

**EXPLANATORY MEMORANDUM TO  
THE VETERINARY SURGEONS' QUALIFICATIONS (EUROPEAN  
RECOGNITION) REGULATIONS 2008**

**2008 No. 1824**

1. This explanatory memorandum has been prepared by Defra and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

2.1 This instrument amends the Veterinary Surgeons Act 1966 (“VSA”) in order to transpose into UK law certain provisions of European Directive 2005/36/EC on the recognition of professional qualifications as concerns veterinary surgeons and the practice of veterinary surgery in the United Kingdom.

2.2 It amends the VSA to cross refer where appropriate to the *European Communities (Recognition of Professional Qualifications) Regulations 2007* (S.I. 2007/2781)<sup>1</sup> (the Regulations produced by the Department for Innovation, Universities and Skills, “the DIUS Regulations”) which in part implement parts of the Directive in relation to the professions of doctor, nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, pharmacist and architect, which are collectively known and referred to in the Directive and this Explanatory Memorandum as the “sectoral” professions.

2.4 It revokes the *Veterinary Surgeons' Qualifications (European Recognition) Order 2007*(S.I. 2007/1348)<sup>2</sup> and partially revokes the *Veterinary Surgeons' Qualifications (European Recognition) Order 2003*(S.I. 2003/2919)<sup>3</sup>.

2.5 It provides savings provisions as concerns the application of the law as it stood immediately prior to the coming into force of this instrument in relation to the Agreement with Switzerland.

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

3.1 Saving provisions have been made as concerns Switzerland so that the ‘old law’ (i.e. the law that applies now) will continue to apply in respect of Swiss nationals and Swiss diplomas despite the amendments and revocations made by these Regulations. This is because there is no Community obligation to extend

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<sup>1</sup> The instrument can be found here: [http://www.opsi.gov.uk/si/si2007/pdf/ukxi\\_20072781\\_en.pdf](http://www.opsi.gov.uk/si/si2007/pdf/ukxi_20072781_en.pdf)

<sup>2</sup> [http://www.opsi.gov.uk/si/si2007/ukxi\\_20071348\\_en\\_1](http://www.opsi.gov.uk/si/si2007/ukxi_20071348_en_1)

<sup>3</sup> <http://www.opsi.gov.uk/si/si2003/20032919.htm>

the Directive to Switzerland until the Community and Switzerland have concluded an Agreement to amend the current Swiss Agreement. Switzerland has indicated that it is willing to do so but that transposition into Swiss law of any changes to the Swiss Agreement will not occur before 2010. Switzerland has not been able to provide a firm undertaking that UK nationals would enjoy the same rights as the UK extended to Swiss nationals. As and when such Agreement comes into force the Veterinary Surgeons Act will need to be amended to ensure that these new amendments also apply in relation to the Agreement with Switzerland.

This is a different position to that taken when the Department for Innovation, Universities and Skills (DIUS) and the Department of Health (DH) introduced their Regulations which do apply currently to applicants from Switzerland. This is because the changes necessary to the Swiss Agreement are going to take significantly longer than was indicated in 2007 when DIUS and DH were finalising their Regulations.

#### **4. Legislative Background**

4.1 Directive 2005/36/EC was adopted by the European Parliament on 7 September 2005 with a transposition date of 20 October 2007, and applies to all regulated professions. A regulated profession is one where access to or practice of the profession is restricted to holders of certain qualifications. As such it covers a broad spectrum of professions. The Directive applies to EU citizens 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 Directive covers both situations.

4.2 It was not practical to produce one single implementing measure to capture the range of professions and the different provisions concerned. Therefore the Department for Innovation, Universities and Skills (DIUS) produced regulations to transpose (a) those parts of the Directive which apply to the “general system” professions i.e. those professions not previously covered by a specific separate sectoral Directive in relation to the sectoral professions of doctor, nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, pharmacist and architect, and (b) those parts of the Directive which apply universally across all professions. There is therefore cross-referencing between these Regulations and those made by the Department for Innovation, Universities and Skills in relation to the aspects mentioned in (b).

4.3 The Department of Health (DH) made the *European Qualifications (Health and Social Care Professions) Regulations 2007, S.I. 2007/3101*<sup>4</sup>, in respect of health and social care professions, and the Department for Communities and Local Government made the *Architects (Recognition Of*

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<sup>4</sup> The instrument can be found here: [http://www.opsi.gov.uk/si2007/pdf/ukxi\\_20073101\\_en.pdf](http://www.opsi.gov.uk/si2007/pdf/ukxi_20073101_en.pdf).

