation totale par année des inscriptions d'étrangers ressortissants de l'Union européenne et en particulier le nombre de ressortissants français diplômés d'un pays membres de l'Union européenne.

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<sup>1</sup> Ne pas répondre si ces informations ont déjà été transmises à la Commission via la base de données ou les rapports de mise en œuvre.

Année	Nombre de reconnaissance automatique	Nombre de Français diplômés d'un pays de l'UE
2000	100	19
2001	193	32
2002	203	50
2003	202	63
2004	253	110
2005	324	194
2006	346	257
2007	316	222
2008	356	229
2009	260	147

3. Le système de reconnaissance automatique et le système général ont-ils bien fonctionné? Quels sont selon vous leurs coûts et leurs avantages? En particulier, la reconnaissance automatique fondée sur le diplôme, l'annexe V et l'actuel système de notification facilitent-ils la reconnaissance automatique? Veuillez formuler vos observations pour:

- la reconnaissance automatique fondée sur les diplômes,
  - sur l'harmonisation de la formation

Nous nous inquiétons de l'harmonisation de la formation des vétérinaires de l'Union Européen. Les représentants des écoles vétérinaires ont œuvré au niveau de l'EAEVE pour tenter de relever et d'harmoniser la formation des vétérinaires de l'UE.

- difficultés rencontrées dans la mise en œuvre de la reconnaissance automatique

nous avons eu une confirmation de conformité à la directive 2005/36/CE d'un diplôme obtenu avant la date de référence des annexes de la directive. Or nous avons un doute au regard du contenu de la formation suivie.

Concernant les intitulés de diplômes : les intitulés évoluent plus vite que la mise à jour de l'annexe de la directive et il est parfois difficile d'apprécier le type de diplôme présenté.

Autorités compétentes : il est difficile aujourd'hui même avec le système IMI, de s'assurer que les attestations reçues sont délivrées par les autorités réellement compétentes.

- la reconnaissance automatique fondée sur les droits acquis,

Il est très délicat de s'assurer de l'expérience professionnelle des demandeurs.

- la reconnaissance fondée sur le système général.

L'accès à l'exercice professionnel vétérinaire en France pour un ressortissant communautaire dont le diplôme ne bénéficie pas d'une reconnaissance automatique au titre de la directive 2005/36/CE est possible selon deux voies :

- dans le cas où son diplôme de vétérinaire n'a jamais été reconnu au sein de l'Union européenne, la validation de ses compétences vétérinaires justifiée par la réussite d'un contrôle de connaissances organisé annuellement par le Ministère de l'Agriculture ;
- dans le cas où son diplôme vétérinaire a déjà été reconnu dans un des Etats membres de l'Union européenne et que celui-ci peut justifier d'une expérience professionnelle de trois ans au moins au sein de l'Etat qui a reconnu son diplôme, le passage du candidat devant une Commission ad hoc constituée par un représentant de l'ordre des vétérinaires, un représentant des Ecoles nationales vétérinaires et un représentant du Ministère de l'Agriculture.

Avantage : ce système permet de vérifier les connaissances des candidats qui n'ont jamais exercé au sein de l'UE. Ainsi, ce système permet de garantir aux usagers d'acquérir des compétences pour chaque vétérinaire autorisé à l'exercice en France. Il permet par ailleurs d'alléger le dispositif de reconnaissance des diplômes pour les ressortissants dont le diplôme a déjà été reconnu par un autre Etat membre en considérant l'expérience professionnelle au sein de l'UE.

Coût : l'organisation du contrôle de connaissances annuel coûte à l'Etat français entre 12000 et 15000 euros par an. Chaque candidat participe financièrement à hauteur de 200 euros par candidat.

4. Votre pays applique-t-il le système général chaque fois que les conditions de reconnaissance automatique ne sont pas remplies? La procédure de reconnaissance fondée sur le système général donne-t-elle lieu à d'importantes difficultés? Veuillez indiquer votre avis éventuel sur la mise en œuvre des mesures de compensation.

Oui. (1<sup>ère</sup> question)

Non. (2<sup>ème</sup> question)

5. Quelle est votre expérience concernant la procédure de reconnaissance applicable aux citoyens UE dont les qualifications professionnelles ont été acquises dans un pays tiers et ont été reconnues dans un premier Etat membre (article 2, paragraphe 2, et article 3, paragraphe 3)?

Réponse du CSOV :

Nous n'avons pas beaucoup d'informations en la matière néanmoins le problème résulte des accords bilatéraux entre les Etats tiers et les pays membres de l'Union pour des raisons historiques, du fait de la communauté de langue. Ainsi nous avons été informés de vétérinaires ayant obtenu leur diplôme à l'étranger qui a été reconnu par l'Espagne et qui souhaitent s'installer par la suite en France. Bien que la directive mentionne une obligation d'expérience de trois ans, nous ne pouvons nous assurer de la réalité de cette expérience.

Réponse du Ministère de l'Agriculture :

L'accès à l'exercice professionnel vétérinaire en France pour un ressortissant communautaire dont le diplôme ne bénéficie pas d'une reconnaissance automatique au titre de la directive 2005/36/CE dans le cas où son diplôme vétérinaire a déjà été reconnu dans un des Etats membres de l'UE et que celui-ci peut justifier d'une expérience professionnelle de trois ans au moins au sein de l'Etat qui a reconnu son diplôme, est effective après validation de son dossier par une Commission ad hoc constituée par un représentant de l'ordre des vétérinaires,

un représentant des Ecoles nationales vétérinaires et un représentant du Ministère de l'Agriculture.

Cette Commission examine les compétences, formations et expériences professionnelles du candidat ainsi que l'attestation de reconnaissance du diplôme délivrée par l'Etat membre ayant reconnu son diplôme.

La principale difficulté rencontrée est d'obtenir des documents permettant d'établir avec certitude que le candidat dispose effectivement d'une expérience professionnelle de trois ans.

## 6. Veuillez décrire la structure administrative des autorités compétentes pour la reconnaissance.

1 - Reconnaissance automatique des diplômes au titre de la Directive 2005/36/CE :

L'autorité compétente pour la profession vétérinaire est le Conseil supérieur de l'Ordre (CSOV). Les conseils régionaux ayant un doute sur la conformité du diplôme qui leur est présenté, remontent l'information au CSOV où une personne est chargée d'interroger les autorités compétentes via la procédure mise en place par l'IMI.

2 - Reconnaissance des diplômes autres que les diplômes bénéficiant d'une reconnaissance automatique au titre de la Directive 2005/36/CE :

La structure administrative en charge de la reconnaissance du diplôme lorsque celui-ci ne dispose pas d'une reconnaissance automatique est :

- Pour les candidats qui valident leur diplôme par l'intermédiaire du contrôle de connaissances : le ministère de l'agriculture qui organise le contrôle de connaissances au sein de l'Ecole nationale vétérinaire de Nantes puis publie, par arrêté ministériel, la liste des candidats dont le contrôle a permis d'établir une équivalence de diplôme).
- Pour les candidats dont le diplôme a été reconnu par un autre Etat membre et qui présente leur dossier devant la Commission ad hoc sur l'exercice de la profession vétérinaire : le ministère de l'agriculture qui délivre une décision administrative individuelle d'autorisation pour l'exercice de la médecine et de la chirurgie des animaux suite à un avis favorable de la Commission (la Commission étant composée d'un représentant de l'ordre des vétérinaires, un représentant des Ecoles nationales vétérinaires et un représentant du Ministère de l'Agriculture).

## **B. MOBILITE TEMPORAIRE (DES INDEPENDANTS OU DES SALARIES)**

7. Les citoyens UE se montrent-ils désireux de recourir aux dispositions leur permettant d'exercer une activité professionnelle temporairement et occasionnellement dans votre Etat membre? Combien de citoyens ont recouru à ce nouveau système en 2008 et 2009 (par mois, par année)<sup>2</sup>?

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<sup>2</sup> Ne pas répondre si ces informations ont déjà été transmises à la Commission via la base de données ou les rapports de mise en œuvre.



Nous ne pouvons répondre avec précision à cette question car peu de vétérinaires venant exercer temporairement et occasionnellement sur le territoire français se déclarent auprès des conseils régionaux de l'ordre. Nous savons que certains vétérinaires transfrontaliers (Belgique, Allemagne, Luxembourg) viennent exercer sur le territoire français. Dans ce cas, pour la plupart, ils demandent une inscription à l'Ordre dans le cadre de la liberté d'établissement. Peu d'entre eux se déclarent auprès du CROV pour exercice temporaire et occasionnel. Si déclaration éventuelle est faite, elle l'est a posteriori.

Si le vétérinaire prestataire ne se déclare pas, nous n'avons pas de moyen de nous assurer qu'il remplit les conditions d'accès à la profession et le respect des règles déontologiques.

8. Comment les autorités compétentes appliquent-elles pratiquement les dispositions de la directive 2005/36/CE concernant la mobilité temporaire, compte tenu des dispositions applicables du code de conduite?

Nous demandons une déclaration auprès des conseils régionaux avec justificatifs à l'appui (s'assurer de la qualification). En cas de doute nous interrogeons les autorités compétentes via IMI .

Par exemple:

- Comment le critère d'«établissement légal» prévu à l'article 5, paragraphe 1, point a), est-il interprété en pratique? Quelles conditions un migrant doit-il remplir dans son État membre d'origine pour pouvoir fournir des services?

Un migrant doit prouver son inscription auprès de l'autorité compétente de son pays d'origine. Dans le doute nous interrogeons via IMI l'autorité compétente pour s'assurer que le diplôme est conforme à la directive 2005/36 et que le vétérinaire ressortissant n'est pas atteint par une sanction de suspension d'exercice.

- Comment les critères prévus à l'article 5, paragraphe 2, concernant le caractère «temporaire et occasionnel» sont-ils interprétés en pratique? Votre pays évalue-t-il la durée, la fréquence, la régularité et la continuité des activités et, dans l'affirmative, selon quels critères?

Comme indiqué ci-dessus, nous n'avons pas la preuve de l'exercice occasionnel des confrères des pays membres de l'union européenne. Toutefois, lors d'une réunion organisée entre les autorités compétentes des pays frontaliers de notre territoire (Belgique, Luxembourg, Pays-Bas) il a été convenu que l'exercice temporaire et occasionnel ne pouvait s'appliquer au vétérinaire chargé d'établir un protocole de soins ou guidance, qui suppose un suivi régulier auprès de l'élevage.

9. Pourquoi un système de déclaration préalable est-il nécessaire? Que font les autorités compétentes des informations obtenues? D'autres possibilités sont-elles concevables?

La déclaration LPS est indispensable pour permettre à l'Ordre de garantir la qualité du service à l'égard du public. Cette obligation de déclaration est nécessaire pour s'assurer de la qualité des personnes intervenantes et éviter un exercice illégal de la médecine vétérinaire.

## **C. CONDITIONS MINIMALES DE FORMATION**

10. Dans quelle mesure les conditions minimales de formations établies au titre III, chapitre III, de la directive 2005/36/CE et les matières obligatoires définies à l'annexe V correspondent-elles aux progrès scientifiques et aux besoins professionnels? En outre, les connaissances et compétences requises par la directive sont-elles toujours d'actualité? Veuillez préciser. Que pensez-vous des conditions portant sur la durée de la formation?

Les conditions de formation de l'annexe V de la directive reprennent les bases d'une formation à l'exercice de la médecine vétérinaire. L'annexe V mériterait d'être complétée en particulier en ce qui concerne la formation des vétérinaires à la radioprotection.

Suite aux États généraux du sanitaire que le ministre chargé de l'agriculture vient de conclure, la France va demander la reconnaissance d'une partie de la formation en classes préparatoires et revoir l'architecture des études vétérinaires.

11. La directive se fonde sur la confiance réciproque entre États membres. Dans quelle mesure cette confiance a-t-elle été effectivement établie? Votre pays a-t-il admis des programmes de formation? L'admission d'un programme de formation dans un autre État membre améliore-t-elle la confiance ou ne joue-t-elle aucun rôle?
12. Les dispositions actuelles de la directive (considérant 39 et article 22, point b), sur la formation professionnelle continue) sont-elles adéquates? La formation continue est-elle obligatoire dans votre pays et sous quelles conditions exactement?

La formation continue est une obligation déontologique en France. Elle pourrait devenir une obligation étendue à tous les pays membres. A terme cette obligation déontologique pourrait devenir une obligation légale liée à l'habilitation à l'exercice. Dans l'attente, l'Ordre a mis en place une possibilité pour chaque vétérinaire de valider par des points les connaissances acquises via la formation continue.

Par ailleurs, l'Etat mandate les vétérinaires pour certaines missions permettant de lutter collectivement contre les maladies animales. Dans ce cadre, la formation continue est rendue obligatoire pour les vétérinaires exerçant en clientèle rurale (2 formations par cycle de 5 ans rémunérées par l'Etat).

## **D. COOPÉRATION ADMINISTRATIVE**

13. Dans quelle mesure la coopération administrative définie aux articles 8, 50 et 56 de la directive simplifie-t-elle les procédures pour les travailleurs migrants?

Cette coopération administrative est très importante et elle se concrétise via l'IMI. Par ailleurs, pour les vétérinaires la coopération existe également lors des réunions bi-annuelles de la FVE.

14. L'autorité compétente de votre pays est-elle enregistrée auprès de l'IMI? Dans quels cas utilise-elle l'IMI? Si elle n'est pas enregistrée, pourquoi? Que faudrait-il pour modifier cette situation?

Le conseil supérieur de l'ordre des vétérinaires est défini auprès de l'IMI comme autorité compétente. Nous utilisons très régulièrement le système informatique de l'IMI et en sommes généralement satisfait. Quelques modifications pourraient être apportées pour améliorer les

échanges et affiner quelques questions pour obtenir des réponses appropriées aux interrogations soulevées.

Par exemple, il conviendrait d'inscrire les autorités compétentes pour chaque profession et non pas les seuls ministères lorsqu'il existe des statutory bodies.

15. Comment partagez-vous les informations sur les suspensions et les restrictions avec les autorités compétentes des autres États membres? Pourrait-on en faire davantage dans ce domaine?

A ce jour, nous n'avons pas eu à partager cette information relative aux suspensions d'exercice. Nous avons toutefois une interrogation quant au risque de détournement de la sanction de suspension, dès lors que pour la France, les sanctions actuelles de suspension d'exercice sont circonscrites au territoire national.

#### **E. AUTRES OBSERVATIONS**

16. Comment et quand les compétences linguistiques requises des migrants sont-elles vérifiées après la reconnaissance de leurs qualifications professionnelles? Des plaintes ont-elles été formulées (notamment par des patients, des clients ou des employeurs) au sujet de compétences linguistiques insuffisantes des migrants?

Cette obligation vient d'être insérée dans notre propre réglementation et nous n'avons pas encore le recul nécessaire. Le premier contrôle sera fait lors de l'entretien avec un élu ordinal concomitamment à l'inscription.

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## Evaluating the Professional Qualifications Directive Experience reports from competent authorities

Cyprus Veterinary Council

### POSSIBLE QUESTIONNAIRE FOR EACH SECTORAL PROFESSION

#### A. RECOGNITION PROCEDURE IN CASE OF MIGRATION ON A PERMANENT BASIS

1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? Under which conditions can they send documents and declarations electronically? What are your experiences in this respect?

No, not yet applied.

2. What is the yearly number of applications for recognition from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>.

Year	applications
2000	4
2001	0
2002	8
2004	8
	Automatic recognition
2005	16
2006	9
2007	4
2008	13
2009	22

3. To what extent have the system of automatic recognition and the general system been a success? How do you see the costs and benefits? Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:

- automatic recognition based on diploma

The automatic recognition of diplomas based in Annex V was very useful and facilitated the work of the Veterinary Council of Cyprus, since there is no Veterinary

<sup>1</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

Faculty in Cyprus and all Veterinarians study abroad, mainly in EU Member States. In the past all cases were individually examined.

- automatic recognition based on acquired rights

Not yet applied, although the provision is included in the national legislation.

- recognition based on the general system.

Not yet applied, although the provision is included in the national legislation.

4. Is the general system applied in your country each time the conditions for automatic recognition are not met? Are there major difficulties in the recognition procedure under the general system? Please include any comments you may have on the implementation of compensation measures.

There was no case for EU citizens. There are no Veterinary Faculties in Cyprus, so there are difficulties in applying the compensation measure of the aptitude test. For the time being the option of adaptation period is applied.

5. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?

There was no case of EU citizens from another Member State. There are cases of Cypriots who study in Third Countries. There are difficulties in applying the compensation measures, especially in applying the aptitude test, since there are no Veterinary Faculties in Cyprus.

6. Please describe the government structure of the competent authority or authorities in charge of the recognition.

The competent authority is the Veterinary Council under the Ministry of Agriculture, Natural Resources and Environment. It is appointed by the Council of Ministers after proposal of the Minister of Agriculture. Four members are elected by the registered Veterinarians and three are appointed by the Minister.

**B. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR AN EMPLOYED WORKER)**

7. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? How many citizens used this new system in 2008 and 2009 (per month, per year)<sup>2</sup>?

There was no case. In such case the provisions of Directive 2005/36/EC will be applied.

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<sup>2</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

8. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:
- How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?
  - How are the "temporary and occasional basis" criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?
9. Why is a prior declaration system necessary? What do competent authorities do with the information received? Are other possibilities conceivable?

### **C MINIMUM TRAINING REQUIREMENTS**

10. To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant and up to date? Please specify. What about the conditions relating to the duration of training?
11. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved? Are training programmes accredited in your country? Does accreditation of a training program in another Member State enhance trust or is it not relevant?

