



Brussels, **XXX**
[...] (2024) **XXX** draft

COMMISSION DELEGATED DIRECTIVE (EU) .../...

of **XXX**

amending Directive 2005/36/EC of the European Parliament and of the Council as regards the minimum training requirements for the profession of veterinary surgeon

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications¹ ('the Professional Qualifications Directive') consolidated harmonised minimum training requirements for a number of professions that were previously set out in several separate directives. Minimum training requirements for the profession of veterinary surgeon were initially set out in the Council Directive 78/1027/EEC².

In its 2011 Green Paper on the modernisation of the Professional Qualifications Directive³, the European Commission acknowledged the need to modernise the harmonised minimum training requirements in phases. In the context of the revision of the Professional Qualifications Directive through Directive 2013/55/EU⁴, national authorities, training institutions and professional organisations indicated that the professions covered by Title III of Chapter III of the Professional Qualifications Directive, including veterinary surgeons, have evolved significantly since their minimum training requirements were harmonised.

While certain changes to the minimum harmonised training requirements were made by Directive 2013/55/EU, no comprehensive review was carried out in relation to the minimum requirements for the profession of veterinary surgeon, in particular with regard to:

- training programmes listed in point 5.4.1 of Annex V to the Professional Qualifications Directive;
- the list of minimum knowledge and skills to be acquired during training (Article 38(3) of the Professional Qualifications Directive).

Instead, Directive 2013/55/EU provided the Commission with delegated powers to introduce updates, if necessary, to the minimum training requirements in order to adapt them to generally acknowledged scientific and technical progress:

- Article 21(6) of the Professional Qualifications Directive empowers the Commission to adopt delegated acts to update the provisions in the Professional Qualifications Directive on the knowledge and skills referred to in Article 38(3);
- Article 38(1) of the Professional Qualifications Directive empowers the Commission to update the training programme included in point 5.4.1 of Annex V to the Professional Qualifications Directive.

This delegated act is based on both of the above-mentioned empowerments.

The Commission has assessed whether the minimum training requirements laid down in the Professional Qualifications Directive for the profession of veterinary surgeon should be updated in light of generally acknowledged scientific and technical progress. A study was commissioned to assist the Commission in its assessment. The study aimed to explore the

¹ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255 30.9.2005, p. 22).

² Council Directive 78/1027/EEC of 18 December 1978 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of the activities of veterinary surgeons (OJ L 362, 23.12.1978, p. 7).

³ Green Paper, Modernising the Professional Qualifications Directive, COM(2011)367 final.

⁴ Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (OJ L 354, 28.12.2013, p. 132).

developments in training requirements for the profession of veterinary surgeon in all Member States and European Free Trade Association (EFTA) States⁵. For that purpose, data was collected at EU and national level through desk research and targeted stakeholder consultations. The data collection focused on the following developments in training requirements at national level:

- scientific and technical advancements affecting the profession of veterinary surgeon;
- training programmes, as well as knowledge and skills, that go beyond the minimum training requirements laid down in the Professional Qualifications Directive and that reflect any adaptation to scientific and technical advancements.

A comparative assessment of the data collected was also carried out. It focused on developments in and commonalities between training requirements across all Member States and EFTA States, in light of generally acknowledged scientific and technical progress. For that purpose, a working definition of ‘generally acknowledged’ scientific and technical progress was created, consisting of scientific and technical advancements that have been observed in at least 16 Member States or EFTA States. The results of the study were presented to relevant stakeholders during a workshop and at a meeting of the group of coordinators for the recognition of professional qualifications⁶. Based on the feedback received from stakeholders, the conclusions of the studies were drafted, suggesting updates to the minimum training requirements laid down in the Professional Qualifications Directive as regards training programmes and knowledge and skills.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In accordance with the principles of the Interinstitutional Agreement on Better Law-Making of 13 April 2016⁷, the Commission consulted on the draft delegated directive with the experts from the group of coordinators for the recognition of professional qualifications in writing between 9 April 2024 and 7 May 2024 and in an online meeting of the group on 20 June 2024.

Following the consultation with the group of coordinators, the following changes were made to this draft delegated directive:

- In Annex V (5.4.1) (B) (a) ‘including antimicrobial resistance’ was added to the subject ‘Pharmacy, Pharmacology and Pharmacotherapy’.
- In Annex V (5.4.1) (B) (b) ‘veterinary’ was added to the second leg of the subject ‘Veterinary legislation and forensic medicine’.

