

LAW NR. 160 OF 30TH JULY 1998 FOR ORGANIZATION AND PRACTICE OF VETERINARY PROFESSION – REPUBLICATION

Chapter I: General Provisions

Article 1

(1) The veterinary profession is a liberal and independent profession, with an autonomous settled organization. It is organized and operates on the basis of autonomy, within the professional forum represented by the College of Romanian Veterinarians.

(2) The General Association of Romanian Veterinarians is a nongovernmental scientific and professional forum of veterinarians, which includes and coordinates the activity of the field members associations, societies and leagues.

(3) Veterinary medicine is a medical science that provides animal comfort and protection and helps maintain public health and environmental protection.

Article 2

(1) The veterinary profession shall be practiced in Romania by any person, Romanian citizen, holder of a veterinarian diploma eligible according to the law, as well as by the European Union Member States, the European Economic Area and the Swiss Confederation nationals holders of veterinarian diplomas, certificates or other documents granting for this qualification under the law, issued by an education institution from these states.

(2) The veterinary profession can be practiced in Romania by the European Union Member States, the European Economic Area and the Swiss Confederation nationals holding veterinarian diplomas, certificates or other documents granting for this qualification, issued by veterinary educational institutions from the third countries granting for this qualification, eligible under the law.

(3) The veterinary profession can be practiced in Romania by the third countries nationals, the European Union Member States, the European Economic Area and the Swiss Confederation nationals holding diplomas, certificates or other documents granting qualification in the veterinary profession, issued by veterinary educational institutions from the third countries granting for this qualification, eligible under the law.

(4) Professional recognition of diplomas, certificates or other documents granting for the veterinarian profession shall be accomplished by the College of Romanian Veterinarians.

(5) The veterinarians Romanian citizens with residence abroad, as well as veterinarians nationals of the European Union Member States, the European Economic Area and the Swiss Confederation who practice the veterinary profession in Romania shall have the same rights and obligations regarding its practice as veterinarians members of the College of Romanian Veterinarians.

Article 3

(1) The veterinary profession shall aim to protect animal health, public health, consumer and environment protection, in order to improve livestock breeding, to provide people food security, to facilitate trade relations and maintain ecological balance.

(2) Due to the profession liberal nature, the free practice veterinarian shall not be an official servant in practicing the profession.

Article 4

The veterinary profession shall have exclusive competence in the following areas:

- a) animal health;
- b) veterinary public health and animal products, and products of animal origin hygiene;
- c) border veterinary inspection;
- d) veterinary surveillance and laboratory diagnosis;
- e) forages hygiene control;
- f) coordination of animals identification and registration, except equine;
- g) ongoing veterinary training and education;

- h) testing, registration and licensing of manufacturing and marketing of veterinary products and other materials that can influence animal health;
- i) retail and use of biological, antiparasitic for special use products and veterinary drugs;
- j) consulting and veterinary audit.

Article 5

The veterinarian shall practice the profession in collaboration with other professions, in the following areas:

- a) public health and consumer protection;
- b) animal husbandry and nutrition;
- c) animal selection, breeding and reproduction;
- d) processing of veterinary products and other matters affecting animal health;
- e) animal fundamental and applied genetic research;
- f) domestic and wild animal protection;
- g) industrialization and valorization of animal products and products of animal origin;
- h) environmental protection and pollution control;
- i) medical-veterinary statistics;
- j) veterinary products marketing, except those provided in Article, 3 line j;
- k) control of animal movement, animal products and products of animal origin;
- l) veterinary-medical research;
- m) animal nutrition;
- n) medical-veterinary biotechnologies;
- o) medical-veterinary education.

Article 6

In practicing the profession, the veterinarian shall apply, respect and be protected by the State law, as well as by the provisions of the Statute of Romanian Veterinarian and the Code of Medical Veterinary Ethics approved by the National Veterinarians Congress, under the law.

Article 7

The veterinary profession is practiced with the following professional bodies:

- a) state veterinary network;
- b) private medical veterinary medical services, legally authorized;
- c) educational veterinary institutions authorized and accredited or temporarily authorized to work;
- d) other public and private institutions.