*European Qualifications Etc And Saving And Transitional Provision) Regulations 2008, SI 2008/1331*<sup>5</sup>. The Department for Environment, Food and Rural Affairs (DEFRA) made the *Farriers' Qualifications (European Recognition) Qualifications 2008* (S.I. 2008/646)<sup>6</sup>.

4.4 The Explanatory Memorandum which the DIUS submitted with the European Communities (Recognition of Professional Qualifications) Regulations 2007 set out the background to the European legislation and Parliamentary scrutiny of it<sup>7</sup>.

4.4 A Transposition Note is attached to this Explanatory Memorandum, identifying how the relevant provisions of the Directive have been transposed by these Regulations and by the Regulations made by DIUS. Some additional points of explanation follow.

4.5 The Veterinary Surgeons Act 1966 makes provision for the registration of veterinary surgeons and the regulation of their professional education and conduct. It establishes the Royal College of Veterinary Surgeons (RCVS) as the body responsible for carrying out these functions. It restricts the practice of veterinary surgery to veterinary surgeons registered in the register kept by the RCVS. In order to be entitled to registration a person must hold a recognised qualification.

4.6 Schedule 3 of the VSA lifts the restriction on the practice of veterinary surgery to enable listed veterinary nurses to carry out certain aspects of veterinary surgery under the direction of a veterinary surgeon who must be the veterinary nurse's employer and for the RCVS to maintain that list. Veterinary nurses are therefore a regulated profession within the meaning provided by the Directive because access to pursue the activities of that profession is conditional on the possession of specific professional qualifications recognised by the RCVS. As veterinary nurses are not a sectoral profession, procedural requirements to be followed regarding recognition of professional qualifications fall under the 'general system' provisions in the Directive and therefore the procedural requirements to be followed as concerns EU applicants seeking to pursue the activities of a listed veterinary nurse in the UK are set out in the Regulations made by DIUS.

4.7 Directives 78/1026/EEC and 78/1027/EEC (the previous veterinary surgeon-specific directives) were transposed into UK law, largely through amendments to the VSA. These Regulations amend the VSA so that transposition of Directive 2005/36/EC which repeals the previous Directives is accurate and complete. The Regulations therefore provide:

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<sup>5</sup>The instrument can be found here: [http://www.opsi.gov.uk/si/si2008/uksi\\_20081331\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20081331_en_1)

<sup>6</sup> The instrument can be found here [http://www.opsi.gov.uk/si/si2008/uksi\\_20080646\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20080646_en_1)

<sup>7</sup> The Explanatory Memorandum can be found here:  
[http://www.opsi.gov.uk/si/si2007/em/uksiem\\_20072781\\_en.pdf](http://www.opsi.gov.uk/si/si2007/em/uksiem_20072781_en.pdf).

- a new section 1A which sets out the functions of the RCVS as competent authority for the purposes of the Directive, with the exception of awarding veterinary degrees which falls to each of the Universities in the UK with a recognition order in force;
- for the registration of veterinary surgeons providing services in the UK on a temporary and occasional basis in a new list within the register of veterinary surgeons to be called the ‘visiting European list’;
- that courses of study and examinations leading to a veterinary degree delivered by universities in the UK and, as concerns qualification for registration as a Commonwealth or foreign practitioner and the standard of knowledge and skill required to fit a person for practising veterinary surgery in the UK satisfies the minimum requirements of Article 38 of the Directive in relation to duration and subjects covered;
- the procedural requirements that must be followed by applicants seeking entitlement to registration under section 5A VSA – those entitled to automatic recognition - and section 5B VSA – those who are not entitled to automatic recognition because they do not meet the minimum training requirements;
- under section 5A or 5B, for the registrar to make various checks prior to registration in cases of reasonable doubt in relation to the documents submitted by applicants, for the registrar to acknowledge receipt of documentation, to have completed any checks and to have notified the applicant of the registrar’s decision that the person is entitled to registration within 3 months of receipt of all the documentation;
- a cross-reference to the DIUS Regulations in relation to persons entitled to be registered under section 5B of the VSA if that person’s case falls within regulation 3(9)(a) or (e) of the DIUS Regulations i.e. the applicant does not meet the requirements of Chapter III of Title III of the Directive in relation to minimum training or whose qualifications were obtained in a third country;
- for a new section 5BA to cover circumstances where a person’s name may be removed from the register should that person cease to be a Community rights entitled person. For example, a person who is not a national of a relevant European State may have been registered by virtue of an enforceable Community right, such as being the spouse of a national of a relevant European State and this entitlement might cease if the marriage comes to an end.
- the replacement of section 5C concerning appeals on refusal to register by inserting separate sections dealing with appeals under sections 5A, 5B and Schedule 1B or removal under section 5BA and appeals from decisions on appeals under new sections 5C, 5CA, 5CB, 5CC, 5CD;
- for consequential amendments to sections 6, 10, 11, 16 and 27;
- a new Schedule 1B setting out various provisions in connection with the registration of visiting European veterinary surgeons;

- amendment of the definition of “veterinary nurse” so that the exemption applicable to “listed veterinary nurses” in Schedule 3, paragraph 6 VSA also applies to those in the “list of visiting European veterinary nurses” who benefit from recognition under the DIUS Regulations.