In view of comments and questions addressed to it during that consultation, the Commission recalls that, in line with the nature of the act, when transposing the minimum training requirements set out in Directive 2005/36/EC into national law, Member States can choose the form and method of transposition as long as the objectives are attained and it is clear from the national legal framework that there is an obligation on training institutions to implement

⁵ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Mapping and assessment of developments for sectoral professions under Directive 2005/36/EC – The profession of veterinary surgeon, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2873/977309>.

⁶ Commission Decision of 19 March 2007 setting up the group of coordinators for the recognition of professional qualifications (OJ L 79, 20.3.2007, p. 38).

⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

each minimum training requirement. In addition, the Commission notes that veterinary surgeons who are nationals of a Member State and who obtained a professional qualification listed in point 5.4.2 of Annex V to Directive 2005/36/EC after following a training course that began before the end of the transposition period set out in this delegated directive, and which satisfied the minimum training requirements under the Directive applicable when the training began, benefit from automatic recognition of their professional qualifications pursuant to Article 21(1) of Directive 2005/36/EC.

The draft delegated directive was subject to public feedback on the Commission's 'Have Your Say' platform between DD Month YYYY and DD Month YYYY. Following the public consultation, the following changes were made to this draft delegated directive:

- TO ADD, if necessary

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The empowerment to adopt this Delegated Act is provided for in Articles 21(6) and 38(1) of the Professional Qualifications Directive.

Article 1 (1) of this Delegated Act makes use of the delegation contained in Article 21(6) of the Directive and lays down the amendments to the Directive with regard to knowledge and skills required for the profession of veterinary surgeon.

Article 1 (2) makes use of the delegation contained in Article 38(1) of the Directive and refers to the Annex to this Delegated Act in which amendments to the minimum training programme for this profession are set out.

Article 2 sets the period for transposition of the Delegated Act and the requirements for Member States to communicate measures that they adopt to the Commission.

Article 3 specifies the date of entry into force of the Delegated Act.

Article 4 specifies the addressees of the Delegated Act.

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of XXX

amending Directive 2005/36/EC of the European Parliament and of the Council as regards the minimum training requirements for the profession of veterinary surgeon

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications¹ and, in particular, Article 21(6), second subparagraph and Article 38(1), second subparagraph, thereof,

Whereas:

- (1) The harmonised minimum training requirements for the profession of veterinary surgeon are set out in Article 38 of Directive 2005/36/EC as well as in point 5.4.1 of Annex V to that Directive.
- (2) In its 2011 Green Paper on the modernisation of Directive 2005/36/EC², the Commission acknowledged the need to modernise the harmonised minimum training requirements in phases.
- (3) In the context of the amendment of Directive 2005/36/EC through Directive 2013/55/EU of the European Parliament and of the Council³, national authorities, academic institutions and professional organisations indicated that the professions covered by Title III, Chapter III of the Directive have evolved significantly since their respective minimum training requirements were harmonised.
- (4) While Directive 2013/55/EU reviewed to a certain extent the knowledge and skills for the profession of veterinary surgeon as set out in Article 38(3) of Directive 2005/36/EC, no substantial changes were made to the study programme subjects listed in point 5.4.1 of Annex V to Directive 2005/36/EC.
- (5) Article 21(6) of Directive 2005/36/EC, as amended, provides the Commission with delegated powers to introduce, in accordance with its Article 57c of Directive 2005/36/EC, updates to the minimum training requirements in order to adapt them to generally acknowledged scientific and technical progress to reflect the evolution of EU law directly affecting the professionals concerned.

¹ OJ L 255, 30.9.2005, p. 22, ELI: <http://data.europa.eu/eli/dir/2005/36/oj>.

² Green Paper, Modernising the Professional Qualifications Directive, COM(2011)367 final of 22 June 2011.

³ Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') (OJ L 354, 28.12.2013, p. 132, ELI: <http://data.europa.eu/eli/dir/2013/55/oj>).