CHAPTER II: Organization and Practice of the Veterinary Profession

Section 1: The College of Romanian Veterinarians

Article 8

(1) The College of Romanian Veterinarians shall be hereby founded as an autonomous, non-governmental, apolitical and non-profit professional organization. The College shall be a legal entity.

(2) The College of Romanian Veterinarians shall represent the interests and defend the professional rights of its members.

(3) The organization and functioning of the College of Romanian Veterinarians shall be accomplished on the basis of territorial, eligibility and hierarchy principles.

(4) The College of Romanian Veterinarians governing bodies shall be:

- a) National Congress;
- b) National Council;
- c) County Councils and Bucharest municipality Council.

Article 9

(1) The College of Romanian Veterinarians shall have the following powers:

- a) to give advisory recommendation on profession practice draft laws, regulations and settlements in all areas of veterinary specific activity, under the current law;

b) to draw up the Code of Medical Veterinary Ethics, the Rules of Organization and Functioning of the College of Romanian Veterinarians, the Statute of Romanian Veterinarian, whose provisions are mandatory in the veterinary profession practice;

c) to issue veterinary free practice attestation to veterinarians;

d) to apply disciplinary penalties provided in the Rules of organization and functioning, suspend or withdraw attestations;

e) to represent the profession in front of governmental bodies, other professional and scientific bodies, public or private institutions;

f) to promote foreign relations with similar professional organizations and institutions;

g) to keep membership evidence and continuously update their overall picture;

h) to propose annually to Ministry of Education and Research the number of students intended for training in medical and veterinary higher education;

i) to provide informational support, issue medical official documents required officially by Romanian citizens in order to practice the veterinary profession in the European Union or other countries, as well as for foreign nationals requiring to practice in Romania, under the law.

(2) Concerning the recognition of professional qualifications granted in Member States of the European Union, the European Economic Area, as well as regarding the veterinary profession practice by the above mentioned States nationals, the College of Romanian Veterinarians shall adopt resolutions with legal effects, harmonized with communitarian regulations.

Article 10

(1) The Ministry of Education and Research together with the Ministry of Agriculture, Forests and Rural Development, in collaboration with higher education institutions in the field, at the proposal of the College of Romanian Veterinarians and the General Association of Romanian Veterinarians, shall draw up basic veterinarians professional profiles and specializations.

(2) The Ministry of Agriculture, Forests and Rural Development together with the College of Romanian Veterinarians and higher education institutions shall organize the contest and issue certificates granting the primary veterinarian professional degree.

(3) The College of Romanian Veterinarians shall collaborate with public institutions in order to draw up the medical-veterinary and postgraduate education development directions and improvement, according to international requirements and standards and to the Romanian legislation.

Article 11

(1) Membership of the College of Romanian Veterinarians shall be acquired by any veterinarian, Romanian citizen or national of Member States of the European Union, the European Economic Area or Swiss citizen, regardless of political, religious, cultural, ethnic origin views, meeting the following conditions:

a) lawfully practice the veterinary profession in Romania, pursuant to Article 2;

b) is not in cases of indignity under current law;

c) is medically fit to practice the veterinary profession;

(2) The College of Romanian Veterinarians membership shall be mandatory for the veterinary profession practice.

Article 12

(1) The College of Romanian Veterinarians revenues shall consist of:

a) registration fee, monthly membership dues, other income derived from scientific and cultural events, as well as publishing rights;

b) subventions, donations and sponsorships from certified natural persons individuals or legal entities, in the country or abroad, under the law.

c) rents, interests and any other legal sources.

(2) The County Councils and Bucharest municipality Council shall transfer a 50% monthly share of the dues collected by the College of Romanian Veterinarians. The funds can be used in order to improve professional training, granting scholarships and financial aids,

founding scientific institutions, investments in order to provide adequate resources for the College various activities, administrative-household and own technical-administrative wage bill staff expenses.

SECTION 2: The National Congress of Veterinarians

Article 13

(1) The National Congress of Veterinarians shall be the veterinary profession supreme representative forum, consisting of delegates elected in County Councils and Bucharest municipality Council of the College of Romanian Veterinarians General Meetings.