There are no programmes accredited in Cyprus. We rely on programmes accredited in Member States

12. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions?

Continuous training is not mandatory. It is covered by Seminars organised by the Veterinary Services and the Cyprus Veterinary Association. Government Veterinarians participate in Seminars in EU Member States.

### **D. ADMINISTRATIVE COOPERATION**

13. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?

Sufficient through IMI.

14. Is the competent authority in your country registered with IMI? Under which circumstances does your competent authority use IMI? If not registered, why not and what would be the conditions for changing this situation?

Yes. It is used to get information on the authenticity of certificates (diplomas, registration in the host Member state, and professional behaviour)

15. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? Under which conditions could it be issued by professional associations?

It could be merely used for the provision of temporary services.

16. How do you share information about suspensions/restrictions with competent authorities in other Member States? Could more be done in this respect?

Through IMI and correspondence.

**E. OTHER OBSERVATIONS**

17. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants?

Personal interview with the Veterinary Council. There were no complains. No knowledge certificate of the language is required.

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**Evaluating the Professional Qualifications Directive  
Experience reports from competent authorities**

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**POSSIBLE QUESTIONNAIRE FOR EACH SECTORAL PROFESSION**

**A. RECOGNITION PROCEDURE IN CASE OF MIGRATION ON A PERMANENT BASIS**

1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? (a) Under which conditions can they send documents and declarations electronically? (b) What are your experiences in this respect? (c)

*a) We accept applications sent by mail, email or other form (fax). Applicant or authorized person should fill up the application form and submit copies of documents.*

*b) Applicant can send the required documents by e-government gateway <http://www.epaslaugos.lt/egovportal/appmanager/main/public>. Rules of submission and provision of documents are presented in the same site, unfortunately, they are still in the process of translating to English.*

*c) No applications so far*

2. What is the yearly number of applications for recognition from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>.

*In 2009 one (1) application for automatic recognition based on acquired rights led to a recognition of Latvian veterinary surgeon in the Republic of Lithuania.*

3. To what extent have the system of automatic recognition and the general system been a success? How do you see the costs and benefits? Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:

- automatic recognition based on diploma *No experience*
- automatic recognition based on acquired rights *1 (one) successful case*

<sup>1</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

- recognition based on the general system. *No experience*

4. Is the general system applied in your country each time the conditions for automatic recognition are not met? Are there major difficulties in the recognition procedure under the general system? Please include any comments you may have on the implementation of compensation measures.

*Indeed, the general system should be applied in Lithuania each time the conditions for automatic recognition are not met. Unfortunately, we do not have much experience in applying the general system.*

5. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?

*We have no experience.*

6. Please describe the government structure of the competent authority or authorities in charge of the recognition.

*State food and veterinary service of Republic of Lithuania is an institution under the Government of Lithuania which is accountable to the Government.*

#### **B. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR AN EMPLOYED WORKER)**

7. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? How many citizens used this new system in 2008 and 2009 (per month, per year)<sup>2</sup>?

*No cases during period y. 2008–2009.*

8. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:

- How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?

*No practise.*

- How are the "temporary and occasional basis" criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?

*No practise.*

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<sup>2</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

9. Why is a prior declaration system necessary? What do competent authorities do with the information received? Are other possibilities conceivable?

*A prior declaration system helps to have a clear vision for a competent authority of the people entitled in veterinary in the territory of Republic of Lithuania. This notion helps to ensure the quality of the work of veterinary surgeons, welfare of animals.*

#### **C MINIMUM TRAINING REQUIREMENTS**

10. To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant and up to date? Please specify. What about the conditions relating to the duration of training?

*Currently, minimum training requirements and the compulsory training subjects are in line with scientific progress and professional needs (no complains or suggestions from the Lithuanian Veterinary Academy or practising veterinary surgeons).*

11. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved? Are training programmes accredited in your country? Does accreditation of a training program in another Member State enhance trust or is it not relevant?

*Training program of veterinary medicine is accredited both- nationally (mandatory) and internationally (optional). Accreditations are limited in time and are continuously renewed. International accreditation is performed by The European Association of Establishments for Veterinary Education.*

*Accreditation of training program is a subsidiary factor for recognition of professional qualification but the importance of accreditation is really low.*

12. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions?

*Veterinary surgeons possessing licenses in veterinary practise are obliged to provide the documents proving 32 hours professional training every 2 years.*

#### **D. ADMINISTRATIVE COOPERATION**

13. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?

*No experience upto now. Administrative cooperation should make the procedure of recognition, accepting declarations faster.*

14. Is the competent authority in your country registered with IMI? Under which circumstances does your competent authority use IMI? If not registered, why not and what would be the conditions for changing this situation?

*State Food and Veterinary Service is registered with IMI. Uptill now no questions or enquiries were received through IMI.*

15. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? (a) Under which conditions could it be issued by professional associations?

*a) A professional card could facilitate the provision of temporary services. On the other hand, a professional card can only be a complementary document while recognizing migrant's professional qualification because the card would prove migrant's professional qualification in a moment of card's issuance. Meanwhile the professional qualification changes due to many factors like professional experience or lack of it if many years pass after the completion of studies.*

*b) State Food and Veterinary Service suggests to delegate the functions of issuing the professional cards to competent authorities instead of professional associations because at least in Lithuania State Food and Veterinary Service inspects how veterinary surgeons follow the requirements set for veterinary surgeons (the ones who possess the licence in veterinary practise).*

16. How do you share information about suspensions/restrictions with competent authorities in other Member States? Could more be done in this respect?

*State Food and Veterinary Service provides information about suspensions/ restrictions in certificates of compliance and acquired rights.*

#### **E. OTHER OBSERVATIONS**

17. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants?

*The applicant must fill the application in Lithuanian. No other check is performed. No complaints on insufficient language skills are received.*

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**Evaluating the Professional Qualifications Directive**  
**Experience reports from competent authorities**

Ministry of Health  
Luxembourg

**POSSIBLE QUESTIONNAIRE FOR EACH SECTORAL PROFESSION**

**A. RECOGNITION PROCEDURE IN CASE OF MIGRATION ON A PERMANENT BASIS**

1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? Under which conditions can they send documents and declarations electronically? What are your experiences in this respect?

We accept applications sent on line or by email. However some documents have to be sent as originals such as the written request, the police record or the certificate of good standing issued by the Veterinairian Council. Until now we had no negative experiences.

2. What is the yearly number of applications for recognition from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>.

Luxembourg can only give data on the number of positive recognitions. All the recognitions are based on diplomas or acquired rights, as we are unable to make recognitions based on the general system. (cf question 3). The average duration of the recognition process is about one to two months.

2000 5  
2001 3  
2002 9  
2003 7  
2004 7  
2005 6  
2006 17  
2007 18  
2008 21  
2009 27

3. To what extent have the system of automatic recognition and the general system been a success? How do you see the costs and benefits? Specify in particular whether automatic

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<sup>1</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:

- automatic recognition based on diploma

We had no major problems applying the automatic recognition of diplomas. It allows persons with diplomas mentioned in annexe V of the directive to be recognized in a short time. Problems appear only when member states changed diplomas without notifying this change to the Commission at all or in due time.

- automatic recognition based on acquired rights

Until now we had no major problems applying the recognition based on acquired rights.

- recognition based on the general system

The Luxembourgish authorities are unable to make recognitions based on the general system as we have no veterinarian education and thus no criteria to evaluate in the frame of the general system. Thus we are unable to offer compensation measures.

4. Is the general system applied in your country each time the conditions for automatic recognition are not met? Are there major difficulties in the recognition procedure under the general system? Please include any comments you may have on the implementation of compensation measures.

Luxembourg does not apply the general system for the reasons mentioned above.

5. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognized in a first Member State (see Articles 2(2) and 3(3))?

Luxembourg accepts diplomas issued in a third country if the diploma has been recognized in another member state and if the holder of the diploma has a professional experience of three years in the country that has recognized the diploma.

6. Please describe the government structure of the competent authority or authorities in charge of the recognition.

The Ministry of Health is the competent authority for the recognition of diplomas.

## **B. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR AN EMPLOYED WORKER)**

7. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? How many citizens used this new system in 2008 and 2009 (per month, per year)<sup>2</sup>?

Until now no EU citizen was interested in using the provisions for exercising their professional activities on a temporary and occasional basis.

8. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:

- How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?

The criteria is analysed individually for each application. The migrant must hold an authorization to practice in his country

- How are the "temporary and occasional basis" criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?

These criteria are reviewed on a case-by-case basis, by taking into account the individual characteristics of the service provision

9. Why is a prior declaration system necessary? What do competent authorities do with the information received? Are other possibilities conceivable?

The prior declaration system is necessary for the animal's safety. The competent authorities are mentioned and listed in a specific register.

## **C. MINIMUM TRAINING REQUIREMENTS**

10. To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant and up to date? Please specify. What about the conditions relating to the duration of training?

As Luxembourg has no veterinarian education it is unable to judge the level of knowledge and duration of training

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<sup>2</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

11. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved? Are training programmes accredited in your country? Does accreditation of a training program in another Member State enhance trust or is it not relevant?

As Luxembourg has no veterinarian education it is unable to judge the level of knowledge and duration of training.

12. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions?

Continuous training is mandatory in Luxembourg but until now it is not evaluated and there is no supervision of this training.

#### **D. ADMINISTRATIVE COOPERATION**

13. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?

The administrative cooperation between member states is of great importance for the migrant professional and the competent authorities. It facilitates and fastens the recognition procedure

14. Is the competent authority in your country registered with IMI? Under which circumstances does your competent authority use IMI? If not registered, why not and what would be the conditions for changing this situation?

Our competent authority is registered to IMI. It is used if there are any doubts about a diploma or another certificate.

15. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? Under which conditions could it be issued by professional associations?

A professional card on EU level could improve and facilitate the recognition of professional qualifications. However this card should be issued by the competent authority.

16. How do you share information about suspensions/restrictions with competent authorities in other Member States? Could more be done in this respect?

Luxembourg gives information in case of disciplinary actions to the competent authorities of the neighbouring countries. Only some few countries send us information in case of disciplinary actions.



**E. OTHER OBSERVATIONS**

17. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants?

The language skills of migrants are not checked on a regular base but only if there is a doubt.

We had some few complaints from animal owners about insufficient language skills

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**Evaluating the Professional Qualifications Directive**  
**Experience reports from competent authorities**

**POSSIBLE QUESTIONNAIRE FOR EACH SECTORAL PROFESSION**

**VETERINARY SURGEONS**

**A. RECOGNITION PROCEDURE IN CASE OF MIGRATION ON A PERMANENT BASIS**

- 1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? Under which conditions can they send documents and declarations electronically? What are your experiences in this respect?**

There is no possibility to submit an application via e-mail, it must be submitted in person, by mail or via official governmental customer portal (called "ügyfélkapu" in Hungarian).

The reason is that for the recognition of the qualification, certified copies of the original qualification and other documents testifying the completed requirements have to be submitted, and although it is possible to send these electronically through the a customer portal, applicants find this complicated.

Certified copies of the original documents are not required if the application is handed in in person and the applicants presents the original documents when submitting the application.

- 2. What is the yearly number of applications for recognition from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>.**

We refer to the statistical data forwarded to the European Commission.

- 3. To what extent have the system of automatic recognition and the general system been a success? How do you see the costs and benefits? Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:**

- **automatic recognition based on diploma**

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<sup>1</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

In Hungary the Act No.100 of 2001 on the recognition of foreign certificates and degrees which took effect on 1 January 2002 regulates the recognition of qualifications obtained abroad. Section III of the Act regulates the recognition according to EU legislation took effect only after Hungary became member of the European Union on 1 May 2004.

The system of automatic recognition simplifies the procedures for the applicants and for the competent authority.

- **automatic recognition based on acquired rights**

We have very limited experience.

- **recognition based on the general system**

We have very limited experience.

**4. Is the general system applied in your country each time the conditions for automatic recognition are not met? Are there major difficulties in the recognition procedure under the general system? Please include any comments you may have on the implementation of compensation measures.**

We had no such experience. Nevertheless, if conditions for the automatic recognition were not met, the general system of recognition would be applied. This would require the involvement of experts for examining the submitted qualification and comparing the training requirements/professional experiences of the applicant to the Hungarian requirements. Thus the procedure would take longer and the procedural fee would be more.

**5. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?**

We have no experience up to date.

**6. Please describe the government structure of the competent authority or authorities in charge of the recognition.**

A government decree designates the competent authorities for the recognition of qualifications falling under European law. Presently, the Hungarian Equivalence and Information Centre is responsible for the recognition of veterinary degrees.

Until 31 December 2006 the Hungarian Equivalence and Information Centre was one of the departments of the Ministry of Education and Culture. Since 1 January 2007 it operates as part of the Educational Authority, which is a centralised national authority of the Ministry of Education and Culture.

In addition the actual practice of the profession is regulated by the Hungarian Veterinary Chamber. For the lawful practice of the profession it is mandatory to register and be a member of the Hungarian Veterinary Chamber.

## **B. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR AN EMPLOYED WORKER)**

- 7. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? How many citizens used this new system in 2008 and 2009 (per month, per year)<sup>2</sup>?**

The number of EU citizens conducting professional activities on a on a temporary and occasional basis in Hungary in the period given was two. These were from the neighbouring Slovakia. The length of their providing services in Hungary was generally one day.

- 8. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:**

- **How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?**
- **How are the "temporary and occasional basis" criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?**

We do not have much experience in this field.

- 9. Why is a prior declaration system necessary? What do competent authorities do with the information received? Are other possibilities conceivable?**

The prior declaration system would be beneficial if it could be enforced, since it would make monitoring of the professional activity possible, and would provide a type of quality assurance.

Nevertheless, since the number of EU professionals providing temporary services is very low, authorities do not see the need for enforcing the prior declaration system.

## **C. MINIMUM TRAINING REQUIREMENTS**

- 10. To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant and up to date? Please specify. What about the conditions relating to the duration of training?**

Hungarian training requirements for veterinary surgeons are in line with minimum training requirements set by Directive 2005/36/EC. We do not have additional comments on this matter.

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<sup>2</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

**11. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved? Are training programmes accredited in your country? Does accreditation of a training program in another Member State enhance trust or is it not relevant?**

Our view is that a reasonable level of mutual trust developed between professionals and the competent authorities of other Member States since Hungary joined the European Union.

The Hungarian Accreditation Committee established in 1993 is responsible for accrediting and evaluating the quality of teaching and research at higher education institutions in Hungary. It assesses the standard of education and research in each higher education institution at least in every eight years (institutional accreditation) based on a detailed self-assessment of the institution and the report of a visiting committee. The Hungarian Accreditation Committee also examines the curricula, the qualification requirements as well as the quality of the academic staff and the teaching facilities (programme accreditation).

In the system of automatic recognition the accreditation of training program is not relevant in terms of enhancing trust with the Member State where the qualification was issued.

**12. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions?**

The requirement of the continuous professional development exists in Hungary. It is organised by the Hungarian Veterinary Chamber in three years cycles. Practicing surgeons have to collect credit points (300) by e.g. taking part in conferences and need to provide proof of this to the Chamber. If this requirement is not fulfilled the Chamber suspends the surgeon's activities for 6 months or until he/she meets the requirements (and provides proof of it). The number of these members is not significant.

**D. ADMINISTRATIVE COOPERATION**

**13. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?**

Administrative cooperation simplifies the situation of the applicants. There is a good working relationship with competent authorities in other member states and the staff of partner institutions deliver the necessary information upon request.

**14. Is the competent authority in your country registered with IMI? Under which circumstances does your competent authority use IMI? If not registered, why not and what would be the conditions for changing this situation?**

The competent authority is registered with IMI. The number of requests received is not significant, and it is hardly ever used to request information on foreign qualifications. The use e-mails is the first means of contact.

**15. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? Under which conditions could it be issued by professional associations?**

A professional card could make the monitoring of temporary services more easy.

**16. How do you share information about suspensions/restrictions with competent authorities in other Member States? Could more be done in this respect?**

The list of professionals suspended or banned from practicing the profession can be found on the Hungarian Veterinary Chamber's website and it is publicly available.

Upon request the Hungarian Veterinary Chamber provides information to competent authorities on the status of their members.

**E. OTHER OBSERVATIONS**

**17. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants?**

The Hungarian Veterinary Chamber grants permit to open a private practice only to those who possess the necessary knowledge of Hungary.

Nevertheless, nearly all request for practice received were submitted by professionals who are from the Hungarian minority from neighbouring countries so they had good command of Hungarian language.

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**VETERINARY SURGEONS' COUNCIL -MALTA**

***Evaluating the mobility of professionals in practice***

- 1.1 Recognition of professional qualifications has reduced the obstacles in mobility
- 1.2 Yes. We have had nine Temporary Warrants in the last 8 months.
- 1.3 They have made it very easy for everybody to work anywhere
- 1.4 It is fully implemented in our profession. There maybe problems with language barrier in understanding instructions or in relating symptoms and medical history by the patients' owners.
- 1.5 Yes only for Veterinary Surgeons
- 1.6 Third country diplomas are scrutinised on an individual basis and a number of them are not up to the required standards
- 1.7 IMI functions between 26 MS with the exception of Italy. The same applies for administrative co-operation.
- 1.8 This should be harmonised.  
We are the Competent Authority for Veterinary Surgeons and not the national contact point.

