RESPONSE FROM VETERINARY COUNCIL OF IRELAND 14 MARCH 2011

2nd phase of the public consultation in the framework of the modernization of the Professional Qualification Directive

Period of consultation from 07.01.2011 to 15.03.2011

Answers to be submitted by 15 March 2011 at the latest, answering all the questions or just those relating to your activities interests.

Consultation on Recognition of Professional Qualifications
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This submission is being submitted by the Veterinary Council of Ireland. The Veterinary Council of Ireland is the competent authority for the registration of members of the veterinary profession in accordance with the requirements of EU Directive 2005/36/EC. The Council has also contributed to the submission which is being made by the Federated Veterinarians of Europe.

Question 1: Do you have any suggestions for further improving citizen's access to information on the recognition processes for their professional qualification in another Member State?

The Council's experience is that veterinary professionals are aware of the necessity to register with the competent authority in Ireland if they wish to practise here. In addition, those who are registered here are aware of the necessity to register with the competent authority in any EU state to which they move. The veterinary profession is small in Ireland with about 2500 professionals, those employing veterinary practitioners are also well aware of the necessity for all veterinary practitioners who they employ to register before working.

Question 2: Do you have any suggestions for the simplification of the current recognition procedures? If so, please provide suggestions with supporting evidence.

The current system is straightforward and seems to be streamlined across the relevant competent authorities in the EU for the veterinary profession. The veterinary profession has been subject to EU directives with regard to registration since the 1970s.

Question 3: Should the Code of Conduct become enforceable? Is there a need to amend the contents of the Code of Conduct? Please specify and provide the reasons for your suggestions.

No it should not be enforceable, it should remain a set of guidelines for best practice, anything that is enshrined in law is difficult to update as needs arise, this Code should be flexible and be able to be updated regularly as circumstances dictate.

Question 4: Do you have any experience of compensation measures? Do you consider that they could have a deterrent effect, for example as regards the three years duration of an adaptation period?

The Council has limited experience of compensating measures.

Question 5: Do you support the idea of developing Europe-wide codes of conduct on aptitude tests or adaptation periods?

No, this is best left to the national Competent Authorities particularly in view of the divergence of practice conditions that pertain across the various Member States.

Question 6: Do you see a need to include the case-law on "partial access" into the Directive? Under what conditions could a professional who received "partial access"
acquire full access?

**Access to the veterinary profession is prescribed in the Directive article 38, so the issue of partial access is not relevant to the veterinary profession.**

**Question 7:** Do you consider it important to facilitate mobility for graduates who are not yet fully qualified professionals and who seek access to a remunerated traineeship or supervised practice in another Member State? Do you have any suggestions? Please be specific in your reasons.

Graduates with a registrable qualification in accordance with Article 38 are fully qualified professionals, there is no other entry to the profession.

**Question 8:** How should the home Member State proceed in case the professional wishes to return after a supervised practice in another Member State? Please be specific in your reasons.

This should be no problem because the professional has a registrable qualification before he/she takes up this supervised practice.

**Question 9:** To which extent has the requirement of two years of professional experience become a barrier to accessing a profession where mobility across many Member States in Europe is vital? Please be specific in your reasons.

No experience of this as a barrier, the circumstances of those who are eligible to have their professional qualification recognised in another MS is well known.

**Question 10:** How could the concept of "regulated education" be better used in the interest of consumers? If such education is not specifically geared to a given profession could a minimum list of relevant competences attested by a home Member State be a way forward?

The quality assurance of veterinary education provided in each MS to a standard which is accredited by an independent organisation is the only way that consumers, and indeed regulators, can have confidence in the qualifications which are provided to graduates at the various universities across Europe.

**Question 11:** What are your views about the objectives of a European professional card? Should such a card speed up the recognition process? Should it increase transparency for consumers and employers? Should it enhance confidence and forge closer cooperation between a home and a host Member State?

The Council does not see any usefulness in supporting the introduction of a professional card as the majority of veterinary professionals in Ireland do not move to other States or where they do they are obliged to establish themselves. The small number of Irish veterinarians providing services are aware of the necessity to contact the competent authority. The cost of such a card and the data protection issues which it would highlight are likely to outweigh any benefits to the majority of members of the veterinary profession.