(2) The National Congress of Veterinarians shall meet at every three years. At the request of a majority of County and Bucharest municipality Councils, National Council shall convene Extraordinary Congress.

(3) The National Congress of Veterinarians shall be legally constituted if two thirds out of the delegates convened are present, and shall adopt resolutions by simple majority vote.

Article 14

The National Congress of Veterinarians shall have the following powers:

a) to adopt the Rules of organization and functioning of the College of Romanian Veterinarians;

b) to adopt the Statute of Romanian Veterinarian;

c) to adopt normative acts proposals regarding the veterinary profession and approve the Code of Medical Veterinary Ethics;

d) to adopt decisions on training, qualification, specialization of veterinarians, and the promotion criteria;

e) to adopt resolutions and recommendations concerning its program;

f) to adopt decisions regarding cooperation relations between the College of Romanian Veterinarians and the General Association of Veterinarians from Romania or other professional and scientific forums in the country and abroad.

Article 15

The National Congress of Veterinarians resolutions shall be final and mandatory for all members of the College of Romanian Veterinarians.

CHAPTER II: Membership of the College of Romanian Veterinarians

Article 16

(1) Membership of the College of Romanian Veterinarians can be acquired by any veterinarian, Romanian citizen or national of Member States of the European Union, the European Economic Area or Swiss citizen, regardless of political, religious, cultural, ethnic origin views, meeting the following conditions:

a) lawfully practice the veterinary profession in Romania, pursuant to Article 2;

b) is not in cases of indignity under current law;

c) is medically fit to practice the veterinary profession;

(2) The College of Romanian Veterinarians membership is mandatory for the veterinary profession practice.

Article 17

(1) The provisions of Article 16 shall not apply to the profession practice by nationals of Member States of the European Union, the European Economic Area and the Swiss citizens in form of services.

(2) Under paragraph (1), nationals of those States shall be entered in a register kept by the College of Romanian Veterinarians for this purpose, without acquiring the membership.

(3) For services provisions to individuals as provided in paragraph (1) they shall make a statement concerning the provided services, submitted to the College of Romanian Veterinarians, under the law.

(4) In practicing the profession in form of service provisions, these people are subject to the rules of professional ethics.

Article 18

The members of the College of Romanian Veterinarians shall be both active members and honorary members. Criteria for members inclusion in one of these categories are provided in the Statute of Romanian Veterinarian.

Article 19

At registration with the College of Romanian Veterinarians, the veterinarian shall submit the following oath to the College of Romanian Veterinarians County or Bucharest municipality Council, in solemn ceremony:

"I swear to practice my profession with competence and responsibility, with dignity, with integrity and devotion, conducting myself exemplarily in all circumstances, in the spirit of the Code of Medical Veterinary Ethics, and respecting the laws of the country.

I shall employ all my professional and scientific knowledge to animal health promotion and protection, to human health and environmental conditions protection.

I swear to defend with all my strength the veterinary profession honor, prestige and noble traditions."

Article 20

(1) The members of the College of Romanian Veterinarians shall have the following rights:

- a) to be protected by law in the service provisions;
- b) to practice medical-veterinary profession under the law;
- c) to operate freely and without any interference from other professional categories;
- d) to inform the College of Romanian Veterinarians of any violation of the right to practice the profession;
- e) to attend the meetings of governing bodies of the College of Romanian Veterinarians;
- f) to elect and to be elected;
- g) to take part in forms of ongoing professional training;
- h) to use professional and academic insignia and titles.

(2) Insult, libel or threats committed against the veterinarian under the service provision and in relation with it, shall be punished by law.

(3) Hitting or other violent acts committed against the veterinarian under the service provision shall be punished by law.

(4) Criminal proceedings shall be initiated upon complaint by the injured party and the facts under paragraph (1) line d), and ex officio. Withdrawal prior complaint or reconciliation shall remove the criminal responsibility.