***2. Evaluation of the Directive against new developments***

- 2.1 Not relevant for Veterinary Surgeons
- 2.2 This question is too generic and can only be answered in principal. A huge trans-European exercise can be undertaken on the basis of the Bologna Process to relate the automatic recognition and levels of all existing training programmes.  
We are not in a position to comment about the influence of development of PQD  
Yes
- 2.3 Recognition on Professional Qualifications helps the flow of professional or service providers from one area or MS to another  
We are not in a position to discuss future developments in the veterinary sector.  
PQD allow for services to travel to areas where they are needed and is therefore related to challenges created by demographic develop
- 2.4 Electronic, manual and personal means are euqllly used by the stakeholders.  
Veterinary medicine requires the physical presence of the veterinary surgeon to be able to diagnose animals.

***3. Evaluation of the contribution of profession bodies***

- 3.1 Common platforms such as IMI do facilitate migration.
- 3.2 Professional cards are not harmonised. Not all MS contemplate professional cards in their legislation and although such harmonisation is possible it should not result in uncontrolled free movement of professional veterinary services as the situation for these services is not equal in all MS and varies from time to time within the MS in accordance with the animal disease situation and the regulations in force governing the application of treatments.
- 3.3 NO. Most professions have very specific requirements and therefore may not fit in generalised requirements or requirements in other professions.

**Registrar  
Veterinary Surgeons' Council**

**Tel: 25905168**

**Evaluating the Professional Qualifications Directive  
Experience reports from competent authorities**

**Malta Veterinary Surgeons' Council**

**POSSIBLE QUESTIONNAIRE FOR EACH SECTORAL PROFESSION**

**A. RECOGNITION PROCEDURE IN CASE OF MIGRATION ON A PERMANENT BASIS**

1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line?

**The Malta Veterinary Surgeons' Council accepts applications from EU citizens for the recognition of foreign diplomas included in Schedule V of 2005/36. All Maltese born veterinarians graduate outside Malta as there is no faculty for veterinary medicine in the University of Malta. The process applied to Maltese citizens is equal to that applied to other EU citizens and the recognition of diplomas included in Schedule V of 2005/36 is automatic. Applicants are however requested to present the original documents for confirmation when they collect their warrant. This is usually carried out their first visit to Malta. This system has been applied successfully for the last 2 years.**

Under which conditions can they send documents and declarations electronically?

**The applicant can use the application for the warrant and registration that is provided as a template by the Veterinary Surgeons' Council Registrar, which shortly will be placed on the Ministry for Resources and Rural Affairs website. Scans of documents are accepted and are used by the Veterinary Surgeons' Council in its considerations and deliberations of the submitted applications. The applicants are requested to present originals for confirmatory purposes the first time they arrive in Malta to offer their professional services both on a permanent or temporary warrants and registrations.**

**Description - Application to obtain a permanent warrant to practise as a Veterinary Surgeon.**

- 1) ***Application form is filled in and necessary documentation submitted to the Registrar of the Veterinary Surgeons' Council:***
  - ***A Certified copy of the qualifications***
  - ***Birth Certificate***
  - ***Recent police conduct certificate***
  - ***Marriage certificate if applicable***

- *A certified true copy of the State exam if applicable. Where applicable reference to MQRIC is made for verification as well as the Internal Market Information system.*
  - *A certified true copy of long-term residence permit (if not an EU citizen)*
  - *A certified true copy of ETC work permit (in case of non-Maltese citizens)*
  - *Copies of existing warrant and proof from the relevant authorities that there is no disciplinary action against the applicant and that the applicant is still registered in that country (if applicable)*
- 2) *Documents are verified with the Internal Market Information System (IMI) of a Member State.*
  - 3) *An acknowledgement letter is sent to the applicant within one month if all the necessary documentation is submitted and correct.*
  - 4) *If there is missing documentation an acknowledgement letter is sent and the applicant is informed of incomplete documentation. The applicant then updates and resubmits the documents.*
  - 5) *A sitting of the Veterinary Surgeons' Council is held to process and verify the application.*
  - 6) *An interview with the applicant is held if necessary.*
  - 7) *The Council gives advice on the application to the Ministry.*
  - 8) *If application is accepted, the warrant is issued and a registration number is assigned to the registration certificate.*
  - 9) *This is then sent to the Minister of MRRA for his signature, embossment on the certificate and later to the OPM for the President's signature.*
  - 10) *An e-mail is then sent by the Registrar to the applicant to collect the warrant.*
  - 11) *In the case of a non-Maltese applicant, if the application is not accepted apart from the official letter sent to the applicants, such letter is also scanned and sent via e-mail.*
  - 12) *The Veterinary Surgeon's register is updated.*
  - 13) *The original copy and a copy are given to the applicant. Furthermore, a copy is kept in the applicant's file.*

**Description - Application to obtain a temporary warrant to practise as a veterinary surgeon**

- 1) *Applicant informs Council in advance of intention with a written declaration containing:*

- *Proof of nationality.*
  - *Attestation that the applicant is legally established in another Member State.*
  - *Evidence of professional qualification*
  - *Evidence of his practise during the preceding 10 years.*
  - *Details of applicant's current insurance cover OR any other means of collective protections with regard to professional liability.*
  - *Description of service to be provided and the location from where such services are intended to be provided.*
- 2) *Documents are verified with the Internal Market Information System (IMI) of a Member State.*
  - 3) *An acknowledgement letter is sent immediately to the applicant if all the necessary documentation is submitted and correct.*
  - 4) *If there is missing documentation an acknowledgement letter is sent and the applicant is informed of incomplete documentation. The applicant then updates and resubmits the documents.*
  - 5) *A sitting of the Veterinary Surgeons' Council is held to process and verify the application.*
  - 6) *In case of difficulty resulting delay, the Council shall inform applicant within the first month for the reason of the delay and the timescale within which the Council's decision shall be finalised.*
  - 7) *An interview with the applicant is held if necessary.*
  - 8) *The Council decides and informs the applicant of its decision within one month from the date of the acknowledgement of all necessary documentation.*
  - 9) *If the Council decision is positive, the applicant is registered in the Veterinary Surgeons' Register temporary list.*
  - 10) *The registration is valid for one year.*
  - 11) *The Registered person shall inform the Council each time s/he intends to provide temporary or occasional services 15 days in advance and provide the Council with the description of the services intended to be provided and the location from where such services are intended to be provided.*

What are your experiences in this respect?

The Veterinary Surgeons' Council has registered both permanent and temporary professionals from various MS and it has found that the current system that it has in place works for both the applicants and the CA. The IMI has actually helped in cutting down verification times of documentation as before its existence the Veterinary Surgeons' Council was compelled in writing to each and every education institution for verification of documents.

2. What is the yearly number of applications for recognition from 2000 to 2009?

**The procedure for electronic requests has been in place since 2007 and we have had 21 registrations.**

Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>.

**The Veterinary Surgeons' Council has had 19 applications based the automatic recognition system; 1 application based on acquired rights and 1 application based on the general system.**

3. To what extent have the system of automatic recognition and the general system been a success? How do you see the costs and benefits?

**A strength in the system was the IMI system which reduced the time lost in trying to verify documents. It has reduced cross checking time and therefore reduced the administrative cost of registration.**

Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. **It facilitates the process to check the validity of the documents submitted by the applicants.**

Please submit comments for:

- automatic recognition based on diploma  
**Once qualifications have been verified with the CA in question through IMI, the automatic recognition helps the administrative process.**
- automatic recognition based on acquired rights  
**If a professional claims that he is established, warranted and registered as a Veterinary Surgeons in another MS verification is done through IMI. Once the validity is verified, the process for a warrant and registration in Malta is simplified.**
- recognition based on the general system.  
**In the event that a professional is fully qualified for the profession in question in another MS but does not fulfil the requirements based on the automatic recognition based on qualifications and/or acquired rights the Veterinary Surgeons' Council can either hold an interview with the applicant or base its deliberations on documentation presented. Normally each case is studied on an ad hoc basis, however in general terms the Veterinary Surgeons' Council follows rulings adopted by RCVS on diplomas acquired in 3<sup>rd</sup> countries.**

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<sup>1</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

4. Is the general system applied in your country each time the conditions for automatic recognition are not met?

**Yes. These are applied on an ad hoc basis. In the event that a professional is fully qualified for the profession in question in another MS but does not fulfil the requirements based on the automatic recognition based on qualifications and/or acquired rights the Veterinary Surgeons' Council can either hold an interview with the applicant or base its deliberations on documentation presented. Normally each case is studied on an ad hoc basis, however in general terms the Veterinary Surgeons' Council follows rulings adopted by RCVS on diplomas acquired in 3<sup>rd</sup> countries. and previous repetition**

Are there major difficulties in the recognition procedure under the general system?

**There are difficulties in the procedure under the general system as the verification of the transcript takes up a lot of time.**

Please include any comments you may have on the implementation of compensation measures.

**Compensatory measures are not included and foreseen in our legislation so far. The Veterinary Surgeons' Council believes that these compensatory measures should include both an aptitude test and adaptation period as suggested by the Directive. Compensation measures will also carry a high cost as most of the time they would be aimed at single applicants or at any rate a small number of them. These costs will have to be reflected in fees.**

5. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?

**EU citizens with Australian, New Zealand, South African, Croatian and American qualifications are normally recognised and accepted. Applicants with acquired rights such as community rights (long term residency) and civil rights are considered as fully fetched EU citizens.**

**In many cases the recognition depends in which third country the professional qualifications would have been obtained, the duration of the course and the credibility of the Institution in which such course has been taken up. The Veterinary Surgeons' Council also requires the verification of the transcript of these courses. Moreover, the Veterinary Surgeons' Council enquires with MQRC (Malta Qualification Recognition Council) for further verification of such qualifications, obtaining the level equivalence.**

6. Please describe the government structure of the competent authority or authorities in charge of the recognition.

**Following is an extract from Chapter 437 – Veterinary Services Act of the Maltese Law describing the set-up and responsibilities of the Malta Veterinary Surgeons' Council**

## ***Professional Veterinary Activities***

### ***The Veterinary Surgeon's Council***

**39** (1) *There shall be a Council, to be called the Veterinary Surgeons' Council, hereinafter referred to as "the Council", which shall exercise and perform the functions assigned to it by this Act.*

(2) *The Council shall consist of the following members:*

(a) *a Chairman, to be appointed by the Prime Minister, on the advice of the Minister;*

(b) *the Director or his representative;*

(c) *two members to be appointed by the Prime Minister, on the advice of the Minister, one of whom shall be a veterinary officer from the Department; and*

(d) *four elected members, of whom two shall be veterinary surgeons with experience in the practice on large animals, and two with experience in the practice on small animals, and who shall be elected by secret ballot by the veterinary surgeons ordinarily resident in Malta.*

(3) *The Director shall, after consultation with the Chairman of the Council, appoint an officer of the Department to act as Registrar of the Council. Terms of appointment and vacancies.*

### ***Terms of Appointment and Vacancies***

**40.** (1) *The Chairman shall hold and vacate his office in accordance with the terms of his appointment, but may at any time resign his office by notice in writing to the Prime Minister.*

(2) *The members appointed or elected, as the case may be, under article 39(2)(c) and (d) shall be so appointed or elected for a term of three years.*

(3) *The members appointed under article 39(2)(c) shall hold office on such terms and conditions, and may at any time have their appointment terminated, as the Prime Minister, acting on the advice of the Minister, may deem appropriate.*

(4) *Any member appointed or elected, as the case may be, under article 39(2)(c) and (d) may at any time resign his office by notice in writing to the Chairman of the Council.*

(5) *When a vacancy occurs in the composition of the Council, a new appointment shall be made or an election held to fill the vacancy for the remaining term of the member vacating the post, as the case may be, within a period of one month from the date of such vacancy:*

*Provided that, subject to the provisions of article 41(6), the Council may act notwithstanding any vacancy amongst its members.*

### ***Proceedings of the Council.***

**41.** (1) *In the absence of the Chairman from any meeting of the Council, the members present shall elect one of them to preside over the meeting.*

(2) *The Council shall have the power to appoint subcommittees, and to allow at its meetings the presence of persons who are not members of the Council.*



*(3) The Council shall meet at least once every three months and, subject to the provisions of subarticle (6), it may act notwithstanding any vacancy amongst its members.*

*(4) The Council shall hold its meetings at such time and place as shall be stated in the notice calling the meeting.*

*(5) The decisions of the Council shall be taken by a majority of votes. The Chairman shall have an original vote, and in case of equality of votes, also a second or casting vote.*

*(6) It shall not be lawful for the Council to transact any business unless there are at least four of its members present:*

*Provided that, if the Council is convened to consider any matter upon which its advice is certified by the Minister to be urgently required by Government, the Council may take decisions by a majority of members present, notwithstanding that less than four members may be present.*

*(7) Subject to the provisions of this Act, the Council may regulate its own procedure.*

#### ***Functions and duties of the Council.***

**42. (1) The Council shall:**

*(a) advise and make recommendations to the President of Malta concerning the grant of warrants to veterinary surgeons to practice their profession;*

*(b) keep a Register in respect of such profession and professions and trades supplementary to the veterinary profession;*

*(c) prescribe and maintain professional and ethical standards for the veterinary profession and professions and trades supplementary to the veterinary profession;*

*(d) advise the Minister on any matter, including legislation, affecting such profession and professions and trades supplementary to the veterinary profession;*

*(e) advise the Minister on the issue of licences for the running of veterinary practices, veterinary clinics, veterinary hospitals, veterinary laboratories and other veterinary establishments;*

*(f) advise and make recommendations to the President of Malta concerning the suspension or withdrawal of warrants to veterinary surgeons who are found to be in breach of the obligations or conditions laid down under this Act;*

*(g) plan, monitor and organise professional training of veterinary surgeons and professional proficiency tests for veterinary surgeons in private veterinary activities;*

*(h) carry out expert supervision of private veterinary activities as described in article 44;*

*(i) co-operate in the preparation of programmes of educational and expert training; and*

*(j) carry out such other functions as may be assigned to it by or under this Act or any other law.*

*(2) The Council, with the concurrence of the Minister, shall make regulations governing the conditions and procedures for the grant of veterinary licences.*

**B. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR AN EMPLOYED WORKER)**

7. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? <sup>2</sup>?

**Yes, EU citizens are interested in using provisions for exercising their activities on a temporary / occasional basis.**

How many citizens used this new system in 2008 and 2009 (per month, per year)

**We had the following applicants for registrations for Temporary Veterinary Professional Services:**

**2008 - 4**

**2009 - 9**

**2010 - 3**

**We are aware that a number of EU citizens (veterinary surgeons) also offered and exercised their professional activities on a temporary and/or occasional basis in our MS without applying for the necessary registration. A large number of these services resulted in the use of non-authorised veterinary medicinal products and in some cases in the carrying out of surgical interventions on animals in non-approved sites or establishments.**

8. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:

- How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?

**A migrant needs to be a citizen of a MS or has long term citizenship in a MS or has acquired rights through marriage to an EU citizen; must have no criminal records, have the necessary professional qualifications and good professional standing, and has to be established in another MS through his/her registration in another MS.**

- How are the "temporary and occasional basis" criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?

**Any veterinary surgeon who intends to offer professional services, even on a one time basis in Malta needs to apply for a temporary warrant as per Article 43 of Chapter 437 of the Maltese Law. It is unlawful to practice the veterinary profession in Malta without a registration in the Veterinary Surgeons' Register. Once the temporary registration is obtained, all the professional needs to do is to**

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<sup>2</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

advise the Veterinary Surgeons' Council 15 days prior to every visit. The temporary registration is valid for one year and each professional needs to renew his/her temporary warrant if s/he intends to continue practising his/her profession in Malta on an occasional basis. The renewal application needs to be submitted 2 months prior the date of expiry. This period is required for administrative purposes and it would avoid a suspension of the applicant's temporary registration.

9. Why is a prior declaration system necessary?

A prior declaration system is necessary to keep a track record of the visits of veterinarians, the purpose/s of the visit, the duration and the location/s in which professional services are rendered. Such information is required for reasons of public and animal health. This information is necessary to monitor activities and for identification of responsibilities and accountability.

What do competent authorities do with the information received? Are other possibilities conceivable?

The information collected by the Veterinary Surgeons' Council is strictly kept for official use. The information is used by the Veterinary Surgeons' Council or the CVO through the Veterinary Surgeons' Council in special situations that may occur for animal or public health control situations. Malta has special local provisions in animal health that may require the dissemination of information directly to veterinarians operating in the field in certain sectors. The limited geo-physical situation of Malta requires immediate and tempestive action in all occasions of risk of spread of disease. To be able to manage such conditions in real time and effectively, the actual professional operators on the field during such a situation need to be known. Furthermore, specific sectors have animal health programmes that are specific to the territory of Malta and in view of the closeness of farms the use of non-authorized prophylactic treatments may jeopardise the situation on holdings where non conformitory treatments are administered and possibly effect adjacent ones. In view of the non common veterinary medicinal register across the 2 MS and all together different situation of animal health in different MS the pre-notification is necessary to allow the CA to advise these professionals from time to time with updates for each specific section they operate in . When conditions listed above do not subsist the information will remain stored within the CA.

## C MINIMUM TRAINING REQUIREMENTS

10. To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant and up to date? Please specify. What about the conditions relating to the duration of training?

The minimum training requirements although harmonised through the Directive are widely interpreted and applied by the various institutions that are listed for mutual

**recognition in Annex V of the Directive. It is possible that further explanatory guidelines may serve to decrease the extent of variation of interpretation and harmonise the levels of practical outcomes. It is also evident that scientific progress and new professional needs to be added on to the list. The present compulsory training subjects will form the sound basis and it is difficult to remove any of them.**

11. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved?