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

5.1 The VSA, which these Regulations amend, extends to the whole of the United Kingdom. These Regulations extend to the whole of the United Kingdom.

5.2 The regulation of veterinary surgeons is devolved in the case of Northern Ireland but the Department of Agriculture and Rural Development were content for implementation of the Directive as concerns veterinary surgeons to be dealt with on a UK wide basis.

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

The Minister of State for the Department for Environment, Food and Rural Affairs, Lord Rooker has made the following statement regarding Human Rights:

In my view the provisions of the *Veterinary Surgeons’ Qualifications (European Recognition) Regulations 2008* are compatible with the Convention rights.

## **7. Policy background**

7.1 The Directive is concerned with regulated professions; a regulated profession being one where access to or practice of the profession is restricted to holders of national qualifications. The aim of the Directive is to make it easier for qualified professionals to practice their profession in European countries other than their own by simplifying the existing recognition procedures. The Directive repealed and replaced the previous Directives, and in many cases the provisions in those Directives and the new Directive are very similar if not identical.

7.2 The policy background to Directive 2005/36/EC is contained in the Explanatory Memorandum which the Department for Industry, Universities and Skills submitted with the European Communities (Recognition of Professional Qualifications) Regulations 2007.

7.3 The amendments made by the Regulations do not affect the continuing policy objectives of the Act, but are necessary to ensure compliance with European legal obligations.

7.4 Where persons from another Member State enter the UK with the intention of practising as a veterinary surgeon, if they are eligible to do so, there can be no barrier to their doing so unless permitted by the Directive. This is a process which has occurred for many years – veterinary surgery is an international discipline and

movement between nations, particularly within the European community, is common.

7.5 These Regulations are primarily of interest to the professional community (approximately 20,000 registered veterinary surgeons in 2007), the Royal College of Veterinary Surgeons, and, of course, migrants wishing to rely on the Directive. The level of general public interest is considered to be low. Changes to the Act will not have a significant impact on members of the veterinary profession or its customers.

#### *Consultation*

7.6 A public consultation on the Directive was carried out in 2002 and DIUS consulted with all the regulators of the professions on their Regulations in 2007. As the UK government is required to implement the Directive, consultation on these Regulations did not consult on the principles underlying the Directive or those provisions whose transposition into domestic law leaves no room for discretion at Member State level or on the DIUS Regulations. The purpose of the Defra consultation was to explain why we are proposing to transpose in the way that we are, and to seek stakeholder views on those parts of the Directive where the UK can choose how to implement them.

7.7 Defra has worked closely with the RCVS, the regulatory body for veterinary surgeons, during the last 18 months to agree the best way of changing domestic legislation to fully achieve the effects intended by the Directive.

7.8 The Directive, and transposition of it, is complex. As the transposition deadline of 20<sup>th</sup> October 2007 had already passed, the relevant Defra Minister agreed that a limited 6 week consultation would be acceptable. In addition to the time constraints, it was considered that key stakeholders were easily identifiable and relatively small in number. A limited six week written consultation on these Regulations was therefore launched on 14 January 2008 and closed on 25 February 2008 with the RCVS, the British Veterinary Association (BVA), the Veterinary Defence Society (VDS) and the Veterinary Practice Managers Association (VPMA). Responses were received from the RCVS and VPMA.

7.9 The RCVS provided a comprehensive list of comments on the drafting of the Regulations and highlighted those provisions where RCVS had queries about their effect and purpose and whether additional powers were necessary in order to require or give certain information as a consequence of new obligations around the exchange of information introduced by the Directive. We have amended the Regulations in response to some of the comments made where it was possible or appropriate to do so.

7.10 The VPMA whilst agreeing that temporary service providers – both veterinary surgeons and veterinary nurses – should be registered, expressed

concern about who would check the language skills of those providers pursuing the profession on a self-employed basis. Directive 2005/36/EC does not alter the existing law, whereby individuals moving under the sectoral or general systems Directives cannot be required to take a language test as a condition of registration in the host member State.

7.11 The policy background in the Explanatory Memorandum to the DIUS Regulations (SI 2007/2781) which provides a detailed explanation of the provisions of the Directive and information on consultation as concerns the Directive and with UK regulators across all the professions in respect of those Regulations.