Article 21

The members of the College of Romanian Veterinarians shall have the following obligations:

- a) to comply with laws and other normative acts in force concerning veterinary profession practice, and to obey the College of Romanian Veterinarians governing bodies decisions;
- b) to respect and apply in all circumstances the veterinarian medical ethics rules ;
- c) to promote the whole range of measures aimed to improve the livestock breeding and their productive potential;
- d) to protect human health against diseases common to humans and animals, to take part in environmental protection, in order to maintain the ecological balance;
- e) to pursue and support the animal protection measures under international rules;
- f) the veterinarian who provides medical veterinary services shall be individually responsible under the law for professional decisions;

Article 22

The Membership of the College of Romanian Veterinarians and the veterinarian profession practice shall be unworthy and be suspended for:

- a) ascertained, sanctioned provided services contrary to the Code of Medical Veterinary Ethics, which became final;
- b) prohibited service provisions on an established period by judicial or disciplinary decisions, which became final;
- c) where the monthly dues and professional contributions are not paid ongoing for 6 months since their maturity.

Article 23

The Membership of the College of Romanian Veterinarians shall cease:

- a) if suspending measures were taken against the veterinarian, such as disciplinary penalties or due to the College of Romanian Veterinarians decision, for obvious professional incapacity or mental illness, granted by the medical expert commission;
- b) if the veterinarian has been definitively convicted for professional disgraceful conduct, punishable under the Criminal Code, and shall be unworthy to practice the profession.

CHAPTER IV: Veterinarians Qualification, Specialization and Promotion

Article 24

The National Council of the College of Romanian Veterinarians shall be able to certify veterinarians in different professional profiles, under this law.

Article 25

The National Council of the College of Romanian Veterinarians shall make proposals regarding the criteria in order to obtain professional degrees, under the law, in:

- a) medical-veterinary care;
- b) veterinary epidemiology;
- c) surveillance and laboratory diagnosis;
- d) veterinary public health and animal and animal products hygiene;
- e) reproduction pathology.

CHAPTER V: Free Provision of Medical-Veterinary Services

Article 26

(1) The activities provided in free medical-veterinary practice shall be: medical-veterinary care, artificial insemination, other specialized services and technical and veterinary legislation consulting, manufacturing and marketing of antiparasitic and veterinary drugs, of veterinary equipment and instruments.

(2) Private veterinary-medical services are part of the unique national veterinary system.

Article 27

(1) Veterinarians entitled to free practice may practice independently, both as certified natural persons and legal entities.

(2) In order to support veterinary profession liberalization, county, Bucharest municipality respectively sanitary-veterinary departments, as well as veterinary RAs and other institutions of which veterinary dispensaries belong to, can sell, rent or lease buildings, locations, facilities and existing endowment from sanitary-veterinary assistance districts and state veterinary clinics to self-employed veterinarians. Residencies shall be exempted from sales.

(3) In order to achieve the aim under paragraph (2) local authorities can rent, lease or sell buildings, locations, and related facilities and equipment, where sanitary-veterinary district clinics operate, and which are in community, township or municipality public or private property, to self-employed veterinarians.

(4) Veterinarians who become self-employed and remain in the place of residence shall have the right of first refusal to lease and concession buildings and amenities where veterinarian specific activity within the sanitary-veterinary district clinic is provided.

(5) Destination of buildings, facilities and related equipment will not be changed, their use being mandatory only for veterinary medicine. Destination change shall be achieved only with local public administration authority approval.

Article 28

(1) In providing the profession services the free practice veterinarian shall organize and practice with:

- a) veterinary clinic, in one of the following forms:
 1. veterinary clinic;
 2. associated veterinary clinic;
- b) companies having as main activity veterinary activities.

(2) In the forms of profession organization under paragraph (1), veterinarians full holders or associated, who may have as employees or collaborators veterinarians or any other category of staff, shall provide veterinary services.

Article 29

(1) The medical-veterinary clinic shall be the unit with no legal personality providing veterinary medical services.

(2) In individual veterinary clinic, the veterinarian full holder shall practice, having as employees or collaborators veterinarians or any other staff category.

(3) Individual clinics can associate to form associated veterinary clinics in order to provide joint services and to ensure permanent access to complete health care to recipients. Veterinarians holding associated clinics shall retain individual rights and responsibilities under the law.

Article 30

1) Associated veterinary clinics may have common assets.

