

EXPLANATORY MEMORANDUM TO
THE VETERINARY SURGEONS' QUALIFICATIONS (RECOGNITION)
(SWITZERLAND AND CROATIA) REGULATIONS 2013

2013 No. 2985

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. Purpose of the instrument

These Regulations amend provisions in the Veterinary Surgeons Act 1966 (c. 36) (“the Act”) which implements Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ No. L 255, 30.9.2005, p. 22) (the “MRPQ Directive”) so far as it relates to the recognition of qualifications in veterinary surgery. The Regulations amend the Act so that it allows for the recognition in the United Kingdom of the Swiss Federal Veterinary Diploma and the Croatian (University of Zagreb) Diploma in Veterinary Medicine, and other veterinary qualifications awarded in those countries, on the same basis as equivalent veterinary diplomas and qualifications awarded in European Economic Area (“EEA”) States. The Regulations also amend an incorrect cross-reference in, and make a consequential amendment to, the Act. Only those individuals who are fully qualified and registered with the Royal College of Veterinary Surgeons (RCVS), the statutory regulator, may practise veterinary surgery or use the title of veterinary surgeon in the UK.

3. Matters of special interest to the Joint Committee on Statutory Instruments

The Department has considered whether the free issue procedure should be applied in view of regulation 2(a) which corrects an incorrect cross-reference to section 5A(3)(d) in section 5A(10) of the Act. The Department considers that this is not necessary. The main purpose of this instrument is to make substantive provision relating to the recognition in the UK of veterinary qualifications obtained in Switzerland and Croatia by nationals of those countries. This instrument has also provided the opportunity to include the incidental correction made by regulation 2(a).

4. Legislative Context

4.1 The MRPQ Directive consolidates previous directives relating to the general system for the recognition of professional qualifications and sectoral directives. It was adopted by the European Parliament on 7th September 2005 and applies to all regulated professions including the veterinary profession. It applies to EEA and Swiss nationals who wish to exercise their rights to free movement and practise their profession in a State other than their own. Migrants may wish to establish themselves in another State or

merely wish to provide services on a temporary and occasional basis and the MRPQ Directive covers both these circumstances.

4.2 The European Communities (Recognition of Professional Qualifications) Regulations 2007 (S.I. 2007/2781) implement the MRPQ Directive in part in relation to the sectoral professions – doctors, midwives, general nurses, dentists, pharmacists, architects and veterinary surgery. The MRPQ Directive allows for the recognition in the UK of veterinary qualifications obtained in other EEA States or Switzerland. The Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008 (S.I. 2008/1824) amend the Act to implement further the provisions of the MRPQ Directive so far as it then applied to the practice of veterinary surgery in the UK. These Regulations further amend the Act to implement fully more recent amendments of the MRPQ Directive which relate to the recognition in the UK of veterinary qualifications granted in Switzerland and Croatia.

4.3 In relation to veterinary surgery qualifications granted in Switzerland, the MRPQ Directive is amended by Annex III of the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons (OJ No L 114, 30.4.2002, p. 6) (“the Switzerland Agreement”) as substituted by Decision No. 2/2011 of the EU-Swiss Joint Committee established by Article 14 of the Switzerland Agreement (OJ No. L 277, 22.10.2011, p. 20). This amendment adds the Swiss Federal Veterinary Diploma to Point 5.4.2 of Annex V to the MRPQ Directive, which lists veterinary surgery diplomas awarded in EEA States other than the UK in respect of which a person qualifies to be registered as a veterinary surgeon in the UK without being required to provide any additional documentation.

4.4 In relation to veterinary surgery qualifications granted in Croatia, the MRPQ Directive is amended by Council Directive 2013/25/EU adapting certain directives in the field of right of establishment and freedom to provide services, by reason of the accession of the Republic of Croatia (OJ No. L 158, 10.6.2013, p. 368). This amendment adds the Diploma in Veterinary Medicine from the University of Zagreb to the same Point 5.4.2 of Annex V to the MRPQ Directive. The MRPQ Directive is also amended by the Treaty of Accession of Croatia (OJ No. L 112, 24.4.2012, p. 10) to set out the circumstances in which a relevant qualification in veterinary medicine awarded by the former Yugoslavia is recognised.