#### *Guidance*

7.12 DIUS have issued detailed guidance to all the regulators in the UK, including the RCVS, to aid them in applying the Directive. The RCVS, as the UK competent authority for veterinary surgeons, will provide guidance for both incoming and outward-going migrants, as to their rights under the Directive, and what is required of them to ensure that suitable recognition of their qualifications and training is achieved. This guidance will be made available on their website: [www.rcvs.org.uk](http://www.rcvs.org.uk)

## **8. Impact**

An Impact Assessment has not been prepared for this instrument as only a minor impact on public, private or voluntary sectors is foreseen. The RCVS currently has to apply the previous Directives 78/1026/EEC and 78/1027/EEC, and have not indicated any significant additional costs as a consequence of having to apply this Directive.

## **9. Contact**

**Clare Williams** at the Department for Environment, Food and Rural Affairs Tel: 0207 238 5428 or [clare.williams@defra.gsi.gov.uk](mailto:clare.williams@defra.gsi.gov.uk) can answer any queries regarding the instrument.

**Transposition Note for Directive 2005/36/EC on the Recognition of Professional Qualifications, transposed, as concerns veterinary surgeons, by the Veterinary Surgeons’ Qualifications (European Recognition) Regulations 2008, the European Communities (Recognition of Professional Qualifications) Regulations 2007 and the Veterinary Surgeons (Registration Appeals) (Amendment) Rules Order of Council 2008**

**Introduction**

The Veterinary Surgeons’ Qualifications (European Recognition) Regulations 2008, the European Communities (Recognition of Professional Qualifications) Regulations 2007 and the Veterinary Surgeons (Registration Appeals) (Amendment) Rules Order of Council 2008 implement Directive 2005/36/EC in relation to the recognition of veterinary surgeons’ professional qualifications, including making consequential amendments to domestic legislation.

**TRANSPOSITION NOTE**

<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons’ Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
<b>Title I – General Provisions</b>			
1 (Purpose)	Establishes a general obligation on Member States (“MSs”) to recognise professional qualifications obtained in one or more MSs.	Not transposed, as no specific requirement	Not transposed, as no specific requirement
2(1) (Scope)	Sets out to whom Directive will apply.	Not transposed	Regulation 3(1)
2(2)	Provides for recognition of qualifications held by MS nationals, not obtained in a MS. Provides that for Chapter III professions, recognition must respect minimum training conditions in that	Paragraph 10 of the Schedule (s. 6 Veterinary Surgeons Act 1966 (“VSA”))	Regulation 3(1)



<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
	chapter.		
2(3)	Provides that where arrangements for recognition are contained in another Community instrument, this Directive will not apply.	Not transposed	Not transposed
3 (Definitions)	Sets out definitions of words and expressions below commonly used in Directive.		
3(1)(a)	'regulated profession'	Not transposed	Regulation 6(1)
3(1)(b)	'professional qualifications'	Not transposed	Regulation 7(1)
3(1)(c)	'evidence of formal qualifications'	Not transposed	Regulation 7(2)
3(1)(d)	'competent authority'	Paragraph 15 of the Schedule (s. 27 VSA)	Regulation 5(1)
3(1)(e)	'regulated education and training'	Not transposed	Regulation 6(2)
3(1)(f)	'professional experience'	Not transposed	Regulation 2(1)
3(1)(g)	'adaptation period'	Not transposed	Regulation 23(1) to (5)
3(1)(h)	'aptitude test'	Not transposed	Regulation 24(1) to (4)
3(1)(i)	'manager of an undertaking'	Not relevant	Not relevant (Regulation 2(1)).
3(2)	Rules relating to organisations and associations recognised in a special form by a MS.	Not relevant	Regulation 6(1)(a)(ii) 2 - under "professional association"
3(3)	Recognition of evidence of formal qualifications issued by a third country.	paragraph 7 of the Schedule (s. 5B(1)(b) VSA) (as a consequence of Article 3(3)).	Regulation 3(9)(e)
4(1) (Effects of recognition)	Access for beneficiaries of recognition to pursue same	Implemented generally across the Regulations,	Regulation 22