(2) The veterinarian can change anytime the profession organization, with notification to the authority that approved the medical-veterinary clinic foundation and registration.

Article 31

Medical-veterinary clinics with legal personality founded under Law no. **31/1990**, amended and supplemented, shall operate with the following conditions met:

a) the main activity shall consist of veterinary services;

b) shall be registered in the Unique Register of Veterinary Clinics with or without legal personality.

Article 32

(1) Veterinary clinic founding act shall be represented by the registration certificate in the Unique Register of Veterinary Clinics with or without legal personality, drawn out by the County, Bucharest municipality respectively, Councils, after being approved by the Executive Board of the National Council of the College of Romanian Veterinarians. The registration certificate shall be necessary in order to obtain the clinic operating permit, a copy being handed to the holder.

(2) The Unique Register of Veterinary Clinics with or without legal personality shall be kept by the College of Romanian Veterinarians.

Article 33

(1) Destination of buildings, locations and related equipment shall not be changed, their use being mandatory only for veterinary medicine practice.

(2) The change of destination can be achieved only with the holder's agreement.

Article 34

(1) Immobile assets in public State property, currently used for medical-veterinary services, shall be recorded in the private domain of State, according to Article 10 of Law no. 213/1998 regarding public property and its legal status, as amended.

(2) Assets under paragraph (1) shall be sold, rented or leased to medical-veterinary clinics, or, where appropriate, or to medical-veterinary units with legal personality.

(3) Methodological rules regarding sale of goods under paragraph (1) shall be approved by Government decision.

Article 35

Limits in equipping medical-veterinary clinics shall be drawn out by the Executive Board of the National Council of the College of Romanian Veterinarians.

Article 36

~~Prices and fees for free medical-veterinary practice shall be set by each veterinarian, on competence basis, the College of Romanian Veterinarians setting minimum unique and compulsory fees.~~

Prices and fees for free medical-veterinary practice shall be set by each veterinarian. (on 19-Nov-2010 Article 36 of Chapter V as amended by Article 1 of Law no. 213/2010)

Article 37

(1) Veterinary drugs and antiparasitic products shall be sold only in licensed storehouses, pharmaceutical points and veterinary pharmacies.

(2) Biological products for veterinary use shall be sold only in licensed stores and are intended to be used only by veterinarians, licensed legal entities or certified natural persons under veterinary medical act.

Article 38

(1) Free practice veterinarians, on a contract basis with sanitary-veterinary departments, shall perform the actions specified in the program of zoonosis surveillance, prevention and control and other activities that compete to sanitary-veterinary territory surveillance.

~~(2) Fees for services under paragraph (1) shall be set by the College of Romanian Veterinarians and negotiated for the new financial year with the Ministry of Agriculture, Forestry and Environment, by the National Sanitary Veterinary Authority.~~

(on 08-Apr-2008 Article 38, paragraph (2) of Chapter V amended by Article 28, letter A of Chapter IV of the Emergency Ordinance 37/2008)

Article 39

Functions and powers of self-employed veterinarians and the performance of some public duties shall be set by the Rules drawn out by the College of Romanian Veterinarians together with the National Sanitary Veterinary Authority.

CHAPTER VI: Procedures and Sanctions

Article 40

The Superior Commission of Ethics and Litigation, the County, Bucharest municipality respectively, Commissions of Ethics and Litigation, shall judge violation and breach of law and specific rules concerning the veterinary profession practice, as well as veterinarians disgraceful conduct of ethics and discipline.

Article 41

The members of the College of Romanian Veterinarians who violate laws and specific regulations concerning the veterinary profession practice and do not comply with the Code of Medical Veterinary Ethics, shall be held responsible, according to disgraceful conduct seriousness, and one of the following sanctions shall be applied:

a) warning;

b) reprimand;

c) severe reprimand;

d) suspension of the right to practice veterinary medicine for a period not exceeding one year from the date of Commission decision issue.

e) removal of names from the College of Romanian Veterinarians register, resulting in a permanent ban to practice veterinary medicine in Romania; this sanction may be taken only by the Superior Commission of Ethics and Litigation on a proposal from County, Bucharest municipality respectively, Commission.