**The Veterinary Surgeons' Council relies fully on the verification and replies by other CAs in MS using the IMI.**

Are training programmes accredited in your country?

**There are no veterinary training programmes.**

Does accreditation of a training program in another Member State enhance trust or is it not relevant?

**The Veterinary Surgeons' Council looks favourably on training programmes not included in the automatic mutual recognition list that are audited by other CAs of other MS. The Veterinary Surgeons' Council does not have the necessary resources to carry out parallel verifications and audits.**

12. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions?

**Continuous development is important and essential so that professionals keep abreast of developments in their fields. Continuous development is required in Malta. It is foreseen that the Veterinary Surgeons' Council manages the CPD for the registered veterinary surgeons. At present the Veterinary Surgeons' Council does not have the necessary resources to organise these CPD programmes. The situation becomes more difficult in view of the fact that there is no education institution that imparts veterinary science education in the territory of Malta.**

#### **D. ADMINISTRATIVE COOPERATION**

13. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?

**Procedures are simplified for both the CAs and the migrants since administrative cooperation 'shortens' the process of verification for the CAs resulting in a shorter period for a reply to the migrants. Since verifications are done through CAs using IMI, application through e-mail and scans of documents this avoids unnecessary administrative requirements by the Host MS to the migrant.**

14. Is the competent authority in your country registered with IMI?

**Yes**

Under which circumstances does your competent authority use IMI?

**Every time to verify qualifications and professional standing and registration.**

If not registered, why not and what would be the conditions for changing this situation?

**Not Applicable**

15. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? Under which conditions could it be issued by professional associations?

**We can contemplate the issue of a professional card only if a homogenous system is regularised across the 27 Member States. To attain such a system we have to conform to a single European Veterinary Professional Register and not different professional registers in 27 MS. A harmonious professional card linked to a single trans-European professional register may in theory facilitate the transfer of services. However, this cannot be attained as each MS has different Veterinary Medicinal Registration authorised for use in the territory of the MS; different Animal Health legislation and different prophylaxis programmes within the MS.**

**Only Competent Authorities listed in IMI for specific professions should be entitled to issue such professional cards.**

16. How do you share information about suspensions/restrictions with competent authorities in other Member States?

**Should another CA contact us for verification of good professional standing we would inform them of any action that has been taken against that particular professional. . The warrant and registration in the Malta Veterinary Surgeons' Register of a veterinary surgeon is either suspended or struck off the Register. We have a list on the website showing a list of valid Permanent/Temporary Warrants and if the need arises we would highlight the individual's suspension and/or removal from the Register.**

Could more be done in this respect?

**Yes, such suspensions/restrictions should be brought to the attention of all CAs involved through the IMI System.**

#### **E. OTHER OBSERVATIONS**

17. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications?

**There are no controls and/or restrictions on language skills in view of the opposition placed by Commission Service on the insistence of the knowledge of Maltese and /or English for professionals to render professional veterinary services in Malta. The lack of proper communication skills is leading to misunderstandings on prescribed treatments and the use of 'interpreters'. The use of interpreters is giving rise to situations whereby responsibility and accountability cannot be clearly determined.**

Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants?

**Yes the CA notes that limited communication skills in languages utilised by stakeholders in the MS where the professional services are rendered is amounting to a large number of misunderstandings sometimes complicated by the use of informal interpreters that are leading to erroneous treatments and reports, certificates and statements that are not comprehended.**

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**Evaluating the Professional Qualifications Directive  
Experience reports from competent authorities**

Department Food, Animal Health and Welfare and  
Consumer policy  
Ministry of Agriculture, Nature and Food Quality  
Address: Prins Clauslaan 8, The Hague  
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**POSSIBLE QUESTIONNAIRE FOR EACH SECTORAL PROFESSION**

**A. RECOGNITION PROCEDURE IN CASE OF MIGRATION ON A PERMANENT BASIS**

1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? Under which conditions can they send documents and declarations electronically? What are your experiences in this respect?

*The registration process in the Netherlands is partly online. Applicants must start the registration with a request on the website [www.diergeneeskunderegister.nl](http://www.diergeneeskunderegister.nl). But they still have to send there signed application form, a certified copy of their diploma and a copy of their identification document by mail.*

2. What is the yearly number of applications for recognition from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>.

*The yearly number of applications for registration (from EU inhabitants) varies between 10 and 20. Specific data is submitted in the database.*

3. To what extent have the system of automatic recognition and the general system been a success? How do you see the costs and benefits? Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:

- automatic recognition based on diploma
- automatic recognition based on acquired rights
- recognition based on the general system.

*In the Netherlands for veterinarians we only have experience with automatic recognition based on diploma. There was no need to use recognition on acquired rights or the general system.*

4. Is the general system applied in your country each time the conditions for automatic recognition are not met? Are there major difficulties in the recognition procedure under the general system? Please include any comments you may have on the implementation of compensation measures.

*For veterinarians we only have experience with the system of automatic recognition. For all applications until now the system of automatic recognition was sufficient.*

<sup>1</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

5. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?

*In the Netherlands diplomas from veterinary schools that have an accreditation from the American Veterinary Medical Association ([www.AVMA.org](http://www.AVMA.org)) or from the European Association of Establishments for Veterinary Education ([www.eave.org](http://www.eave.org)) are recognized. We think this gives us enough guarantee on the quality of the education. There are differences between member states and the way they handle people with diploma's from third countries. Sometimes there is automatic recognition based on agreements certain member states have with third countries. For us it is difficult to determine if these agreements provide enough guarantees on the quality of those veterinary schools in third countries. Therefore in the Netherlands all diplomas derived in third countries from not accredited schools have to be assessed first.*

6. Please describe the government structure of the competent authority or authorities in charge of the recognition.

*In the Netherlands the ministry of agriculture, nature and food quality has a law for practicing of veterinary medicine (name: the law on practicing veterinary medicine). This law prescribes that everyone that wants to practice veterinary medicine has to register with the government. On behalf of the ministry of agriculture the registration procedure is conducted by the central information for professions in the health care (CIBG). This is a governmental organisation that also registers other professions (medical doctors, dentists, etc.) in the health care sector.*

#### **B. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR AN EMPLOYED WORKER)**

7. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? How many citizens used this new system in 2008 and 2009 (per month, per year)<sup>2</sup>?

*We know that there are citizens interested in exercising their professional activities on a temporary and occasional basis in the Netherlands and we are not aware of problems. In the registration procedure there is no difference made between establishment and temporary/occasional exercise of the profession. Therefore we don't have exact numbers of citizens exercising their professional activities on a temporary and occasional basis.*

8. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:
- How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?
  - How are the "temporary and occasional basis" criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?
9. Why is a prior declaration system necessary? What do competent authorities do with the information received? Are other possibilities conceivable?

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<sup>2</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.



## Answer 8&9:

*In the Netherlands all veterinarians that want to exercise veterinary medicine have to register with the CIBG. We don't make difference between establishment or temporary/occasional exercise of the profession. The registration procedure itself is accessible. We ask for a certified copy of the diploma, a copy of an identification document and a letter of good standing. There are two main reasons why all veterinarians (including temporary/occasional) have to register:*

- *Exercising the veterinary profession affects important social values as animal health & welfare and public health. Therefore we have to know who are performing veterinary medicine in the Netherlands.*
- *Veterinary pharmaceutical companies are only allowed to deliver veterinary medicines to veterinarians that are registered with the government.*

*Next to these reasons we think that the difference between the Dutch registration system that is necessary in case of establishment and a system of prior notification is negligible. Therefore we haven't a special system for citizens exercising their professional activities on a temporary and occasional basis. In the Dutch situation adjusting the system will only provide extra costs and doesn't create benefits.*

## C MINIMUM TRAINING REQUIREMENTS

10. To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant and up to date? Please specify. What about the conditions relating to the duration of training?

*The veterinary education develops through time and tries to train veterinarians so that they can meet the demands and wishes of the society. These requirements and demands of society are not constant, therefore in the Netherlands; the training is also adapted to the demands and wishes. The current minimum requirements in the directive do not fit with how in the Netherlands veterinarians are prepared for their (big) important role in society. The current minimum requirements lack elements that are critical to a veterinary education to prepare veterinarians for their important role in society. In the current requirements there is for example nothing about communication, collaboration, professional behaviour, (socially responsible) entrepreneurship, etc. The minimum requirements in the directive should be developed along with the ongoing changes in the training of veterinarians. They should be an incentive for veterinary educations in Europe to constantly improve the quality of their programme. Therefore the training requirements should be amended.*

11. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved? Are training programmes accredited in your country? Does accreditation of a training program in another Member State enhance trust or is it not relevant?

*In the Netherlands the training programme is accredited by the AVMA and the EAEVE. Next to that in the Netherlands all university's have to be accredited by the Netherlands-Flamish accreditation body (NVAO). We think accreditation is very relevant and will enhance trust. But maybe more relevant the system of accreditation builds in an incentive to improve the programme. It is a good way to improve veterinary education throughout Europe and get the programmes on a more equal level than it is the case now. Accreditation should be part of the next directive.*

12. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions?

*In the Netherlands there is no mandatory system of continuous education. Continuous education is voluntary. If memberstates decide to make continuous education mandatory it should be possible under the directive.*

**D. ADMINISTRATIVE COOPERATION**

13. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?
14. Is the competent authority in your country registered with IMI? Under which circumstances does your competent authority use IMI? If not registered, why not and what would be the conditions for changing this situation?

*The CIBG is registered with IMI. IMI is not used very often for the registration of veterinarians.*

15. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? Under which conditions could it be issued by professional associations?

*For input from the Netherlands; see questionnaire about the professional card.*

16. How do you share information about suspensions/restrictions with competent authorities in other Member States? Could more be done in this respect?

*After the competent authority (CIBG) issued a letter of good standing, and if after the issue date the person is suspended, the CIBG notifies that fact to the competent authority that received the letter of good standing.*

*Probably more could be done in this respect. But it is quite complicated. The legislation in the member states is different. If information about suspensions/restrictions is shared the question is what could be done with it?*

**E. OTHER OBSERVATIONS**

17. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants?

*There is no official check of language skills. We are not aware of complaints about veterinarians related to their language skills.*

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Warszaw, September 17th, 2010 .

KILW/03211/02/10

**Evaluating the Professional Qualifications  
Directive  
Experience reports from competent authorities**

**POSSIBLE QUESTIONNAIRE FOR EACH SECTORAL PROFESSION**

**A. Recognition procedure in case of migration on a permanent basis**

1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? Under which conditions can they send documents and declarations electronically? What are your experiences in this respect?

Such a request is not accepted, DVM has to present originals of diplomas and documentations.

2. What is the yearly number of applications for recognition from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>.

3 in 2005

1 in 2007

1 in 2008

0 in 2009

- automatic recognition based on diploma - 3
- automatic recognition based on acquired rights - 2

<sup>1</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

- recognition based on the general system – 0

3. To what extent have the system of automatic recognition and the general system been a success? How do you see the costs and benefits? Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:

Automatic recognition of diploma and current notification system are both an excellent way to simplify the automatic recognition of qualification.

4. Is the general system applied in your country each time the conditions for automatic recognition are not met? Are there major difficulties in the recognition procedure under the general system? Please include any comments you may have on the implementation of compensation measures.

The general system of recognition of documents is applied each time, according to the rules described in Chapter I of 2005/36 Directive and it is not a subject to any problem. Until now there was no need to implement any compensation measures.

5. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?

Such a case has never occurred.

6. Please describe the government structure of the competent authority or authorities in charge of the recognition.

District veterinary council grants right to practice to DVM with Polish citizenship. DVM, after receiving the right to practice is registered in W-Database; it is a base administrated by Polish National Veterinary Chamber, which includes all DVMs who poses a right to practice in Poland.

**B. Temporary mobility (of a self-employed or an employed worker)**

7. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? How many citizens used this new system in 2008 and 2009 (per month, per year)<sup>2</sup>?

No data available.

8. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:

- How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?

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<sup>2</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

- How are the “temporary and occasional basis” criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?

DVM, a citizen of any of the Member States, in which he / she has obtained a right to practice, is allowed to exercise temporally in Poland, without being registered in a register of members of district veterinary chamber, under following conditions:

Before starting to practice he / she has to declare to the appropriate district veterinary chamber (appropriate from a point of view of place of exercising) in written:

- 1) declaration of an intention to practice, including an exact place of practice, and – if possible – time of practice;
- 2) any document confirming his / her nationality;
- 3) Declaration, issued by the competent authorities of a Member State, confirming:
  - a) he /she posses a right to practice in this MS, which is not limited or suspended.
  - b) he / she actually practice;
- 4) document confirming qualification to practice;

Declaration mentioned in point 1 is submitted:

- 1) for the first time before starting to practice in Poland;
- 2) for the second time in a year, in which DVM wish to practice temporally in Poland.

3. Documents mentioned in par. 1 points 2-4 are submitted to the appropriate district veterinary council before starting to practice in Poland for the first time and in every situation of significant change of information included in these documents.

4. District veterinary council issues an attestation, which confirms a temporal right to practice in Poland for this DVM.

9. Why is a prior declaration system necessary? What do competent authorities do with the information received? Are other possibilities conceivable?

A prior declaration of a place of exercise would allow to DVM a better contact with district veterinary council, i.e. in reception of passports for pets.

#### **C Minimum training requirements**

10. To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant and up to date? Please specify. What about the conditions relating to the duration of training?

Minimum training requirements are in line with scientific progress; knowledge and skills required are relevant and up to date.

11. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved? Are training programmes accredited in your country? Does accreditation of a training program in another Member State enhance trust or is it not

relevant?

Recognition of qualification of DVM should be based on mutual trust between Member States.

12. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions?

Continuous training of veterinary surgeons will be mandatory in Poland starting from the beginning of 2011.

**D. Administrative cooperation**

13. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?

In a significant way.

14. Is the competent authority in your country registered with IMI? Under which circumstances does your competent authority use IMI? If not registered, why not and what would be the conditions for changing this situation?

Polish National Veterinary Chamber is registered in IMI. In situation, in which this system could be used, employees of district veterinary chambers would prefer a telephone contact with the administration of other MS.

15. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? Under which conditions could it be issued by professional associations?

It would be a major simplification, that would allow to speedup the process of recognition of qualification, as well as any movement of veterinary surgeons between Member States in order to practice. This professional card would be a perfect means of storage and propagation of in formations concerning qualification and education.

16. How do you share information about suspensions/restrictions with competent authorities in other Member States? Could more be done in this respect?

Such informations are not sent or received.

**E. Other observations**

17. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants?

In Poland there is no obligation for DVM from other Member States to pass the exam of Polish language before starting to practice.

Until now there were no complaints about insufficient language skills of migrants.

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dr Tadeusz Jakubowski  
President of The Polish National Chamber







## Report on the application of Directive 2005/36/CE

Ordem dos Médicos Veterinários (OMV) – Portugal

OMV is the National Statutory Body for the Veterinary Profession, being responsible for the recognition of professional qualifications for the veterinary practitioners in Portugal.

During the last couple of years, we have been adapting our administrative procedures to comply both with Directive 2005/36/CE and Directive 2006/136/CE. Even if we register significant improvements in these matters, it is clear that there are some difficulties yet to be tackled, especially those regarding the dematerialization of all procedures and the authenticity of data provided.

### Positive aspects/ improvements:

- OMV is now part of the IMI system and is fully aware of its capabilities and *modus operandi*. During the past year, we received IMI requests and replied to questions regarding the establishment of Portuguese veterinary practitioners in other EU countries.
- Portugal has implemented a National Point of Single Contact (Balcão Único), which reunites all professions and service activities. OMV has been fully cooperating with the Portuguese Authorities to provide the data required. All information regarding the veterinary profession as well as links to our electronic forms are available online, both at the National Point and OMV's website.
- We have been following the recommendations of the *Directive's Code of Conduct*, except those regarding the acceptance of simple copies of professional qualification diplomas – we still demand qualification diplomas to be authenticated by the Hague Apostille.

### Negative points/difficulties:

- We have had some difficulties to fully comply with the Code of Conduct mostly on matters related with the authentication of documents.
- We find that the IMI system is not too helpful regarding the verification of authenticity of university diplomas, when the professionals are not registered in Statutory Bodies in their home country. It is also difficult to identify within the IMI system, the competent authority directly responsible for these matters in each EU country.
- The need to dematerialize all procedures (following Directive 2006/36/CE) is also a subject of great concern. We consider that some of the documents necessary for the register and establishment of veterinary practitioners must be certified (such as the criminal records) and therefore we won't accept simple copies.
- Although Directive 2005/36/CE accepts this option, we have been informed by the Portuguese Directorate responsible for Directive 2006/123/CE, that we must solely accept simple copies of all documentation, and preferably, in electronic form. We believe that, at this moment, we don't have a reliable way of verifying the authenticity of these documents unless they are certified. It is still impossible to rely on IMI for this, unless all national and foreign Authorities

responsible for the emission of certificates (such as Universities and Official Services, etc.) become a part of the system and are available to exchange or validate information regarding the service providers.

- Since Portugal hasn't yet established an official declaration pursuant to Article 7(1) - concerning the temporary provision of services, we are presently drafting a declaration model for the veterinary profession. Nevertheless, and until a definitive declaration is set up, we will accept any written declarations which comply with Article 7 (1), accompanied by some of the documents specified in Article 7 (2).

**Statistical data:**

We haven't received, so far, any declaration of temporary provision of services.