<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
	profession under same conditions as nationals in host MS	especially paragraphs 6, 7, 11 and 17 of the Schedule (s. 5A, 5B and 8A of, and Schedule 1B to, VSA).	
4(2)	Establishes that a profession is the same if activities covered are comparable	Not transposed	Regulation 2(1) – meaning of “same profession”
<b>Title II – Free Provision of Services</b>			
5 (Principle of the free provisions of services)		Paragraphs 11 and 17 of the Schedule (s. 8A and Schedule 1B VSA). As a consequence – paragraph 18 of the Schedule (amends VSA Schedule 3 paragraph 6 as concerns veterinary nurses).	Regulations 8 - 19.
5(1)(a)	Provides that MSs must not restrict free provision of services if the service provider is legally established in another MS	Paragraph 17 of the Schedule (Schedule 1B, paragraphs 1 and 3(1) VSA).	Regulation 8 subject to regulations 9 to 17
5(1)(b)	Conditions when either profession or education and training are not regulated in MS of establishment	Not applicable	Regulations 6(3)(e) and 12(2)(d)
5(2)	Establishes that service-provision is to only be temporary and occasional and that the nature of service provision is to be assessed on a case by case basis.	Paragraph 17 of the Schedule (Schedule 1B paragraphs 2(1)(d), 2(2) and 2(3) VSA)	Regulation 9(1) and (2).
5(3)	Provides that the service provider is subject to	Paragraphs 2 and 17 of the Schedule (s. 2(2)(e)	Regulation 9(3)

<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
	professional rules which are applicable to professionals who pursue the same profession in the host MS.	and Schedule 1B, paragraph 3(2) and (3) VSA) which leads to the service provider being registered or treated as such and when read with s.16 VSA .(removal for crime or disgraceful misconduct).	
6(a) (Exemptions)	Service providers are exempted from requirements relating to authorisation, registration or membership of a professional organisation or body except in order to enable the MS to facilitate application of disciplinary provisions	Paragraphs 2 and 17 of the Schedule (s. 2(2)(e) and Schedule 1B, paragraph 3(2) and (3) VSA) which leads to s.16 VSA having effect in relation to temporary service providers) and as a consequence, paragraph 13 of the Schedule (s.11 VSA).	Regulation 10(1) and (2)
6(b)	Settling accounts with an insurer. A service provider must inform public social security body in advance or in an urgent case after provision of service.	Not relevant	Regulation 10(1)(b) and 10(3)
7(1) (Declaration to be made in advance, if the service provider moves)	Enables MS to require service providers on first move to inform the competent authority of intention to provided temporary service by way of a written declaration by any means and provide details of insurance cover	Paragraph 17 of the Schedule (Schedule 1B paragraphs 5(1)(a), (2) and (4) and 6(1), (3), (5) and (6) VSA)	Regulation 11
7(2)	Empowers MSs to require	Paragraph 17 of the	Regulation 12

<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
	additional documentation on the first provision and if there is a material change in the situation substantiated by those documents subsequently.	Schedule (Schedule 1B paragraphs 5(1)(b) & (3), 6(1), (3), (5) and (7) VSA).	
7(3)	The service is to be provided under appropriate professional title	Not applicable – no professional title. Paragraph 17 of the Schedule (Schedule 1B, paragraph 3(3) VSA) ensures that there is no impediment to this.	Regulation 13
7(4) 1 <sup>st</sup> subparagraph, 1 <sup>st</sup> sentence	Conditions for making prior checks on qualifications where the profession has health and safety implications and applicant does not benefit from automatic recognition	Paragraph 17 of the Schedule (Schedule 1B paragraph 4(b) VSA by cross reference to regulations 3(9), 14, 15 and 16 of the DIUS regulations).	Regulation 14
7(4) 1 <sup>st</sup> subparagraph, 2 <sup>nd</sup> sentence	Purpose of check	Paragraph 17 of the Schedule (Schedule 1B paragraph 4(b) VSA by cross reference to regulations 3(9), 14, 15 and 16 of the DIUS regulations).	Regulation 14(3)
7(4) 2 <sup>nd</sup> subparagraph	Timescale for informing applicant of decisions	Paragraph 17 of the Schedule (Schedule 1B paragraph 4(b) VSA by cross reference to regulations 3(9), 14, 15 and 16 of the DIUS regulations).	Regulation 16(1) to (3)
7(4) 3 <sup>rd</sup> subparagraph	Requires MS to give service provider the opportunity to make up any substantial difference between the qualification	Paragraph 17 of the Schedule (Schedule 1B paragraph 4(b) VSA by cross reference to regulations 3(9), 14, 15	Regulation 15