**Question 12:** Do you agree with the proposed features of the card?

No

**Question 13:** What information would be essential on the card? How could a timely update of such information be organised?

Personal details, academic details, registration details, disciplinary record. Updating necessary constantly to make the card relevant. For example for 2500 veterinary surgeons on the Irish register in 2010 we made 820 changes over the year to the personal details of those on the register, reflecting this in the data of those people’s professional cards would be a significant challenge.

**Question 14:** Do you think that the title professional card is appropriate? Would the title professional passport, with its connotation of mobility, be more appropriate?

Professional card, the work ‘passport’ has a very specific legal meaning.

**Question 15:** What are your views about introducing the concept of a European curriculum – a kind of 28th regime applicable in addition to national requirements? What conditions could be foreseen for its development?
For the veterinary profession a European curriculum already exists in the minimum training requirements. Focus should be directed to having an effective method of evaluation and accreditation to support the education and training of veterinary professionals.

**Question 16:** To what extent is there a risk of fragmenting markets through excessive numbers of regulated professions? Please give illustrative examples for sectors which get more and more fragmented.

No Comment.

**Question 17:** Should lighter regimes for professionals be developed who accompany consumers to another Member State?

No.

**Question 18:** How could the current declaration regime be simplified, in order to reduce unnecessary burdens? Is it necessary to require a declaration where the essential part of the services is provided online without declaration? Is it necessary to clarify the terms "temporary or occasional" or should the conditions for professionals to seek recognition of qualifications on a permanent basis be simplified?

The current regime is not over burdensome and is necessary to protect the public and animal welfare. The Council favours retaining the current case by case basis for temporary or occasional, it would be impossible to get a definition which would reflect all possible permutations.

**Question 19:** Is there a need for retaining a pro-forma registration system?

Yes.

**Question 20:** Should Member States reduce the current scope for prior checks of qualifications and accordingly the scope for derogating from the declaration regime?

In relation to a provision of services a declaration is required to confirm that the person is legally entitled to provide veterinary services in the State.

**Question 21:** Does the current minimum training harmonisation offer a real access to the profession, in particular for nurses, midwives and pharmacists?

No comment.

**Question 22:** Do you see a need to modernise the minimum training requirements? Should these requirements also include a limited set of competences? If so what kind of competences should be considered?

Yes the minimum training requirements need modernising and should be based more on an outcomes rather than an inputs basis. Listing core competences should reflect what most quality education providers require of graduating veterinarians.

**Question 23:** Should a Member State be obliged to be more transparent and to provide more information to the other Member States about future qualifications which benefit from automatic recognition?

No, it would be dangerous to provide information on ‘potential’ future qualifications in case these qualifications did not in fact receive recognition which could be embarrassing for the education provider and would raise the expectations of graduates of these courses. The potential for legal challenge by graduates who had anticipated the recognition of their qualification would also be great.

**Question 24:** Should the current scheme for notifying new diplomas be overhauled? Should such notifications be made at a much earlier stage? Please be specific in your reasons.

No Comment.

**Question 25:** Do you see a need for modernising this regime on automatic recognition, notably the list of activities listed in Annex IV?

Not applicable.

**Question 26:** Do you see a need for shortening the number of years of professional experience necessary to qualify for automatic recognition?
Not applicable.

**Question 27:** Do you see a need for taking more account of continuing professional development at EU level? If yes, how could this need be reflected in the Directive?

Yes, it would be best to reflect this as a general requirement but leave it to each MS to interpret this according to its own legal and professional requirements.

**Question 28:** Would the extension of IMI to the professions outside the scope of the Services Directive create more confidence between Member States? Should the extension of the mandatory use of IMI include a proactive alert mechanism for cases where such a mechanism currently does not apply, notably health professions?

Yes. It would be helpful to have a proactive alert mechanism.

**Question 29:** In which cases should an alert obligation be triggered?

This should be triggered following proven criminal activity or proven professional misconduct.

**Question 30:** Have you encountered any major problems with the current language regime as foreseen in the Directive?

The Council understands that Ireland has not transposed the requirements of the Directive in this regard correctly. In a number of complaints handled by the Council some of the problems which have given rise to the complaint are due language difficulties between the professional and his/her client. Where public health and animal welfare are concerned it is vital that communication is crystal clear.