During 2009, we examined and approved 15 requests of establishment and recognition of professional qualifications from foreign veterinary practitioners:

<b>Country of Origin</b>	<b>Number of requests</b>
<b>European Union</b>	
<b>Germany</b>	1
<b>Romania</b>	1
<b>Spain</b>	3
<b>Sweden</b>	1
<b>European Economic Area (EEA)</b>	
<b>Norway</b>	1
<b>Third Countries</b>	
<b>Brazil</b>	6
<b>Ukraine</b>	2
<b>Total</b>	<b>15</b>

On a side note, we inform that we are currently revising the requirements for veterinary practitioners graduated in third countries, especially the Protocols established with Brazil and Portuguese Speaking Countries (PALOPS).



## COLLEGE OF ROMANIAN VETERINARIANS

Splaiul Independenței 105, sect. 5, Cod 050097, BUCHAREST

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### QUESTIONNAIRE FOR EACH SECTORAL PROFESSION

#### A. RECOGNITION PROCEDURE IN CASE OF MIGRATION ON A PERMANENT BASIS

1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? Under which conditions can they send documents and declarations electronically? What are your experiences in this respect?

We don't accept recognition applications sent by e-mail or on-line. It is mandatory that the application comes along with official documents (legalized). Another reason is that there is no secure system for the requests and the issued document, the certificate of professional qualifications recognition, is an official document.

2. What is the yearly number of applications for recognition from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>.

From 2000 to 2009 we had one application for automatic recognition based on diploma and two applications for automatic recognition based on acquired rights.

3. To what extent have the system of automatic recognition and the general system been a success? How do you see the costs and benefits? Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:

- automatic recognition based on diploma
- automatic recognition based on acquired rights

There are modern systems that ensures the correct practice of the profession.

- recognition based on the general system.
- We have no experience.

<sup>1</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

4. Is the general system applied in your country each time the conditions for automatic recognition are not met? Are there major difficulties in the recognition procedure under the general system? Please include any comments you may have on the implementation of compensation measures.

We have no experience with the recognition based on the general system

5. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?

We have no experience because we haven't received any application to date.

6. Please describe the government structure of the competent authority or authorities in charge of the recognition.

The competent authorities in charge of the recognition in Romania are: The Ministry of Education, Research, Youth and Sports - National Centre for Recognition and Equivalence of Diplomas Granted Abroad for the academic recognition and The Romanian College of Veterinarians for the professional recognition.

**B. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR AN EMPLOYED WORKER)**

7. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? How many citizens used this new system in 2008 and 2009 (per month, per year)<sup>2</sup>?

No, only occasionally.

8. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:

- How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?

The migrant has to be member of the Professional Organization from the Member State, have a university diploma recognized by the Professional Organization in his home Member State and to be a resident in the Member State where he requests to be able to provide services on temporary basis.

- How are the "temporary and occasional basis" criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?

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<sup>2</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

The right to provide services on the temporary and occasional basis can be granted for maximum 2 years.

9. Why is a prior declaration system necessary? What do competent authorities do with the information received? Are other possibilities conceivable?

We consider that a prior declaration system is necessary to enable us to verify the applicant's professional qualification, the nationality, the residence and to be able to keep track of the persons that provide veterinary services with a view to protect the beneficiaries of the services provided.

#### **C MINIMUM TRAINING REQUIREMENTS**

- To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant and up to date? Please specify. What about the conditions relating to the duration of training?

We consider the common minimum requirements and the compulsory training subjects, set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V of each mandatory topic is still relevant and updated according to the scientific progress. In Romania the duration of training is of 6 years. We consider that there is enough time for the professional training.

11. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved? Are training programmes accredited in your country? Does accreditation of a training program in another Member State enhance trust or is it not relevant?

The training programmes are accredited in Romania by the competent authorities. We consider that the accreditation of the training programmes can enhance trust.

12. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions?

The continuous professional development in Romania is mandatory and it takes place within the National System of Continuous Education. Every veterinarian of free practice must achieve yearly a minimum number of 60 points that can be obtained by participation to seminars, congresses, by writing books or articles, by participation to research contracts. We have a national system of evaluation for that purpose. If a veterinarian will not achieve the necessary number of points his right of free practice will be suspended.

#### **D. ADMINISTRATIVE COOPERATION**

13. To what extent does the administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify the procedures for the migrant professionals?

The administrative cooperation simplifies a lot the procedures for the migrant professionals due to the natural exchange of information and ensures mutual assistance between the competent authorities of the host countries.

14. Is the competent authority in your country registered with IMI? Under which circumstances does your competent authority use IMI? If not registered, why not and what would be the conditions for changing this situation?

Our competent authority is registered with IMI. Until now, we have received requests for verification of the documents we have issued, for verification of the membership in our organization, or for clarification of the information from the documents issued by us.

15. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? Under which conditions could it be issued by professional associations?
16. How do you share information about suspensions/restrictions with competent authorities in other Member States? Could more be done in this respect?

We can share information about suspension/restrictions with competent authorities in other Member States by IMI. Until now, we did not use the system to obtain or to provide that kind of information.

**E. OTHER OBSERVATIONS**

17. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants?

The necessary language skills of migrants are checked after the recognition procedure of the professional qualification, before the issuance of the Decision. We did not receive any complaints about insufficient language skills of migrants.

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## Evaluating the Professional Qualifications Directive

### Experience reports from competent authorities

Namestnica generalne direktorice  
 Veterinarska uprava RS/  
 Simona Salamon, DVM, Msc.  
 Deputy CVO  
 Veterinary administration of the Republic of Slovenia

#### POSSIBLE QUESTIONNAIRE FOR EACH SECTORAL PROFESSION

##### A. RECOGNITION PROCEDURE IN CASE OF MIGRATION ON A PERMANENT BASIS

1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? Under which conditions can they send documents and declarations electronically? What are your experiences in this respect?

**Under Slovenian legislation, electronic submission of applications is authorised. For the purposes of personal handing-in of deliveries, an accurate address of the client and safe electronic address with qualified certificate shall be required.**

**According to our experiences so far, clients have been filing applications in person only, by regular mail and with return receipt.**

2. What is the yearly number of applications for recognition from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>.

**One or two applications per year have been received.**

**The first applications were received only after 2005, and we have been taking into account the Directive 2005/36/EC in the professional qualification recognition procedure.**

3. To what extent have the system of automatic recognition and the general system been a success? How do you see the costs and benefits? Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:
  - automatic recognition based on diploma
  - automatic recognition based on acquired rights

<sup>1</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

- recognition based on the general system.

**Specific expenses of procedures have not been recorded.  
We cannot submit our comments to the remaining questions.**

4. Is the general system applied in your country each time the conditions for automatic recognition are not met? Are there major difficulties in the recognition procedure under the general system? Please include any comments you may have on the implementation of compensation measures.

**A person failing to comply with the conditions for recognition of professional qualification is issued a decision dismissing the request. Our commentary to the procedure ensuing from the Directive is that it would be reasonable to require the presentation of original documents for perusal, or the document copies should be certified so as to avoid any falsifications in these times of high technology.**

5. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?

**In the veterinary sector, we do not have sufficient experience, and therefore, we cannot give you a relevant response.**

6. Please describe the government structure of the competent authority or authorities in charge of the recognition.

**In the veterinary sector, clients address their applications for recognition of professional qualifications to the Ministry of Agriculture, Forestry and Food.**

#### **B. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR AN EMPLOYED WORKER)**

7. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? How many citizens used this new system in 2008 and 2009 (per month, per year)<sup>2</sup>?

**Clients have been submitting inquiries by phone, and no applications have been received so far.**

8. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:
  - How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?

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<sup>2</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.



- How are the “temporary and occasional basis” criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?

**In order to carry out veterinary practice (established or temporary) in the veterinary sector, veterinarians from foreign countries shall, equivalently to the Slovenian veterinarians, comply with all the prescribed requirements; there are no additional restrictions in other respects.**

9. Why is a prior declaration system necessary? What do competent authorities do with the information received? Are other possibilities conceivable?

**In the veterinary sector, a prior declaration is important for the competent authority to be able to verify the adequacy of the applicant, and which veterinary activities the applicant intends to carry out, as such activities directly involve animal health and welfare, and indirectly, public health.**

**Other possibilities do not seem appropriate.**

#### **C MINIMUM TRAINING REQUIREMENTS**

10. To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant and up to date? Please specify. What about the conditions relating to the duration of training?

**In general, the minimum requirements are complied with; however, updating and upgrading is necessary. The duration of study of veterinary medicine is changing. As regards the taking into account of scientific progress and professional needs, the opinions of Veterinary Faculties and of Veterinary Chambers or Associations of the Member States would be required for drawing up an adequate response.**

11. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved? Are training programmes accredited in your country? Does accreditation of a training program in another Member State enhance trust or is it not relevant?

**The study programme of the Veterinary Faculty of the University of Ljubljana has been accredited.**

12. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions?

**All the veterinarians carrying out veterinary activities/practice shall be members of Veterinary Chamber. They shall have veterinary licence and, in order to maintain the licence, they shall be permanently educating and training themselves in accordance with applicable regulations governing veterinary licences.**

**D. ADMINISTRATIVE COOPERATION**

13. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?

**For the time being, we have had insufficient experience in practice to be able to submit a satisfactory response.**

14. Is the competent authority in your country registered with IMI? Under which circumstances does your competent authority use IMI? If not registered, why not and what would be the conditions for changing this situation?

**Yes.**

**To date, it has been used for testing purposes only.**

15. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? Under which conditions could it be issued by professional associations?

**We do not see a particular advantage in a professional card.**

16. How do you share information about suspensions/restrictions with competent authorities in other Member States? Could more be done in this respect?

**Information exchange is facilitated by IMI; however, we have had no experience in practice so far.**

**E. OTHER OBSERVATIONS**

17. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants?

**After recognition of professional qualifications there is no repeated verification; however, the applicants are required to submit documents in evidence of basic Slovenian language skills already at the time of application, in case their professional work is to involve contacts with clients.**

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Dnro 5987/0508/2010

Evaluating the Professional Qualifications Directive  
Experience reports from competent authorities

FINLAND

POSSIBLE QUESTIONNAIRE FOR EACH SECTORAL PROFESSION

A. RECOGNITION PROCEDURE IN CASE OF MIGRATION ON A PERMANENT BASIS

1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? Under which conditions can they send documents and declarations electronically? What are your experiences in this respect?

Vastaus: Hakemuksen sinänsä voisi toimittaa esimerkiksi sähköpostitse, mutta koska liiteasiakirjat on esitettävä alkuperäisinä tai virallisesti oikeaksi todistettuina jäljennöksinä, toimitetaan Elintarviketurvallisuusvirastolle (Evira) myös hakemukset alkuperäisinä.

2. What is the yearly number of applications for recognition from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>.

Vastaus. Elintarviketurvallisuusvirasto (Evira), jolle eläinlääkäriksi laillistamista koskevat asiat kuuluvat, on perustettu 1.5.2006. Eläinlääkäriksi laillistettujen lukumäärät ovat vuodesta 2006 lähtien olleet seuraavat: 64 (2006), 47 (2007), 76 (2008) ja 88 (2009). Tarkemmat tiedot löytyvät komissiolle toimitetuista tilastoista. Luvuissa on luonnollisesti otettu huomioon ainoastaan Euroopan parlamentin ja neuvoston ammattipätevyydestä tunnustamisesta antaman direktiivin 2005/36/EY soveltamisalaan kuuluvat eläinlääkäriksi laillistamiset.

3. To what extent have the system of automatic recognition and the general system been a success? How do you see the costs and benefits? Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:

- automatic recognition based on diploma
- automatic recognition based on acquired rights
- recognition based on the general system.

4. Is the general system applied in your country each time the conditions for automatic recognition are not met? Are there major difficulties in the recognition procedure under the general system? Please include any comments you may have on the implementation of compensation measures.

5. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?

Vastaus: Suomella ei ole kokemusta tällaisista tapauksista.

<sup>1</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

6. Please describe the government structure of the competent authority or authorities in charge of the recognition.

Vastaus: Eläinlääkäriammattin harjoittamisesta annetun lain (29/2000, muutettu 301/2006 ja 1484/2009) 19 §:n mukaan ministeriö ohjaa ja valvoo ylimpänä viranomaisena ammatinharjoittamislain ja sen nojalla annettujen säännösten täytäntöönpanoa ja noudattamista. Ministeriöllä viitataan maa- ja metsätalousministeriöön. Elintarviketurvallisuusvirasto ohjaa ja valvoo keskushallinnon viranomaisena ammatinharjoittamislain ja sen nojalla annettujen säännösten täytäntöönpanoa ja noudattamista. Aluehallintoviraston tehtäviin taas kuuluu huolehtia toimialueellaan ammatinharjoittamislain ja sen nojalla annettujen säännösten täytäntöönpanosta ja noudattamisen valvonnasta.

#### B. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR AN EMPLOYED WORKER)

7. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? How many citizens used this new system in 2008 and 2009 (per month, per year)<sup>2</sup>?

Vastaus: Suomessa toimii vain muutamia ilmoituksenvaraisia eläinlääkäriammattin harjoittajia: vuonna 2008 yhteensä 12 henkilöä ja vuonna 2009 yhteensä 4 henkilöä teki ilmoituksen väliaikaisten ja satunnaisten eläinlääkäripalvelujen tarjoamisesta.

8. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:

- How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?
- How are the "temporary and occasional basis" criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?

Vastaus: Väliaikaisesta ja satunnaisesta eläinlääkäripalvelujen tarjoamisesta säädetään Suomessa eläinlääkäriammattin harjoittamisesta annetun lain (29/2000, muutettu 1094/2007) 8 §:ssä. Kyseisen säännöksen mukaan palvelujen tarjoamisen edellytyksenä on, että

- 1) henkilö on Euroopan unioniin tai Euroopan talousalueeseen kuuluvan valtion kansalainen ja
- 2) henkilöllä on laillinen oikeus harjoittaa itsenäisesti eläinlääkäriä ammattia jossakin muussa Euroopan unioniin tai Euroopan talousalueeseen kuuluvassa valtiossa kuin Suomessa.

Palvelujen tarjoamisen väliaikaisuutta ja satunnaisuutta arvioidaan tapauskohtaisesti sekä erityisesti palvelujen tarjoamisen keston, toistuvuuden, säännöllisyyden ja jatkuvuuden perusteella. Väliaikaisia ja satunnaisia eläinlääkäripalveluja tarjoava eläinlääkäri ei voi hoitaa valtion, kunnan, yhteisön tai muuta eläinlääkäriä virkaa tai tointa väliaikaisesti. Satunnaisuuden vaatimus korostaa palvelujen tarjoamisen tilapäistä luonnetta. Evira arvioi yksittäistapauksessa, saatuaan eläinlääkäripalvelujen tarjoamista koskevan ilmoituksen, voidaanko palvelujen tarjoamista pitää väliaikaisena ja satunnaisena.

Ammattipätevyyden tunnustamisesta annetun Euroopan parlamentin ja neuvoston direktiivin 2005/36/EY valmisteluvaiheessa katsottiin, että palvelujen tarjoamisen voitaisiin katsoa olevan väliaikaista ja satunnaista, kun palveluja tarjotaan vuoden aikana yhteensä enintään 16 viikon ajan. Evira on muun muassa katsonut, että henkilö voisi kolmen kuukauden ajanjaksolla tarjota ilmoituksen nojalla eläinlääkäripalveluja enintään kuukauden ajan.

<sup>2</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

9. Why is a prior declaration system necessary? What do competent authorities do with the information received? Are other possibilities conceivable?

Vastaus: Eviran näkemyksen mukaan ennakkoilmoitus väliaikaisten ja satunnaisten eläinlääkäripalvelujen tarjoamisesta on tulevaisuudessakin tarpeen. Valvovalla viranomaisella tulee olla etukäteen tieto siitä, kuka eläinlääkäripalveluja Suomessa tarjoaa. Evira ilmoittaa sille tehdystä ilmoituksesta sille aluehallintovirastolle, jonka alueella palveluja aiotaan tarjota. Ainoastaan Eviralla on oikeus ryhtyä tarvittaessa hallinnollisiin turvaamistoimenpiteisiin, kuten ammatinharjoittamisoikeuden rajoittamiseen, tai kurinpitotoimiin eläinlääkärimatrimin harjoittajaa kohtaan.

#### C MINIMUM TRAINING REQUIREMENTS

10. To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant and up to date? Please specify. What about the conditions relating to the duration of training?

11. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved? Are training programmes accredited in your country? Does accreditation of a training program in another Member State enhance trust or is it not relevant?

12. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions?

#### D. ADMINISTRATIVE COOPERATION

13. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?

Vastaus: Suomella ei ole kovin paljon kokemusta tällaisesta hallinnollisesta yhteistyöstä. Niinä muutamina kertoina, kuin yhteistyötä on tehty, se on toiminut hyvin.

14. Is the competent authority in your country registered with IMI? Under which circumstances does your competent authority use IMI? If not registered, why not and what would be the conditions for changing this situation?

Vastaus: Suomi on rekisteröitynyt IMI-järjestelmään. IMIä on käytetty vain muutamassa tapauksessa. Lähinnä toisesta jäsenvaltiosta on varmistettu, että henkilöllä on ammattipätevyysdirektiivin 2005/36/EY tarkoittama koulutus.

15. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? Under which conditions could it be issued by professional associations?