<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
	and training required in the host MS by means of an aptitude test.	and 16 of the DIUS regulations).	
7(4) 4th subparagraph	Consequence of failure of the competent authority to react within the deadlines set out in the previous subparagraphs	Paragraph 17 of the Schedule (Schedule 1B paragraph 4(b) VSA by cross reference to regulations 3(9), 14, 15 and 16 of the DIUS regulations).	Regulation 16(5)
7(4) 5th subparagraph	Verification under article 7(4) entitles the provider to provide service under professional title of host MS.	Not applicable – no professional title. Paragraph 17 of the Schedule (Schedule 1B, paragraph 3(3) VSA) ensures that there is no impediment to this.	Regulation 13(2)
8(1) (Administrative Cooperation)	Competent authorities' ("CAs") obligations in relation to administrative cooperation with other CAs in the provider's Member State of establishment	To be implemented administratively and in part by paragraph 1 of the Schedule (s. 1A(6) & (7) VSA).	Regulation 18(1)(a)&(b)
8(2)	CAs obligations to service recipient in relation to complaints	To be implemented administratively and in part by paragraph 1 of the Schedule (s. 1A(6) & (7) VSA).	Regulation 18(1)(c)& (2)
9 (Information to be given to the recipients of the service)	Information to be given to recipients of a service	Not specifically required for veterinary surgeons	Regulation 19
<b>Title III – Freedom of Establishment</b>			
<b>Chapter I – General System for the recognition of</b>			

<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
<b>evidence of training</b>			
10 (Scope)	Application of Chapter I	Paragraph 7 of the Schedule (s. 5B(1) VSA by reference to DIUS regulations)	Regulation 3(4) &(9)
11 (Levels of Qualifications)	Sets out levels of qualifications for the purposes of applying Article 13 – conditions for recognition	As above	Regulation 20
12 (Equal treatment of qualifications)	Sets out rules to ensure equal treatment of qualifications	As above	Regulation 21
13 (Conditions for recognition)	Sets out conditions surrounding attestations of competence and evidence of formal qualifications	As above	Regulation 22
14(1) (Compensation measures)	Enabling power for host MS to require applicants to complete an adaptation period or take an aptitude test in certain the specified circumstances.	As above	Regulation 25(1) & (3)
14(2) Para 1	MS must offer applicant the choice between an adaptation period and an aptitude test.	As above	Regulation 26
14(2) Para 2	MSs to inform other MSs and Commission in advance of any decision to derogate from giving the applicant the choice, including justification for	Not transposed – will be implemented administratively	Not transposed – will be implemented administratively

<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
	the derogation		
14(2) Para 3	Final decision rests with the Commission in regard to any derogation. Provides a 3 month deadline for the Commission to inform MS to refrain from taking the measure.	Not transposed	Not transposed
14(3)	Conditions relating to the derogation from the principle of the right of the applicant to choose an adaptation period or an aptitude test	Paragraph 7 of the Schedule (s. 5B(1) VSA by reference to DIUS regulations)	Regulation 26(a)&(b)
14(4)	Provides the definition of "substantially different matters" as concerns 14(1)(b)&(c)	Not transposed	Regulation 25(4)
14(5)	Application of the principle of proportionality in ascertaining whether a substantial difference has been already been made up through professional experience	Not transposed	Regulation 25(2)
15(1) (Waiving of compensation measures on the basis of common platforms)	Defines 'common platforms'	Not relevant	Regulation 27(2)
15(2)	Procedure for the adoption of common platforms	Not relevant	Not transposed
15(3)	Condition for the waiving of the application of Article 14 compensation measures	Not relevant	Regulation 27(1)

<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
15(4)	Competence of MSs to decide on qualifications, training and education required on own territory not affected by Article 15(1) - (3)	Not relevant	Not transposed
15(5)	Provides that an MS can inform the Commission if it is unhappy with criteria established in a common platform made under Article 15(2)	Not relevant	Not transposed
15(6)	Arrangements for the Commission to report to the EU parliament & Council on the operation of Article 15	Not relevant	Not transposed
<b>Chapter II – Recognition of professional experience 16 – 20</b>	Recognition of professional experience as concerns activities listed in Annex IV	Not applicable	Regulation 28
<b>Chapter III – Recognition on the basis of coordination of minimum training conditions</b>			
Section 1 – General Provisions			
21(1) Principle of automatic recognition)	Gives effect to the principle of automatic recognition of evidence of formal qualifications by Member States and associated conditions. Also establishes that certain	Paragraphs 6 and 16 of the Schedule (s. 5A(1) and Schedule 1A paragraph 1 VSA).	Not transposed