- (6) The Commission has assessed whether the minimum training requirements for the profession of veterinary surgeon, as set out in Directive 2005/36/EC, should be updated in light of generally acknowledged scientific and technical progress.
- (7) A study was carried out to assist the Commission in its assessment. The aim of the study was to explore the developments in training requirements for the profession of veterinary surgeon in Member States and European Free Trade Association (EFTA) States. For that purpose, data was collected at EU and national level through desk research and targeted stakeholder consultations. The data collection focused on developments in training requirements at national level: (i) scientific and technical advancements affecting the profession of veterinary surgeon; (ii) training programmes and knowledge and skills that go beyond the minimum training requirements laid down in Directive 2005/36/EC and that reflect any adaptation to scientific and technical advancements.
- (8) A comparative assessment of the data collected was carried out during the study. It focused on developments in and commonalities between training requirements across all Member States and EFTA States in light of generally acknowledged scientific and technical progress. For that purpose, a working definition of ‘generally acknowledged’ scientific and technical progress was developed, consisting of scientific and technical advancements that have been observed in at least 16 Member States and EFTA States.
- (9) The results of the study were presented to stakeholders during a workshop and at the meeting of the group of coordinators for the recognition of professional qualifications. Based on the feedback received, the conclusions of the study were drafted, suggesting updates to the minimum training requirements set out in Directive 2005/36/EC in respect of training programmes as well as knowledge and skills.
- (10) The study⁴ identified the following generally acknowledged scientific and technical advancements in training programmes in Member States and EFTA States that were not represented or not sufficiently represented in the minimum training requirements set out in Directive 2005/36/EC: the One Health concept; sustainability and transdisciplinarity; interdisciplinarity, multidisciplinary and soft skills; treatments and therapies; animal health and welfare; public health: hygiene and food safety; biology, digitalisation and digital data, as well as diagnostic and laboratory tools and techniques.
- (11) In accordance with the Joint Political Declaration of 28 September 2011 of the Member States and the Commission on explanatory documents⁵, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents to explain the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.
- (12) Directive 2005/36/EC should therefore be amended accordingly.

⁴ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, *Mapping and assessment of developments of one of the sectoral professions under Directive 2005/36/EC – the profession of veterinary surgeon – Final study*, Publications Office of the European Union, 2020.

⁵ OJ C 369, 17.12.2011, p. 14.

HAS ADOPTED THIS DIRECTIVE:

Article 1
Amendments to Directive 2005/36/EC

Directive 2005/36/EC is amended as follows:

- (1) in Article 38, paragraph 3 is replaced by the following:
- ‘3. Training as a veterinary surgeon shall provide an assurance that the professional in question has acquired the following knowledge and skills:
- (a) knowledge of the sciences on which the activities of a veterinary surgeon are based and of the EU law relating to those activities;
 - (b) adequate knowledge of the structure, functions, behaviour and physiological needs of animals, as well as the skills and competences needed for their husbandry, feeding, welfare, reproduction and hygiene in general;
 - (c) the clinical, epidemiological and analytical skills and competences required for the prevention, diagnosis and treatment of the diseases of animals, as well as to assess and manage pain, safely perform aseptic surgery, sedation, anaesthesia and euthanasia, whether considered individually or in groups, including specific knowledge of the diseases which may be transmitted to humans;
 - (d) adequate knowledge, skills and competences for preventive medicine, including competences relating to inquiries and certification;
 - (e) adequate knowledge of the hygiene and technology involved in the production, manufacture and putting into circulation of animal feedstuffs or foodstuffs of animal origin intended for human consumption, including the skills and competences required to understand and explain good practice in this regard;
 - (f) the knowledge, skills and competences required for the responsible and sensible use of veterinary medicinal products, in order to treat animals and to ensure the safety of the food chain and the protection of the environment;
 - (g) adequate knowledge and understanding of the One Health concept, including skills and competences for its application and integration in veterinary public health;
 - (h) knowledge of the organisation and management related to a veterinary business, including practice management and animal health economics; adequate knowledge, skills and competences on interpersonal and interprofessional interaction, communication, teamworking and multi-disciplinary collaboration;
 - (i) adequate knowledge of information technology and digital technologies, and the skills and competences necessary for their practical application in the veterinary domain.’
- (2) Annex V is amended in accordance with the Annex to this Directive.

Article 2
Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... [*OP please insert the date*]

= 2 years from the date of adoption of this Directive] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3
Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4
Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the Commission
The President
Ursula von der Leyen