

**EXPLANATORY MEMORANDUM TO**  
**THE VETERINARY SURGEONS' QUALIFICATIONS (EUROPEAN RECOGNITION)**  
**ORDER 2007**

**2007 No. 1348**

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.
  
2. **Description**
  - 2.1 This instrument provides for the recognition by the United Kingdom of veterinary qualifications obtained in the accession states as now set out in Articles 4b and 4c of and the Annex to Council Directive 78/1026/EEC. It particular it amends:
    - sections 5A and 27 of the *Veterinary Surgeons Act 1966*
    - replaces Schedule 1A of that Act with the Schedule set out in paragraph 4 of the Schedule to this instrument; and
    - amends the *Veterinary Surgeons' Qualifications (European Recognition) Order 2003*.
  - 2.2 The Veterinary Surgeons Act 1966 provides for the management, registration, regulation, education and professional conduct of the veterinary profession in the UK. The Royal College of Veterinary Surgeons is responsible for fulfilling these functions.
  
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
  
4. **Legislative Background**
  - 4.1 Council Directive 78/1026/EEC of 18 December 1978 concerns the mutual recognition of diplomas, certificates and other evidence of formal qualifications in veterinary medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services.
  - 4.2 The Treaty concerning the accession of the Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia was signed at Athens on 16<sup>th</sup> April 2003 and entered into force on 1 May 2004. The Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic and the adjustments to

the Treaties on which the European Union is founded, amended Directive 78/1026/EEC to provide for the accession of these countries.

- 4.3 Council Directive 2006/100/EC amended Directive 78/1026/EEC in relation to the accession of Bulgaria and Romania. The Treaty of Accession of Bulgaria and Romania entered into force in January 2007.

## **5. Territorial Extent and Application**

- 5.1 This instrument applies to the whole of the United Kingdom

## **6. European Convention on Human Rights**

- 6.1 The Minister of State for the Department for Environment, Food and Rural Affairs, [Ben Bradshaw MP] has made the following statement regarding Human Rights:  
In my view the provisions of the Veterinary Surgeons' Qualifications (European Recognition) Order 2007 are compatible with the Convention rights.

## **7. Policy background**

- 7.1 Directive 78/1026/EEC which applies to the activities of veterinary surgeons places an obligation on Member States to recognize diplomas, certificates and other evidence of formal qualifications listed in the Directive and awarded to nationals of Member States by other Member States. A Member State must give a recognised qualification the same effect on its territory as the qualifications which the Member State itself issues, thereby giving the holder the right to pursue the activities of a veterinary surgeon in a Member State other than the one in which he or she is legally established.
- 7.2 Section 19(1) of the Veterinary Surgeons Acts restricts the practice of veterinary surgery in the UK to persons registered in the register maintained by the Royal College of Veterinary Surgeons (RCVS). Section 5A of the Veterinary Surgeons Act provides entitlement to registration with the RCVS for holders of recognized European qualifications. Section 5C provides a right of appeal to the Council of the RCVS for persons whose applications for registration under s.5A are refused.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been produced for this instrument as no impact on the private and voluntary sectors is foreseen.

## **9. Contact**

Clare Williams at the Department of Environment, Food and Rural Affairs Tel: 020 7904 6941 or e-mail: [clare.williams@defra.gsi.gov.uk](mailto:clare.williams@defra.gsi.gov.uk) can answer any queries regarding the instrument.