<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
	acquired rights not affected by this provision		
21(2)	Recognition as concerns GPs	Not applicable	Not transposed
21(3)	Recognition as concerns midwives	Not applicable	Not transposed
21(4)	Recognition as concerns pharmacists	Not applicable	Not transposed
21(5)	Recognition as concerns architects	Not applicable	Not transposed
21(6)	Evidence of formal qualifications must attest that the holder has acquired the knowledge and skills referred to in Article 38(3)	Paragraphs 3, 4 and 5 of the Schedule (s. 3(1)(b), 4(1)(b) and 5(1) VSA )	Not transposed
21(7)	Requires Member States to notify the Commission of arrangements regarding the issuing of evidence of formal qualifications. Confers an obligation on the Commission to publish titles adopted by MSs, and bodies which issue evidence of qualifications	Not transposed. Will be implemented administratively	Not transposed
22(a) (Common provisions on training)	Sets out common provisions on training as regards part-time training	Paragraph 3 of the Schedule (s. 3(1)(b)(ii) VSA).	Not transposed
22(b)	Sets out common provisions on providing continuing professional development	Not transposed. To be implemented administratively.	Not transposed
23(1) (Acquired rights)	Sets conditions for those with acquired rights and which apply where evidence of formal qualifications held by MS nationals does not satisfy all the training	Paragraphs 6 and 16 of the Schedule (s. 5A(1)(a) and paragraph 1(3) of Schedule 1A, VSA).	Not transposed

<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
	requirements of Article 38		
23(2) – (5)	Conditions for recognition as concerns the former GDR, Czechoslovakia, Soviet Union and Yugoslavia	Paragraphs 6 and 16 of the Schedule (s. 5A and paragraph 2 and Table B of Schedule 1A, VSA).	Not transposed
23(6)	Conditions where evidence of formal qualifications does not correspond with the titles given for a Member State in Annex V point 5.4.2	Paragraphs 6 and 16 of the Schedule (s. 5A and paragraph 3 of Schedule 1A, VSA).	Not transposed
Section 2 (Doctors of medicine) 24 - 30, Section 3 (Nurses responsible for general care) 31 – 33), and Section 4 (Dental Practitioners) 34 - 37	Special provisions as concerns doctors, nurses and dentists	Not applicable	Not transposed
Section 5 – Veterinary Surgeons			
38 (The training of veterinary surgeons)	Describes the training conditions for veterinary surgeons; conditions for entry to veterinary training and necessary knowledge and skills the training must cover	Paragraphs 3, 4 and 5 of the Schedule (s. 3(1)(b), 4(1)(b) and 5(1) VSA). This is partly implemented administratively.	Not transposed
39 (Acquired rights specific to veterinary surgeons)	Sets out acquired rights as concerns veterinary qualifications issued by or training commenced in Estonia before 1 May	Paragraphs 6 and 16 of the Schedule (s. 5A(1)(a) paragraph 2 and Table B of Schedule 1A, VSA).	Not transposed

<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
	2004.		
Section 6 (Midwives) 40 – 43, Section 7 (Pharmacist) 44 – 45 and Section 8 (Architect) 46 - 49	Special provisions as concerns midwives, pharmacists and architects.		
<b>Chapter IV - Common Provisions on establishment</b>			
50(1) (Documentation and formalities)	Enables competent authorities to demand the documents and certificates listed in Annex VII	Paragraph 6 of the Schedule (s. 5A(3) VSA).	Regulation 31
50(2) & (3)	Enables competent authorities to confirm authenticity of documents with other MSs in cases of justified doubt and verification as concerns training and qualifications	Paragraph 6 of the Schedule (s. 5A(4) VSA).	Regulation 32
50(4)	Ensures that as concerns swearing of a solemn oath, MSs must ensure that nationals from other MSs can use equivalent wording	Not transposed – not applicable	Regulation 33
51(1) (Procedure for the mutual recognition of professional qualifications)	Deadline for acknowledging receipt of applications and any missing document	Paragraph 6 of the Schedule (s. 5A(8) VSA).	Regulation 34(1)
51(2)	Deadline for competent authorities to reach the decision	Paragraph 6 of the Schedule (s. 5A(9) VSA).	Regulation 34(2).
51(3)	Provides for decisions to	Paragraph 8 of the	Regulation 36

<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
	be subject to appeal under national law	Schedule (s. 5C, 5CA, 5CB, 5CC,5CD and 5CE VSA).	
52(1) (Use of professional titles)	Rule concerning the use of the professional title used in the host MS	Incidentally, paragraphs 6 and 7 of the Schedule (sections 5A(2) and 5B(2) VSA).	Regulation 35(1)
52(2)	Rules as concerns the use of professional titles where the profession is regulated in the host MS by an association or organisation within the meaning of article 3(2)	Not transposed – not applicable	Regulation 35(2)
<b>Title IV – Detailed rules for pursuing the profession</b>			
53 (Knowledge of languages)	Requires persons benefiting from recognition to have the necessary knowledge of languages for practising the profession in the host MS	Not transposed	Not transposed
54 (Use of academic titles)	Obligation on MSs to ensure the right to use home academic titles is conferred in the language of the home MS. Allows host MS to require certain conditions are complied with.	Not transposed, but nothing to prevent an individual using such an academic title.	Regulation 37
55(Approval by health insurance funds)	Approval by health insurance funds as concerns doctors and dentists	Not transposed – not applicable	Not transposed
<b>Title V - Administrative cooperation</b>			