Article 42

The County, Bucharest municipality respectively, Commission of Ethics and Litigation shall be the first structure to solve the issues under Article 40, while the Superior Commission of ethics and Litigation shall be the national forum and appeal structure for any infringement, violation or disgraceful conduct committed by a veterinarian and unsolved at the county level.

Article 43

The procedure for solving litigation and disgraceful conduct committed by veterinarians shall be drawn out in the Rules of Procedure for the Superior Commission of Ethics and Litigation, County, Bucharest municipality respectively, Commission of Ethics and Litigation.

Article 44

Disciplinary liability of the College of Romanian Veterinarians members shall not exclude criminal, administrative, civil or material liability under this law, as required by current law.

Article 45

Practice of any veterinary profession specific services without the right to practice shall be crime punished under the law.

CHAPTER VII: Final Provisions

Article 46

(1) Control regarding veterinary clinics founding, organizing and operating, regardless of the organizing form, shall be provided by the Ministry of Agriculture, Forests and Rural Development by National Sanitary, Veterinary, and Food Safety Authority and the College of Romanian Veterinarians.

(2) Control of legal compliance in providing veterinary medical services shall be provided by central and local veterinary authority, the College of Romanian Veterinarians or other bodies under the law.

Article 47

The following documents shall be published in the Official Gazette of Romania, Part I, and shall be specific rules in order to implement this law provisions:

- a) Statute of Romanian Veterinarian;
- b) Rules of Organization and Functioning of the College of Romanian Veterinarians;
- c) Code of Veterinary Medical Ethics;
- d) Rules concerning the free practice veterinarian's duties and powers in providing some public services.

Article 48

Within 90 days since this Law entry into force, the Council of the General Association of Romanian Veterinarians will hold General Meetings of county and Bucharest municipality subsidiaries in order to elect the County Councils and the National Council of the College of Romanian Veterinarians. By selecting these bodies, the Assembly of Veterinarians in Romania will cease activity.

NOTE:

Presented below Article II, III and IV of Law no. 592/2003 regarding amending and supplementing Law no. 160/1998 on the organization and practice of veterinary profession, which were not included in this reprint.

- Article II

Within 30 days since the entry into force of this law, by Government decision, at the proposal of the Ministry of Agriculture, Forests and Rural Development, will transpose Community rules on recognition of professional qualifications granted by the European Union Member States, the European Economic Area and Switzerland, as well as the veterinary profession practice by nationals of those States.

- Article III

This law shall enter into force in 30 days after publication in the Official Gazette of Romania, Part I.

- Article IV

On this law entry into force, any contrary provisions shall be repealed.

*) Republished under Article V of Law no. 592/2003 regarding amending and supplementing Law no. 160/1998 on veterinary profession organization and practice, published in the Official Gazette of Romania, Part I, no. 8 January 7, 2004, a new numbering being given to texts.

Law no. 160/1998 was published in the Official Gazette of Romania, Part I, no. 289 of 6 August 1998 and subsequently amended by:

- Government Emergency Ordinance no. 72/1999 to complete Article 25 of Law no. 160/1998 on the organization and practice of veterinary profession, published in the Official Gazette of Romania, Part I, no. 232 of 25 May 1999, approved with amendments by Law no. 604/2001, published in the Official Gazette, Part I, no. 713 of 8 November 2001.

**) Under Article 60 of Government Ordinance no. 42/2004 regarding the organization of the veterinary activity and food safety, as amended by Law no. 215/2004 approving the Government Ordinance no. 42/2004 regarding all veterinary activities, all references to the National Sanitary, Veterinary, and Food Safety Authority of current legislation are considered as being drawn out by the National Sanitary, Veterinary, and Food Safety Authority.

Under Article 1 of Government Decision no. 308/2004 on the organization and functioning of the National Sanitary, Veterinary, and Food Safety Authority and subordinate units, amended and supplemented, National Sanitary, Veterinary, and Food Safety Authority is organized and operates as a specialized body of central public administration, with legal personality, regulatory authority in the veterinary and food safety, under the Government and coordinated by the Prime Minister, by the Prime Minister's office.

Published in Official Gazette No. 433 of May 23, 2005