Vastaus: Suomessa eläinlääkäriksi laillistamisesta ja eläinlääkärimatrimin harjoittamisen rajoittamisesta päättää Elintarviketurvallisuusvirasto. Tämän vuoksi Evira ei katso, että ammattikortin myöntä-

mistä voitaisiin antaa ammattijärjestön tehtäväksi. Lisäksi kortin käyttöön liittyy sellaisia väärinkäytön mahdollisuuksia, joiden vuoksi kortin väärentämisen estämiseen ja muuhun tietosuojaan tulisi kiinnittää erityistä huomiota, jos tällainen kortti jossain muodossa otettaisiin käyttöön.

16. How do you share information about suspensions/restrictions with competent authorities in other Member States? Could more be done in this respect?

Vastaus: Suomessa rajoitetaan vuosittain vain yksittäistapauksissa eläinlääkärin oikeutta harjoittaa ammattiaan. Ammatinharjoittamisoikeuden poistaminen kokonaan on äärimmäisen harvinaista. Tois-  
taiseksi kyse on ollut suomalaisista eläinlääkäreistä. Suomi ei ole antanut muihin jäsenvaltioihin oma-  
aloitteisesti tietoa annetuista sanktioista. Suomi ei ole myöskään vastaanottanut muista jäsenvaltioista  
tällaista tietoa.

#### **E. OTHER OBSERVATIONS**

17. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants?

Vastaus: Eläinlääkärisektorilla kielitaitoa ei tarkisteta. Kielitaidosta ei ole säädetty kansallisesti Euroopan parlamentin ja neuvoston ammattipätevyydestä tunnustamisesta antaman direktiivin 2005/36/EY 53 artiklan tapaan. Evira on esittänyt asiasta säätämistä maa- ja metsätalousministeriölle.

Eviran tiedossa ei ole, että eläinlääkäriammattin harjoittajan puutteellisesta kielitaidosta olisi tehty kantelua. Virasto ei kuitenkaan välttämättä ole tietoinen kaikkien aluehallintovirastoille tehtyjen kante-  
luiden sisällöistä. Ongelma on kuitenkin noussut esille keskusteluissa.

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**Evaluating the Professional Qualifications Directive  
Experience reports from competent authorities**

**POSSIBLE QUESTIONNAIRE FOR EACH SECTORAL PROFESSION**

**A. RECOGNITION PROCEDURE IN CASE OF MIGRATION ON A PERMANENT BASIS**

1. Do you accept applications from EU citizens for the recognition of foreign diplomas sent by email or requests made on line? Under which conditions can they send documents and declarations electronically? What are your experiences in this respect?

Answer: Applications as such may be sent by e-mail but, because supporting documents have to be submitted as originals or certified copies thereof, the Finnish Food Safety Authority [*Elintarviketurvallisuusvirasto* — Evira] also receives applications in original form.

2. What is the yearly number of applications for recognition from 2000 to 2009? Please submit specific data for applications for automatic recognition based on diplomas, automatic recognition based on acquired rights (as from 2005), and recognition based on the general system<sup>1</sup>.

Answer: The Food Safety Authority Evira, which is the body responsible for recognising veterinary surgeons, was founded on 1 May 2006. The numbers of veterinary surgeons recognised since 2006 are as follows: 64 (2006), 47 (2007), 76 (2008) and 88 (2009). More detailed figures can be found in the statistics sent to the Commission. Naturally, the figures include only those cases of the recognition of veterinary surgeons which fall under the scope of Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications.

3. To what extent have the system of automatic recognition and the general system been a success? How do you see the costs and benefits? Specify in particular whether automatic recognition based on diploma, Annex V and the current notification system represent an efficient way to facilitate automatic recognition. Please submit comments for:

- automatic recognition based on diploma
- automatic recognition based on acquired rights
- recognition based on the general system.

4. Is the general system applied in your country each time the conditions for automatic recognition are not met? Are there major difficulties in the recognition procedure under

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<sup>1</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.

the general system? Please include any comments you may have on the implementation of compensation measures.

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5. What is your experience with the recognition procedure for EU citizens with professional qualifications obtained in a third country and already recognised in a first Member State (see Articles 2(2) and 3(3))?

Answer: Finland does not have experience of any such cases.

6. Please describe the government structure of the competent authority or authorities in charge of the recognition.

Answer: Under Section 19 of the Act on Pursuing the Profession of Veterinary Surgeon [*Laki eläinlääkäriammattin harjoittamisesta*] (29/2000, amended by 301/2006 and 1484/2009), the ministry is the highest authority directing and overseeing implementation and enforcement of the Act and the provisions adopted on the basis thereof. The ministry referred to here is the Ministry of Agriculture and Forestry. The Finnish Food Safety Authority Evira is the central government authority which directs and oversees implementation and enforcement of the Act and the provisions adopted on the basis thereof. In turn it is the responsibility of the Regional State Administrative Agencies [*Aluehallintovirasto*] in their areas of operation to monitor the implementation and enforcement of the Act and the provisions adopted on the basis thereof.

## **B. TEMPORARY MOBILITY (OF A SELF-EMPLOYED OR AN EMPLOYED WORKER)**

7. Are EU citizens interested in using the provisions for exercising their professional activities on a temporary and occasional basis in your Member State? How many citizens used this new system in 2008 and 2009 (per month, per year)<sup>2</sup>?

Answer: In Finland there are only a limited number of people in the veterinary surgeon's profession who are subject to the declaration requirement: in 2008 a total of 12 people and in 2009 a total of 4 people submitted a declaration about the provision of veterinary services on a temporary and occasional basis.

8. How are the provisions of Directive 2005/36/EC concerning temporary mobility applied by the competent authorities in practice taking into account the relevant provisions of the Code of Conduct? For instance:
  - How is the "legal establishment" criteria foreseen by Article 5(1) (a) interpreted in practice? What conditions does a migrant need to fulfil in his home Member State in order to be able to provide services?
  - How are the "temporary and occasional basis" criteria foreseen by Article 5.2 interpreted in practice? Do Member States assess duration, frequency, regularity and continuity of an activity and if so according to which criteria?

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<sup>2</sup> Please provide this information unless it has already been provided to the Commission in the Database or the implementation reports.



Answer: The provision of veterinary services on a temporary and occasional basis is regulated in Finland in Section 8 of the Act on Pursuing the Profession of Veterinary Surgeon (29/2000, amended by 1094/2007). Under that provision, the requirements for providing such services are that:

- 1) the person is a citizen of a Member State of the European Union or the European Economic Area, and
- 2) the person is legally entitled to pursue independently the profession of veterinary surgeon in a Member State of the European Union or the European Economic Area other than Finland.

The temporary and occasional nature of the provision of services is evaluated for each individual case, in particular on the basis of duration, frequency, regularity and continuity. A veterinary surgeon offering veterinary services on a temporary and occasional basis may not hold a post or office as a state, municipal, community or other veterinary surgeon on a temporary basis. The need for services to be provided on an occasional basis testifies to their temporary nature. After receiving a declaration concerning the provision of veterinary services, Evira assesses in each individual case whether the provision of those services can be deemed temporary and occasional.

During the preparation of Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications, the view was taken that the provision of services can be considered temporary and occasional if the services are provided for not more than a total of 16 weeks during a year. One of the views taken by Evira is that a person may provide veterinary services on the basis of a declaration for not more than one month during any three-month period.

9. Why is a prior declaration system necessary? What do competent authorities do with the information received? Are other possibilities conceivable?

Answer: In Evira's opinion, prior declarations of the provision of veterinary services on a temporary and occasional basis will still be necessary in the future. The supervisory authority needs information in advance about who is providing veterinary services in Finland. Evira provides notification of any declarations made to the Regional State Administrative Agency of the area in which the services are intended to be provided. Only Evira is entitled to take administrative protection measures, such as restricting the right to pursue the profession, or disciplinary measures with regard to a person pursuing the profession of veterinary surgeon.

### **C. MINIMUM TRAINING REQUIREMENTS**

10. To what extent are the common minimum training requirements set out in Title III Chapter III of Directive 2005/36/EC and the compulsory training subjects as defined in Annex V in line with scientific progress and professional needs? Furthermore, are the knowledge and skills required by the directive still relevant and up to date? Please specify. What about the conditions relating to the duration of training?

11. The Directive is based on mutual trust between Member States. To what extent is such trust actually achieved? Are training programmes accredited in your country? Does accreditation of a training program in another Member State enhance trust or is it not relevant?

- 
12. To what extent are the existing Directive provisions (see recital 39 and Article 22(b) on continuous professional development (continuous training) adequate? Is continuous training mandatory in your country and what are the exact conditions?
- 

#### **D. ADMINISTRATIVE COOPERATION**

13. To which extent does administrative cooperation, as outlined in Articles 8, 50, and 56 of the Directive, simplify procedures for the migrant professionals?

Answer: Finland does not have much experience of this kind of administrative cooperation. On those few occasions when there has been cooperation, it has worked well.

14. Is the competent authority in your country registered with IMI? Under which circumstances does your competent authority use IMI? If not registered, why not and what would be the conditions for changing this situation?

Answer: Finland is registered with IMI, although it has only been used in a limited number of cases. If a person arrives from another Member State, checks are made to ascertain whether that person has acquired the relevant education within the meaning of the Professional Qualifications Directive 2005/36/EC.

15. How could a professional card (see Recital 32 of the Directive) facilitate recognition of professional qualifications and provision of temporary services? Under which conditions could it be issued by professional associations?

Answer: In Finland, decisions to recognise veterinary surgeons and to restrict pursuit of the profession of veterinary surgeon are taken by the Food Safety Authority Evira. As a result, Evira is not of the opinion that the professional card could be issued by a professional association. Furthermore, the use of such a card would be open to abuse, and so particular attention would have to be paid to preventing forgery and to data protection were such a card to be introduced in some form.

16. How do you share information about suspensions/restrictions with competent authorities in other Member States? Could more be done in this respect?

Answer: In Finland there are only a few cases each year where the right of a veterinary surgeon to pursue the profession is restricted. Full withdrawal of the right to pursue the profession is extremely rare. Thus far the cases have involved Finnish veterinary surgeons. Finland has not provided information on its own initiative to other Member States concerning sanctions imposed. Neither has Finland received any such information from other Member States.

#### **E. OTHER OBSERVATIONS**

17. How and when are the necessary language skills of migrants checked after recognition of the professional qualifications? Are you aware of any complaints (especially from patients/clients/employers) about insufficient language skills of migrants?

Answer: In the veterinary sector, language skills are not checked. Language skills are not regulated at national level in the manner laid down in Article 53 of Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications. Evira has referred the issue of legislating in this area to the Ministry of Agriculture and Forestry.

Evira is not aware of any complaints having been made concerning the poor language skills of any person pursuing the profession of veterinary surgeon. However, the Authority is not necessarily informed of the contents of all complaints submitted to the Regional State Administrative Agencies. Nonetheless, the problem has come up in discussions.

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Swedish Board of Agriculture

REPORT

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SWEDEN

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## Experience report from implementing the directive 2005/36/EC on the recognition of professional qualifications, for veterinarians, in Sweden

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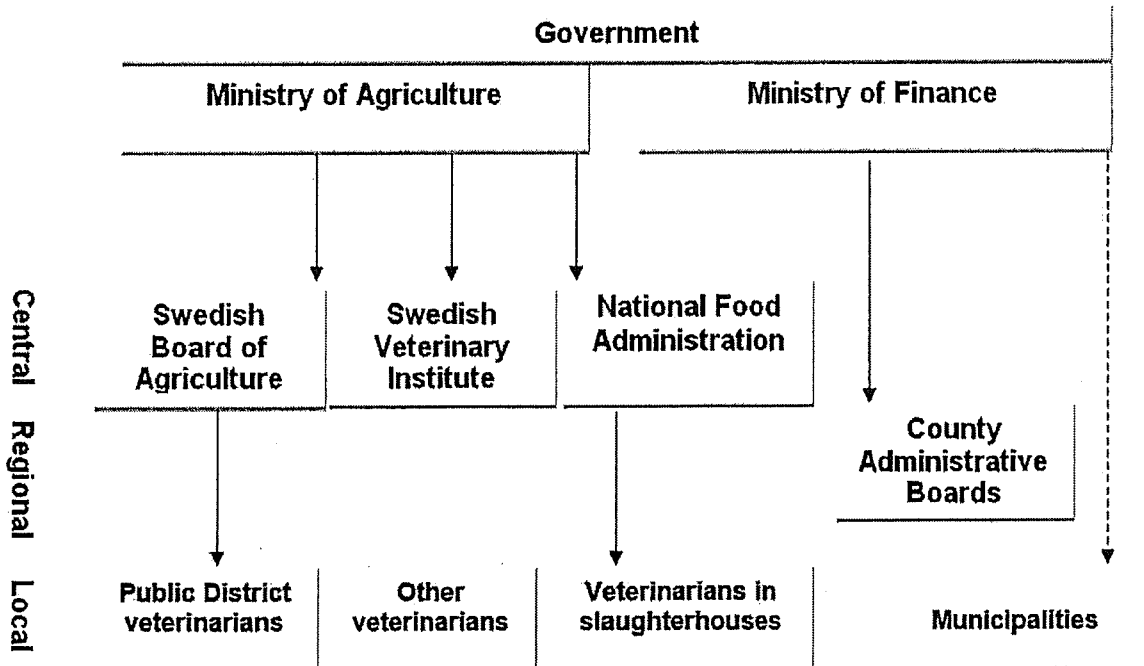
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### Competent authorities and overall distribution of responsibilities

*Overview of veterinary services and relevant authorities*

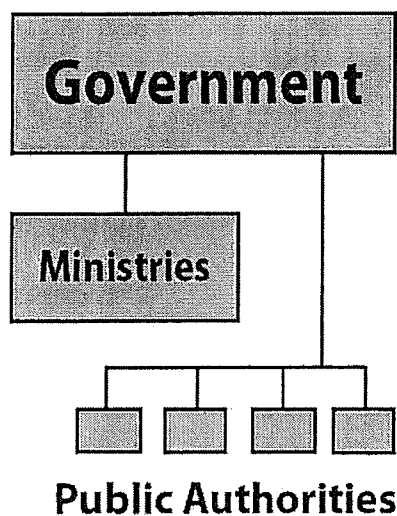


### *The Parliament*

Sweden is a democratic country with a Parliament, in Swedish *Riksdagen*. The Parliament, with 349 members, institutes laws and decides the level of state taxes and how the funds at the disposal of the State are to be used. It also supervises the work of the Government, in Swedish *Regeringen*. The Parliament appoints a prime minister who in turn appoints the ministers. Together with the prime minister they form the Government.

### *The Government*

The Government rules the country and is responsible to the Parliament. Various state authorities, administrations and public companies implement the political decisions. The Government functions as a collective, meaning that the Government must reach all decisions directed towards a state authority collectively. All missions and directives from the ministries in dealing with the state authorities must go through a Government meeting. This is where Swedish model (*see next page*) differs from the concept of ministerial rule. In addition, the Swedish ministries have relatively few employees in comparison with ministries in other countries.



### *The Ministry of Agriculture*

The Ministry of Agriculture, in Swedish *Jordbruksdepartementet*, has four administrative sections and four specialist divisions. The Animal and Food Division works with issues relating to food products as well as animal health and welfare. This includes veterinary matters, matters concerning feeding stuffs and animal by-products, genetic resources and genetic engineering (GMO), plant health and seeds.

### *Public authorities*

The responsibility concerning veterinary matters is shared between three public authorities;

- the Swedish Board of Agriculture (SBA), in Swedish *Jordbruksverket*,
- the National Food Administration (NFA), in Swedish *Livsmedelsverket*,
- the Swedish Veterinary Institute (SVA) in Swedish *Statens Veterinärmedicinska Anstalt*.

The *SBA* is the Government's expert authority in the field of agricultural and food policy. The SBA is responsible for market regulation matters, support to farmers, and environmental issues in the agricultural area, phytosanitary issues, animal health, animal welfare and agricultural regional and structural policy. SBA employs the public district veterinarians, in Swedish *Distriktsveterinärerna*. SBA is the competent authority in veterinary matters and the work is focused at the *division for veterinary affairs*, which is one of seven divisions within the *department of animal welfare and health*. The division for veterinary affairs does the assessments of professional qualifications, issues licenses and authorizations for *the animal health staff* including specialist titles and appointing official veterinarians within the SBAs authority. The division also handles and keeps the registrar on animal health staff, supervises the animal health care and staff, educates official veterinarians and veterinarians working at the border inspection posts in the area of SBAs authority (split responsibility with the National Food Administration). Other responsibilities are trade control and expert system *Traces*, Traces support, issues concerning pharmaceutical treatments and alternative therapies. The division is in charge of implementing the directive 2005/36/EC for the *animal health staff (veterinarians)*. Administrative budget and legal services for the department of animal welfare and health is also a part of the divisions working areas.

The *NFA* is the central supervisory authority for matter relating to food, including drinking water. NFA has the task of protecting the interests of the consumer by working for safe food of good quality, fair practices in the food trade, and healthy eating habits. Fair practices in the food trade imply that the consumer can rely on the labelling as regards, for example, the composition, weight, keeping qualities and origin of the food. Food control in Sweden is carried out by NFA, and by 290 local municipalities. The 21 County Administrative Boards have a coordinating function and responsibility for food control in primary production.

The *SVA* is the veterinary expert and service organization for agencies and individuals regarding contagious and other serious infectious diseases of animals.

### *County Administrative Boards*

The 21 County Administrative Boards, which are the regional authorities under the Government, carry out decisions imposed on them by the Government or by the state authorities.

### *Division of responsibilities*

The division of responsibilities between the Ministry of Agriculture, the Swedish Board of Agriculture and the County Administrative Boards is based on the traditional Swedish model, where the Ministry prepares all matters which are to be decided at Government level, while responsibility for the implementation and administration is entrusted to the administrative expert authority concerned, namely the Swedish Board of Agriculture.