<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
<b>and responsibility for implementation</b>			
56(1) (Competent authorities)	Host and home MS to work in close collaboration ensuring confidentiality of information exchanged	Paragraph 1 of the Schedule (s.1A(6) VSA).	Regulation 5(2)(a) to (c)
56(2) 1 <sup>st</sup> sentence	Details of information to be exchanged and rule as to data protection	Paragraph 1 of the Schedule (s.1A(8) VSA)	Regulation 5(3).
56(2) 2 <sup>nd</sup> sentence	Home MS to examine veracity of circumstances and decide on type of investigation needed and must inform host MS of conclusions	Not transposed – to be implemented administratively.	Regulation 5(4)
56(3)	Requires MSs to designate and inform the Commission and other MSs of bodies and authorities designated to award and receive evidence of formal qualifications by 20 Oct 07	Paragraph 1 of the Schedule (s. 1A(1) - (5) & (9) VSA).	Regulation 4
56(4)	Designation and remit of coordinators	Not transposed	Not transposed
57 (Contact points)	Designation and obligations of contact points	Not transposed	Regulation 5(6), 5(7) & 38(2)
58 (Committee on the recognition of professional qualifications)	Describes and defines the function of the Committee on the recognition of professional qualifications	Not transposed	Not transposed
59 (Consultation)	Commission obligation as concerns consultation in relation to the work of the	Not transposed	Not transposed

<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
	Committee under Article 58		
<b>Title VI – Other provisions</b>			
60 (Reports)	MSs to report to the Commission every two years on the application of the system including statistical information. The Commission is to report every five years on the implementation of the Directive	Not transposed	Regulation 38(1)
61 (Derogation clause)	Commission to examine difficulties experienced by a MS with any of the provisions of the Directive. Commission may allow the MS concerned to derogate from a particular provision for a limited period	Not transposed	Not transposed
62 (Repeal)	Repeals the Directives specified as from 20 Oct 07	Regulation 3	Regulation 39
63 (Transposition)	Deadline for MSs to bring into force necessary laws etc complying with the Directive. Measures to include a reference to the Directive	Not transposed	Not transposed
64 (Entry into force)		Not transposed	Not transposed
65 (Addressees)		Not transposed	Not transposed
<b>Annex I – List of professional associations or organisations fulfilling the conditions of</b>		Not applicable	Schedule 1, Part 2

<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
<b>Article 3(2)</b>			
<b>Annex II – List of courses having a special structure referred to in Article 11(c)(ii)</b>		Not applicable	Regulation 20(c)(ii).
<b>Annex III – List of regulated education and training referred to in the third subparagraph of Article 13(2)</b>		Not applicable	Regulation 22(4).
<b>Annex IV – Activities related to the categories of professional experience referred to in Articles 17, 18 and 19</b>		Not applicable	Regulation 28 and Schedule 1, Part 3.
<b>Annex V – Recognition on the basis of coordination of the minimum training conditions, V.1 (Doctor of Medicine), V.2 (Nurse responsible for general care) and V.3 (Dental</b>	Recognition for Doctors, Nurses and Dentists	Not applicable	Not applicable

<b>Provision of Directive 2005/36/EC</b>	<b>Details of provision</b>	<b>Provision of the Veterinary Surgeons' Qualifications (European Recognition) Regulations 2008</b>	<b>Provision of European Communities (Recognition of Professional Qualifications) Regulations 2007</b>
practitioner)			
Annex V.4 (Veterinary Surgeon)			
5.4.1 (Study programme for veterinary surgeons)		To be implemented administratively.	Not transposed
5.4.2 (Evidence of formal qualifications of veterinary surgeons)	Table listing the name of qualification, awarding body, certificate that accompanies qualifications and reference dates	Paragraph 16 of the Schedule (Table A of Schedule 1A to the VSA).	Not transposed
V.5 (Midwife), V.6 (Pharmacist) and V.7 (Architect)	Recognition for midwives, pharmacists and architects.	Not applicable	Not applicable
<b>Annex VI – Acquired rights applicable to the professions subject to recognition on the basis of coordination of the minimum training conditions</b>	Acquired rights for architects	Not applicable	Not applicable
<b>Annex VII – Documents and certificates which may be required in accordance with Article 50(1)</b>		Paragraph 6 of the Schedule (s. 5A(3) VSA).	Regulation 31.