5. Territorial Extent and Application

This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

George Eustice, the Parliamentary Under Secretary of State for Agriculture, Food and the Marine Environment, has made the following statement regarding Human Rights:

In my view the provisions of the Veterinary Surgeons' Qualifications (Recognition) (Switzerland and Croatia) Regulations 2013 are compatible with the Convention rights.

7. Policy background

7.1 Article 21(7) of the MRPQ Directive stipulates that each member State must notify the Commission of the legislative, regulatory and administrative provisions with regard to the issuing of evidence of formal qualification for the seven sectoral professions which benefit from the automatic recognition scheme; one of these professions is veterinary surgery. Switzerland completed its internal Parliamentary clearances of amendments made to the MRPQ Directive by the Switzerland Agreement (see paragraph 4.3) in August 2013 and notified the European Commission on 31st August 2013. The new provisions came into force on 1st September 2013. The Republic of Croatia acceded to the European Union and the right of establishment and freedom to provide services on 1st July 2013.

7.2 The amendments of the Act made by these Regulations allow for the recognition in the UK of veterinary qualifications granted to Croatian nationals including qualifications held by those nationals whose training commenced before 8th October 1991 in the former Yugoslavia. The Swiss Federal Veterinary Diploma is already recognised under the Act. However, the amendments of the Act made by these Regulations allow Swiss veterinary surgeons to register under the same provisions as nationals of EEA states.

7.3 As stated in paragraph 2, the Act regulates the use of the title 'veterinary surgeon' and the practice of veterinary surgery in the UK. The changes to the Act are important and necessary to ensure that the UK complies with its European legal obligations and that transposition of the MRPQ Directive is accurate and complete.

8. Consultation

8.1 These Regulations are primarily of interest to the veterinary community in the UK (there are approximately 19,800¹ practising veterinary surgeons in the UK) and the RCVS which must implement the provisions. In view of this, the RCVS has been consulted throughout the preparation of these Regulations.

8.2 The level of general public interest is considered to be low due to the fact that veterinary establishments in the UK, which are also members of the European Association of Establishments for Veterinary Education (EAEVE), have been involved at EU level since 2011 in discussions to recognise the Republic of Croatia's veterinary degree. The issues of public interest are in terms of consumer protection which relate directly to ensuring that those who use the title 'veterinary surgeon' are competent to do so, hence the involvement of those who can make a qualified and competent judgement were necessary in this regard.

¹ Figures provided by the RCVS

8.3 In July 2013, the UK veterinary schools were formally asked to agree to the amendment of UK legislation to implement the UK's EU obligations of automatic recognition of veterinary qualifications from Switzerland and Croatia; we have received no responses in disagreement. Given the substance of these Regulations, a public consultation would not have been appropriate.

9. Guidance

As an obligation of the MRPQ Directive, it is important that both incoming and outgoing migrants have access to clear guidance on the arrangements in place to enable them to practise their profession in the UK. The RCVS, as the UK's competent authority, has published guidance which provides information for both incoming and outgoing migrants, about their rights under the MRPQ Directive and what is required of them to ensure that suitable recognition of their qualifications and training is achieved. This guidance is available on the RCVS website <http://www.rcvs.org.uk/registration/>.

10. Impact

No Impact Assessment has been carried out as there are no identifiable adverse impacts as a result of these Regulations.

11. Regulating small business

These Regulations apply to Swiss and Croatian nationals who wish to practise veterinary surgery in the UK.

12. Monitoring & review

The RCVS will continue to monitor whether migrant veterinary professionals meet the criteria for recognition of their veterinary qualifications. The Department will continue to work with RCVS to ensure that the requirements of the MRPQ Directive are met.

13. Contact

Eileen Ashamu at the Department for Environment, Food and Rural Affairs, tel: 0207 238 4437 or email: Eileen.Ashamu@defra.gsi.gov.uk can answer any queries regarding this instrument.