## **Recognition procedure in case of migration on a permanent basis**

### *Application procedure for veterinarians from another Member State*

It is possible to submit an application form electronically and all application forms are available on the SBAs website. Since the diplomas and other documents needed must be presented as originals or as officially certified copies of the original, these documents must be submitted in physical form. Because of that, most applicants submit all documents including the application form by mail.

As soon as the SBA receives the application form, whether it is electronically sent or by mail, the application is registered and a confirmation is sent back to the applicant with information on estimated time for processing the application. Enclosed to the confirmation are also information on important legislation the professional is required to have knowledge of and where to find more of it. If any required documents are missing or incorrect (e.g. copies without official certification) the applicant receives a request for supplements before the processing can start.

The processing time is not allowed to take more than three months, counted from the date all documents are available and correct in the application. This is very unusual though and the assessment and issuing of the Swedish license tend to be made promptly as soon as all documents are presented and verified, often within a few days.

### *Register of veterinarians*

All veterinarians are registered, whether the individual is working clinically or not. The registration is also kept after the veterinarian is retired or has passed away. When it comes to the registration of official veterinarians, most of them are appointed and registered by the SBA as well. Veterinarians working in the food control are appointed and registered by the National Food Administration.



### *Yearly numbers of applications from 2000 to 2009*

In the table below are the yearly numbers of approved applications (issued licenses) in Sweden, from veterinarians with a professional qualification from another Member State.

2000	-
2001	37
2002	34
2003	70
2004	60
2005	64
2006	72
2007	55
2008	109
2009	81

It has not been registered if the professional qualification was approved by automatic recognition, general system or acquired rights before the 1<sup>st</sup> of September 2010, only been noted from which Member State the foreign professional qualification was issued. This information has been registered to be able to contact and notify the competent authority in that Member State, if any disciplinary measurements would be directed towards the veterinarian during practicing in Sweden. From the 1<sup>st</sup> of September 2010, the basis for professional recognition is registered for statistical reasons.

### *Recognition of professional qualifications*

#### *Automatic recognition*

The system of automatic recognition based on diploma or based on acquired rights has the advantages of a quick and easy processing at the competent authority. Another benefit is the possibility to use competence in a more cost efficient way, e.g. since the assessment of applications can be done by different occupational groups. At the division for veterinary affairs e.g. the staff consists of veterinary inspectors, jurists, political scientists, economists, systems administrators and assistants.

If a new veterinary education has been adopted and is supervised by the same authority as the approved educations in a Member State and Annex V; it might not be necessary

to do the assessment based on the general system during the process of getting the list in the directive updated. If and how to handle this in practice, e.g. by a certificate from the competent authority (as when recognition is based on acquired rights), by publishing on website, by contact via IMI system etc. could be discussed. Before such an idea and discussions are possible though, the new minimum requirements of training for veterinarians must be established and agreed upon by the Member States.

### *The general system*

In Sweden, assessments based on the general system are used mainly to assess applications from veterinary nurses with professional qualifications from another Member State. Even if these experiences are not from assessments of veterinarian professional qualifications, we would like to share them. Since it is quite new for us, veterinary nurses became a regulated profession on the 1<sup>st</sup> of January 2010; we expect and interpret some of these experiences being of the character "childhood diseases" but it is still important to notice them. Especially given that several other Member States are in the process of regulating the profession as well.

The general system provides a good method to assess applications but to be able to do the assessment; the administrator is required to have really good knowledge of the profession and education/training needed to get the license in Sweden. He or she also has to find out lots of information on how the profession is trained and performed in the other Member States.

A common difficulty has been finding out if the training received in the other Member State covers substantially different matters than those covered by the formal qualifications required in Sweden and/or if the profession in Sweden comprises regulated professional activities which do not exist in the corresponding profession in the applicant's home Member State. In our experience such information are quite hard to find, including even the most basic information as if another Member State regulates the profession or not. Even though there are many difficulties to handle when using the general system, these difficulties have more to do with the trouble to get the needed information than with the system itself.

It would be desirable to have regular meetings between the competent authorities where such and other information could easily be exchanged and discussed. It would also be beneficial from the perspective of having a forum where experiences from the process and the possibility for coordination with the Member States already regulating a profession can be shared. Such meetings would also contribute to develop, maintain and raise trust between the Member States in these matters.

Since assessments by the general system are new, no applicants yet have had to do any compensation measures. When it comes to such measures the intention and implementation in national legislation follows the directive. The individual professional may choose adaption period or take an aptitude test.

*Experience with the recognition procedure with professional qualifications obtained in a third country*

The current practice is that the third country veterinarian will have to apply for an assessment of their foreign professional qualifications. Assessment is made in regards to article 38.1, Annex V; point 5.4.1 in the Directive 2005/36/EC of the European parliament and of the council of 7 September 2005 on the recognition of professional qualifications, and in comparison to the Swedish veterinary education.

The assessment decides if the third country veterinarian will be able to apply for a Swedish veterinary license or not, and if the application must be preceded by any compensation measures (e.g. completing additional training or work with a temporary license while getting professional practice). If the veterinarian is highly skilled and knowledgeable in the profession it is possible to issue the Swedish license or temporary permit based on this, e.g. to make it possible for them to perform some advanced surgery at a clinic. There is also a possibility of having a third country veterinarian working in experimental projects without having a Swedish veterinary license.

*If a third country veterinarian has received a license from another Member State*

If a third country veterinarian has already received a license in another Member State and wants to apply for a Swedish license, the process includes an assessment like the one already mentioned earlier. Since an earlier review of the professional qualifications has already been made by another Member State, it's important to find out on what basis that Member State was accepting the professional qualifications presented. E.g. the license might have been issued by an agreement between the other Member State and the third country the professional qualifications are issued etc. Therefore, the professional skills might not always meet the minimum level agreed between Member States or lacking assessment in areas, which are very important for working in another Member State due to missing coordinated minimum levels or a quite different national regulatory structure etc. When another Member State has approved the foreign diploma already and issued a license, and if there are any uncertainties with issuing the license immediately, the most common compensation measure is a temporary permit.

We have twice been made aware of professional qualifications, which has been issued in accordance with the approved educations in Annex V, have been including long periods (1-1,5 year) of studying and practicing in a third country. It is not visible on the professional qualification that a large part of the training was obtained in a third country. This raises similar questions as already mentioned, including questions of how the supervision of the third country education is made by the other Member State etc. Here, an agreed accreditation system would be useful.

## **Temporary mobility**

### *Statistics*

During the year of 2009 no prior declaration on temporary and occasional provision of services was sent to the Swedish Board of Agriculture. Two veterinarians were discovered working in June and after they had been given information about the prior declaration system both of them decided to apply for a Swedish license. It is our experience that most veterinarians that want to work in Sweden, even if it is on a temporary and occasional basis, do apply for a Swedish license.

### *Interpretation of "legally established", "temporary" and "occasional"*

Legally established is interpreted as having the financial base for professional practising in Sweden. As it should be about the pursuit of temporary or occasional provisions of service, temporary is interpreted as when the main professional practising is exercised in the home Member State. Occasionally is interpreted as the practising becomes necessary at a short notice, for example, if an animal becomes hit by a car or suffers from acute illness.

### *Prior declaration*

We find the prior declaration system necessary; not only to have a functioning supervision within the country, but also to be able to decide who has lead responsibility for disciplinary matters if something goes wrong. Also to make sure the veterinarian is properly insured, and to be able to maintain national legislation on animal disease control, food hygiene, animal welfare etc. By prior declarations the professional can be reached with important information, e.g. national legislation they must be aware of if practising in Sweden. When the SBA receives a prior declaration it is kept in the registrar and a copy is sent to the County Administrative Board in the region the veterinarian is working.

It might not be necessary for the prior declaration system to work as today though. It is equally of interest for the home Member State to know where the established professional are working, so visionary; the prior declaration could be given to the competent authority in the home Member State and sent as a certificate issued by this authority to the competent authority in the receiving Member State, via the IMI system

etc. An increased cooperation between the authorities could facilitate free movement for the professional. Again, before such an idea and discussions are possible, the new minimum requirements of training for veterinarians must be established and agreed upon by the Member States.

### **Minimum training requirements**

The training requirements set out in the Directive are essentially identical to those in the 1978 version. Thus, the list of compulsory training subjects defined in Annex V reflects an old-fashioned subject/discipline-oriented approach to the contents rather than the outcome of veterinary training. Following the “Bologna process”, the goals of higher education are now expressed in terms of outcome, including *knowledge, skills and attitude*. Learning outcome is also expressed as “Day One Competencies” (UK) or “Final Attainment Levels” (NL). The teaching and pedagogic methods have also changed and subjects are nowadays not taught separately, but with an integrated and interdisciplinary – often organ-oriented – approach.

The present minimum of at least five years of full-time study set out in the Directive really reflects an absolute minimum, and in our view the present Swedish 5½ year (330 ECTS) curriculum cannot be shortened. And maybe the length of study should be expressed in other terms than “year”; the length of the academic year varies very much between countries.

Scientific development in the fields of veterinary medicine and animal science definitely call for a thorough review of the directive with regard to subjects included in the veterinary curriculum.

The professional needs in 1978 were different from those today. The structure and operations of the livestock industry has changed dramatically and so has the demand for and contents of veterinary services. The increasing importance of national and international Veterinary Public Health and the introduction of the “One Health” concept have added to the veterinary role in food safety. Animal welfare is in focus both in food production and in the keeping of pets. The equine and small animal sectors have developed so that they now engage a majority of veterinary clinicians.

It is also important that every veterinarian is properly trained regarding exotic diseases and infectious diseases that are not present in their country. This is an important area because of the climate changes and excessive travelling making infectious diseases spreading in new ways. As a result of professional development and the new panoramas of infectious diseases, a thorough review of the Directive is imperative.

The question of coupling the license to practice to mandatory continuous professional development (training) is important and should be addressed as soon as possible. There is no mandatory continuous professional training in Sweden; however, as a requirement for having the license or authorization, the professional must stay up to date on legislative and scientific progress in their professional field. The SBA gives

mandatory training for veterinarians who have been appointed as official veterinarians by the Board.

### *Accreditation*

All, except the authorized farriers, are trained at the *Swedish University of Agricultural Sciences*. It is possible to work as a farrier without authorization as long as it is within the limitations given by the prohibition of treatment. A farrier from another Member State who wants to be authorized in Sweden are required to present professional qualifications acquired from an European Federation of Farriers, EFFA, accredited training program, plus extra training on e.g. animal welfare, animal diseases and horsemanship.

If veterinary training shall include training sessions in a third country, it is very important that these educations are accredited. How such accreditation should be handled needs to be discussed and agreed between the Member States to ensure trust.

### **Administrative cooperation**

#### *IMI*

The SBA is registered as competent authority for veterinarians in the IMI system, the registration covering both the professional qualifications directive and the services directive. It is our experience that the IMI system facilitates the assessment of qualifications, which means more efficient administration. IMI is used when there are any questions or suspicions e.g. that there could be forgery in the documents submitted with an application. The system has also been used to find information of where to send notification regarding disciplinary measures. Since it can be difficult to get in contact with the right competent authority, e.g. because of different authority structures in the Member States, a mandatory use of IMI would further facilitate the processing of applications. Visionary, IMI might be used to facilitate the process of making applications sent electronically by direct contact between the competent authorities in confirming good professional standing etc.

#### *Professional card*

In Sweden, *the animal health staff* can order a professional identification card, in Swedish *behörighetskort*. The card is in plastic and has the same size as a credit card. It bears the name and profession in the animal health staff. The card has got no chip or magnetic stripe and is not valid as proof of ID but serves as proof that the holder has got a license issued by the SBA, for example when visiting a farm or in the pharmacy. The vision of a common professional card for the veterinarians in the EU would, in our opinion, probably facilitate when providing temporary provisions of services, especially if combined with an increased use of competent authority cooperation by the IMI system. Again, before such an idea and discussions are

possible, the new minimum requirements of training for veterinarians must be established and agreed upon by the Member States.

## Other observations

### *Language skills*

When a veterinarian from another Member State applies for a Swedish license, there is no additional assessment of the applicant's language skills, only an assessment of professional qualifications. However, the applicant is assumed to be able to read, write and speak Swedish if he or she is going to work here. For example, writing of the medical journals shall be done in Swedish and the veterinarian must be able to read and understand the legislation as well as information sent from the authorities.

When the SBA gets an application for a license, a confirmation is sent enclosed with basic information about the rules governing the veterinary profession in Sweden. Enclosed are also information about the requirement to be able to speak, read and write the Swedish language and where the applicant can find and deepen their knowledge required. Similar information is attached when the license has been issued.

It is not unusual that we suspect that an applicant lacks the skills needed to write read and speak Swedish but it does not affect the assessment of the professional qualifications.

## General information about the Swedish animal health care sector

### *The animal health staff*

Since the 1<sup>st</sup> of January 2010 there are six *regulated* professions in Swedish animal health care. As a group they are referred to as *the animal health staff*, in Swedish *djurhälsopersonalen*.

<i>Professional title</i>	<i>Short professional title</i>	
Legitimerad veterinär	Leg vet	<i>Veterinary surgeon</i>
Legitimerad djursjukskötare	Leg dssk	<i>Certified veterinary nurse</i>
Godkänd hovslagare	G (or Gk) hovslagare	<i>Authorized farrier</i>
Godkänd legitimerad sjuksköterska	G (or Gk) leg. ssk	<i>Authorized registered nurse</i>
Godkänd legitimerad tandläkare	G (or Gk) leg. tandläkare	<i>Authorized dental practitioner</i>
Godkänd legitimerad sjukgymnast	G (or Gk) leg. sjukgymnast	<i>Authorized physiotherapist</i>

*The animal health staff* is working autonomously in their professional capacity and must perform their profession based on science and proved experience. The regulated training and education needed for getting a license or authorization are given by the *Swedish University of Agricultural Sciences* for all professions except for authorized farriers. The professions in animal health staff are licensed, authorized and supervised by the Swedish Board of Agriculture. Operational control is performed by the County Administrative Boards in each region. The *Disciplinary board of animal health staff* review reports on clinical malpractice and are able to impose disciplinary measurements.

Working in the animal health staff means following rules on e.g. issuing certificates, record keeping and confidentiality. If working professionally with animals you are obliged to notify the authorities if suspecting an epizootic disease but when belonging to the animal health staff, there are also obligations to notify the authorities when suspecting animal welfare issues.

*Delegation* is a special legal concept meaning a professional in the animal health staff delegating tasks within their own professional capacity to someone else in the animal health staff, who otherwise wouldn't be allowed to perform the task within their professional capacity. Such delegations are not allowed to professionals not in the animal health staff. To be able to delegate, certain conditions regarding skills and formal must be met, e.g. an evaluation of competence must be made of both professionals and the delegation must be in written in a delegation contract.

#### *Other professions in the animal health care sector are covered by the prohibition of treatment*

In addition to the *animal health staff* there are others who are working professionally in the animal health care sector. Since the titles of the regulated professions in the animal health staff are legally protected, it is not allowed to use titles that could be confused with such a title. As a general rule it is always the person giving a treatment who is responsible for what is done, which applies whether he or she belongs to the regulated professions or not.

Working professionally in the animal health care sector is allowed as long as the professional abide by the limitation of the *prohibition of treatment*. The prohibition means that they are not allowed to perform surgical procedures or give injections. Also, they are not allowed to treat animals given sedatives or animals that are suspected of having an epizootic or zoonotic disease. There are some exceptions to the prohibition of treatment given in legislation.

If violating the prohibition of treatment or preventing an animal to get necessary veterinary treatment, the penal provisions are fines or imprisonment.



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## **Evaluating the Professional Qualifications Directive**

### **Experience report from the Royal College of Veterinary Surgeons competent authority in the UK**

The Royal College of Veterinary Surgeons (RCVS) is the Competent Authority and Regulatory Body for all Veterinary Surgeons and Veterinary Nurses working in the United Kingdom. It is a statutory requirement under the Veterinary Surgeons Act 1966 as amended, for all Veterinary Surgeons to be registered with the RCVS and the work of Veterinary Nurses is restricted by provisions in the Act.

The role of the RCVS is public protection through the promotion and maintenance of standards within the veterinary profession in the UK.

The information below is based on the format of the Questionnaire circulated and the paragraph numbers refer to the questionnaire numbering.

#### **A. Recognition procedure in cases of migration on a permanent basis**

1. The application form and copies of supporting documents can be sent by email, fax, post and very shortly will be available directly online from the RCVS website. Based on the documents submitted we determine eligibility to register and advise the applicant of the outcome.

Registration cannot be completed electronically/remotely. Personal attendance is required to enable identity to be checked, a declaration to be formally made and the Register to be signed. Original documents must be brought to registration for checking – this has been reinforced over last few years due to fraudulent documents being used. (In the UK we have had several instances of fraudulent certificates being provided for registration. This includes one fraudulent veterinary qualification and two known instances of forged certificates of good standing). Registration ceremonies are held in London twice weekly.

The whole process takes from 1 to 5 weeks on average, if all correct documents are submitted as requested. From receipt of all documents the process is normally 2/3 days and then appointment dates are offered. Appointment dates are normally available within 2 weeks. The average

time from submission to appointment is about 3 weeks from the date of receipt.

It can take up to 10/12 weeks if the correct documents are not submitted or there are other queries that arise. When completing and submitting applications only a small proportion of applicants do it correctly on first submission. Often applicants will do/submit what a "friend" has told them rather than follow the directions on the website or sent to them. Increasingly queries are raised as to the documents requested and alternative documents offered. The documents requested are as set out in the Regulations transposing the 2005 Directive into UK legislation.

The registration process has evolved over many years and has been adapted as the EU requirements have changed or been amended.

2. Data is attached showing information on yearly applications processed from 1999 to 2009.
3. The automatic and general systems reflect overall what has been done in the UK for a number of years. Some adaptations have been made to our processes for example to enable recognition of qualifications that previously would have been assessed in conjunction with experience.
  - (a) automatic recognition – in the UK we have concerns about the standards of some degrees that we are obliged to automatically recognise based solely on the diploma. There are also concerns about language skills and the fact we have been directed by UK legislature on transposition of the Directive that we cannot test language skills of EU applicants.
  - (b) acquired rights – There are concerns in the UK with acquired rights for veterinary surgeons who could have worked in a very specialist area in another EU Country where they held some form of restricted/limited licence to practice. In the UK we do not have a restricted/conditional licence registration scheme so once registered a vet can work in any area of work even if they have very limited experience, subject to the provisions of the Guide to Professional Conduct to "keep within their own areas of competence save for the requirement to provide emergency first aid"
  - (c) general system – these applications are rare for veterinary surgeons (but see response to question 4). However veterinary nurses are considered under this part of the directive. Veterinary nursing is not well-defined in many EU countries and there are few competent authorities holding national registers, a notable exception being in Ireland. Applications from veterinary nurses are mapped against the accepted UK National Occupational Standards for veterinary nursing. Adaptation training is quite often required to address significant shortfalls in qualifications/experience against the UK

requirements for registration. Notable exceptions are nurses registered with the Veterinary Council of Ireland and the graduates of schools accredited by the voluntary ACOVENE system of quality assurance (commenced in 2007) for EU schools of veterinary nursing. In both of these instances qualifications are accepted for registration without individual scrutiny.

4. Upon receipt of documents for all applicants we determine eligibility. If not automatic eligibility on basis of qualification then we advise applicant of alternative routes. This might involve compensation measures such as sitting all or parts of the Statutory Membership Examination.
5. We have a number of such applicants, often with degrees from South America which have been recognised in either Portugal or Spain. They are of concern as we do receive direct applications and when we will not recognise the qualification without compensation measures the applicant will go to another country to have it recognized there and then reapply to the UK. We do not know what monitoring provisions are put in place by those other countries e.g. Spain recognising Argentinean degree.

In the UK we do recognise some degrees e.g. from Australia, where we actually have a role in the monitoring of the standards process by sending an observer on accreditation visits. These qualifications are not always recognised by some other EU countries

6. RCVS – competent authority for registration of individual veterinary surgeons and veterinary nurses.  
DEFRA is the Government Department which oversees and transposes EU Regulations in respect of the veterinary profession.  
Six (currently) Universities are competent authorities for provision of Degrees. A new qualification is to be awarded by the University of Nottingham for the first time in 2011 and is likely to be recognized by the RCVS.

#### **B. Temporary mobility (of a self-employed or an employed worker)**

7. Data attached as requested. This was not new to the UK and has occurred prior to 2008. There was prior to the 2005 Directive a requirement to provide dates on which services were provided, but no requirement to notify in advance, only within 14 days of the service provision taking place. There were also maximum times laid down for the provision.
8. (a) Legal establishment – certificate of good standing confirming current registration in another EU Country and an intention to provide services is generally accepted. For UK vets going overseas to provide services they actually advise us of the reason they want

the certificate of good standing and we provide this on the basis of what they are intending

- (b) Temporary and occasional – in the UK we have a pro-forma registration and register for a 12 month period as required by the Directive. Periods of 2/3 weeks a few times each year would be considered temporary and occasional. It occurs where accompanying animals for events e.g. polo or when attending horse sales for a few days several times each year. It may be to provide a specialist service as a one off. If the periods were amounting to more than 12 weeks (a quarter of the year) in total we would question if this was establishment rather than temporary and occasional.

- 9. We need to know who is undertaking veterinary work in the UK so if any complaint/query arises we are aware that the vet is in the UK. Thus prior notification is essential if veterinary work is going to be regulated to protect the public and ensure animal welfare. The Visiting Veterinary Surgeons are entered into a part of the Register – and this information is publicly available for any enquiries.

In order to ensure public protection and that any unscrupulous vets avoid regulation there must be some system of notification/information held for those who are mobile.

### **C Minimum training requirements**

- 10. The training requirements have not been changed since they were first set out in

the original Sectoral Directive – around 30 years ago - and are overdue for review. They are out of date. EAEVE (European Association of Establishments of Veterinary Education) and FVE would be the appropriate bodies to consult on the detail. EAEVE has already adopted the "Day One Competences" first developed by the RCVS, and accepted in Australasia and elsewhere as the basis of its evaluation of vet schools and an outcomes-based approach in the Directive would be preferable.

The duration of training is set as minimum 5 years, and "practical training" limited to 6 months. The 5 years period is reasonable, but greater flexibility should be given to allow for different models – e.g. where the vet degree is taken as a 3 or 4 year postgraduate or 'second' degree following on from a 3 year undergraduate science degree (eg. the US model). The limit of 6 months practical training is unreasonable. There should instead be a minimum of 6 months practical training. The Directive should give some recognition to the changes taking place following the "Bologna agreement". However, the professional veterinary degree should remain as a "Masters" level, or "second cycle" qualification as defined under the Bologna agreement.

The Directive has nothing to say about veterinary specialisation, and this has developed significantly in the last 20 years.

11. Accreditation in other member states currently has no effect on whether a vet can

be registered or not and this is of great concern. Veterinary degrees are "accredited" in the UK, following a rigorous process involving international partners. For non-European graduates, RCVS will only register individuals who have qualified with an accredited degree or who have passed the RCVS examination. The veterinary profession in Europe is unique amongst all other professions in having a pan-European evaluation system which is run by EAEVE. (European Association of Establishments of Veterinary Education) Results of such evaluations are published on the EAEVE website. However, the EAEVE evaluation system has no formal status, either within individual Member States, or with the EU. Veterinary schools in Europe that are members of EAEVE are subject to evaluation by the EAEVE, but not all have subjected themselves to inspection yet. Some have even failed their inspections, showing that they have significant deficiencies and are not meeting the Directive's minimum training requirements. This causes significant distrust of the Directive, as registration bodies in Member States are obliged to register graduates, even when we know they have qualified with a degree which does not meet the Directive's minimum training requirements. There are significant variations in the quality and type of vet degrees across Europe, which is of major concern for public health and animal welfare. The Directive should give competent authorities the power to impose compensation measures on applicants who have qualified with degrees that have not been accredited by a recognised national or European accrediting agency, or where it is known that the degree does not meet the Directive's minimum training requirements. The restrictions on testing language competence compound these major concerns about veterinary training in some EU member states.

12. CPD is a "professional obligation" in the UK, although not yet a legal requirement. (This may change.) Article 22 is not sufficiently rigorous. "Continuing education & training *shall* ensure that persons who have completed their studies *are able to* keep abreast of professional developments...". This is ambiguous and does not make it clear where responsibility lies nor what the power of the competent authority is if an individual seeking registration has not maintained their competence since they originally qualified. The Directive should give competent authorities the power to de-register anyone who does not comply with the Member States CPD policies.

#### **D. Administrative cooperation**

13. The 2005 Directive has not made a great deal of difference to what we did previously. It has not been simplified necessarily from previous procedures. E.g. now have additional "facility" of IMI but adds another alternative layer which can complicate.

14. Yes we are registered on IMI. We have responded to several queries relating to vets registered with us via IMI.

We have raised 2 queries through it over the last 18 months where we did not have a direct contact with the Regulator. We find it normally quicker and less cumbersome to contact most regulators direct and we have established a reasonable network of such contacts over many years.

IMI is very slow and cumbersome to use and not user friendly. It is often easier to phrase precise questions via an email rather than have to go through all options before being able to get to the precise issue. IMI is useful where there is a language problem and also to assist in finding contact information for other regulators. However there are a number that are not registered e.g. Germany

There is a conflict between the Recognition Directive and the Services Directive as the Services Directive has compulsory registration on IMI whereas the Recognition Directive is voluntary. The fact that there are two parts to the IMI system also is complicating as you have to register and go into each section separately and when only dealing with one profession this seems illogical and is not user friendly. Standard questions in both areas are not always relevant.

15. This could work if everyone did it – e.g. a card issued when a vet registered with

your regulatory body is going to provide services overseas. Currently we issues provision of services certificates to those going to confirm they are registered with us and in good standing. This would have to be in a standard format/style which could be problematic as so many countries involved. There are cost issues – who would fund this?

16. We only do this if we have been involved with another regulator where the individual has been registered e.g. removal for fraudulent certificate. Not used as a matter of course. Information is included in certificates of good standing.

## **E. Other observations**

17. (a) Language Skills

We have been advised by DEFRA we cannot test language skills before registration in the UK for any EU veterinary surgeons, it is not a registration issue but is for the employer to check. We do ask applicants to indicate

on their application form if they have language skills and point out they need to ensure their language ability is adequate for the work they are to undertake. They sign on their application that this is the case. We do not test language for those for whom we have to recognise qualifications.

We have had complaints from employers (e.g. see attached extract from letter) regarding language and competence of some vets from EU countries.

RCVS Staff have concerns when dealing with applicants. Some struggle to complete the application form in English and require assistance. We also have some registrants who bring a "translator" with them to the registration meeting (a 3<sup>rd</sup> party friend/relative who speaks better English).

(b) Regulators

As a regulator our main focus is the protection of the public, animal welfare and the maintenance of standards within the profession. This has to be in the forefront when considering applications from veterinary surgeons and set alongside individual rights to freedom of movement. There are many public health and animal welfare issues related to the practise of veterinary medicine and surgery in all countries and these must be taken into account alongside the objective of free movement across borders. The registration only of professionals whose training fully meets the Directive's training requirements, and the collection and maintenance of proper records are essential for the protection of public health and animal welfare.

September 2010.

### YEARLY APPLICATIONS APPROVED 1999 to 2009

Country	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Austria	7	11	22	8	7	8	3	5	9	1	3
Belgium	13	13	22	23	11	15	23	30	23	17	21
Bulgaria	na	na	na	na	na	na	na	na	5	5	18
Cyprus	na	na	na	na	na	0	0	0	0	0	0
Czech Republic	na	na	na	na	na	3	8	13	9	1	4
Denmark	2	7	11	8	4	5	2	3	2	4	5
Estonia	na	na	na	na	na	0	5	1	0	0	0
Finland	0	1	0	0	2	0	1	2	3	0	
France	5	3	8	5	3	8	6	20	9	10	13
Germany	52	31	46	27	16	23	22	40	33	40	32
Greece	6	5	11	6	7	8	4	5	14	9	7
Hungary	na	na	na	na	na	8	22	17	10	16	15
Iceland (EEA)	0	0	0	0	0	0	0	0	0	0	0
Ireland	31	32	64	44	47	46	41	34	33	29	50
Italy	26	21	30	17	19	22	39	44	47	59	48
Latvia	na	na	na	na	na	0	2	9	5	2	1
Lichtenstein	0	0	0	0	0	0	0	0	0	0	0
Lithuania	na	na	na	na	na	0	9	15	7	7	7
Luxembourg	0	0	0	0	0	0	0	0	0	0	0
Malta	na	na	na	na	na	0	0	0	0	0	0
Netherlands	15	14	14	9	8	16	10	20	17	4	8
Norway (EEA)	2	2	1	2	2	0	2	0	1	1	0
Poland	na	na	na	na	na	22	78	107	70	37	16
Portugal	2	2	10	8	14	8	27	20	11	29	22
Romania	na	na	na	na	na	na	na	na	27	49	30
Slovak Republic	na	na	na	na	na	19	32	54	28	17	10
Slovenia	na	na	na	na	na	1	0	1	0	1	0
Spain	101	74	274	186	56	71	59	60	52	55	46
Sweden	6	1	8	6	3	3	1	1	1	0	3
Switzerland (EEA)				6	2	4	8	10	7	5	2
<b>Total (EU/EEA)</b>	<b>268</b>	<b>217</b>	<b>521</b>	<b>355</b>	<b>201</b>	<b>290</b>	<b>404</b>	<b>511</b>	<b>423</b>	<b>398</b>	<b>361</b>
Columbia (acquired rights)											1
Argentina (acquired rights)									1		



Brazil (acquired rights)

1

**VETERINARY SURGEONS**

**YEARLY APPLICATIONS 2007 to 2009  
VETERINARY NURSES**

	2007	2007	2008	2008	2009	2009
	Automatic	Compensation Measures	Automatic	Compensation Measures	Automatic	Compensation Measures
Austria						
Belgium			1			
Bulgaria						
Cyprus						
Czech Republic			1			1
Denmark			1			
Estonia						
Finland						
France						
Germany						
Greece						
Hungary						
Iceland (EEA)						
Ireland	1	1	1		5	
Italy				1		
Latvia						
Lichtenstein						
Lithuania						
Luxembourg						
Malta						
Netherlands	1	1	2			
Norway (EEA)			1			
Poland						
Portugal						
Romania		1		1		
Slovak Republic						2
Slovenia						
Spain						
Sweden						
Switzerland (EEA)						
<b>Total (EU/EEA)</b>	<b>1</b>	<b>3</b>	<b>7</b>	<b>2</b>	<b>5</b>	<b>3</b>

**Automatic** = Following assessment no additional qualifications/experience required.

**Compensation Measures** = Following assessment compensation measures was required before registration was approved.

**EXTRACT FROM LETTER OF COMPLAINT RE EU VETERINARY  
SURGEONS (1)**

**Cheltenham  
Gloucestershire  
GL50 2JW**

02.10.09

Dear Ms Fraser,

I am contacting you to express my concern about the standard of foreign veterinary graduates who are now coming to the UK from Europe with an automatic right to register with the RCVS and work in veterinary practice within the UK. I write this amidst great controversy within government and the medical profession, following the report published by the Quality Care Commission, about the provision of emergency medical care staffed by European-qualified doctors.

My concern relates mainly to Eastern European veterinary graduates after personal experience of two Poles and a Slovenian. However, I have not been impressed by a number of Spanish graduates with whom I have worked either.

It seems that the level of veterinary undergraduate education in some European member states is of a very dubious standard. Teaching can be quite antiquated achieving little or no practical clinical experience. Due to a serious dearth of clinical teaching material the undergraduate course appears to have a large amount of dated and partially irrelevant rote learning exercises. This is not mentally stimulating for the students and does not help with the development of communication skills or lateral thinking. Lack of clinical teaching material is combined with little opportunity to gain any clinical experience in extramural placements because there are comparatively few private clinics that practice to a high standard and are busy.

Upon qualification many graduates end up in non-clinical jobs, often working in industries that are completely unrelated to medicine, veterinary medicine or any biological science. After being qualified for two, three or sometimes many more years, some of these graduates come to the UK, often never having practiced any form of veterinary clinical skills. They then hope to jump onto the British veterinary 'gravy train' and go straight into a clinical job. In addition they are not always particularly proficient in their command of the English language, which makes communicating effectively with clients and colleagues very difficult.

We currently have a Polish veterinary graduate who is seeing practice with us while applying for veterinary assistant positions. This graduate is unable to administer any form of injection, cannot intubate dogs or cats, cannot examine an animal systematically and appears to have little or no knowledge of basic medicine or pharmacology. Recently she proved incapable of recognizing hip dysplasia when presented with a radiograph of one of the most severe cases of hip arthritis I have seen, even when it was placed next to a radiograph of a normal dog! I find this utterly alarming. I could not even trust her to undertake a basic dental and feel that she needs to retrain in a UK veterinary school, if not from scratch, for at least two years. This graduate represents a complete liability to any practice that employs her, is a complete liability to any of her patients and is likely to be a serious disappointment to any of her clients.

.....cont'd

1. A risk of increased litigation by clients due to professional incompetence.
2. Reduced public confidence in the profession.
3. Additional stress on veterinary employers who employ incompetent professionals.
4. A serious compromise of welfare standards for the animals receiving veterinary care.

.....cont'd

Yours sincerely

R H BVSc PhD CertVR MRCVS

**EXTRACT FROM LETTER OF COMPLAINT RE EU VETERINARY  
SURGEONS (2)**

**Cheltenham  
Gloucestershire  
GL50 2JW**

03.06.10

Dear Ms Fraser,

I am writing to you again as a follow up to the letter that I wrote on October 2<sup>nd</sup> 2009 regarding my concern about the competence of foreign veterinary graduates who have entered the UK from other European member states.

Since I my last letter, there has been a substantial amount of press coverage raising serious concerns about the employment, by NHS trusts, of doctors who qualified abroad. This was triggered as a result of the death of a UK patient who was overdosed on morphine following treatment by a German locum doctor.

We have had a Polish graduate see practice with us for a year now. She still has an extremely poor command of English and she remains completely incapable of carrying out professional duties as a competent and independent veterinary surgeon. I have already explained that she needs to spend at least two years retraining formally in a UK veterinary school. In addition, she is not equipped with sufficient language skills to communicate adequately with veterinary colleagues, nurses or clients. To my dismay, I was contacted by the principal of a busy practice a week ago who made some enquiries following a good CV and favourable reference that they had received from her. Her role was to take sole charge in this practice. There is absolutely no way that she could cope with a ruptured diaphragm, serious road traffic accident, gastric torsion or perform a caesarean section. I seriously question whether she could spay a bitch safely. She needs very close supervision at all times.

..... cont'd

Yours sincerely

R H BVSc PhD CertVR MRCVS

