



COMITÉ PERMANENT DES MÉDECINS EUROPÉENS  
STANDING COMMITTEE OF EUROPEAN DOCTORS



## **EU Initiatives to deregulate professions - Doctors' self-regulation put to the test?**





## Political environment

- The European Council reiterated in June 2012, 2014 and 2016 to remove unjustified national barriers in regulation to improve the market of services.
- The regulation under scrutiny covers also professional regulation of doctors.



## Legal environment

- The European Court of Justice (ECJ) has longstanding jurisprudence highlighting that national barriers are possible, provided that *inter alia* the regulation at stake serves the public interest.
- The protection of health is considered a public interest.
- Member States have discretion as to which level of protection should be determined.
- Member States may take precautionary measures and don't need to wait for risks to become imminent.



## Why worry?

- EU primary law and the ECJ rulings confirm the special nature of health professions and their services.
- Why worry about „deregulation?“



## Examples

- In the context of the Professional Qualifications Directive, the European Commission has mapped national regulations on all professions, including the medical profession, to check if there are any options to reduce rules on access to or practice of a profession. It is foreseen to introduce harmonised proportionality tests which Member States have to comply with to justify the regulation of a profession.

→ CPME has confirmed the importance of professional regulation for patient safety and calls on the Commission to respect these principles. In a joint statement with European dentists and pharmacists, CPME calls for health professions to be excluded from the future proportionality test.





## Examples

- As part of the 'European Semester' analysis on the sustainability of Member States' economies, the European Commission and Member States agree on reform objectives to support economic stability and growth including on professional regulation, such as increasing competition among regulated professions.
- CPME is raising awareness for the special nature of healthcare services by highlighting that the assumption that de-regulation will create economic growth cannot be transferred to patient care.



## Examples

- Private bodies dealing with industrial standards, such as the European Committee for Standardisation (CEN), launch projects to adopt standards on healthcare services, such as the 2015 European Standard on aesthetic surgery services, which deal i.a. with training & education requirements, classifications of procedures, patients and practitioners, and rules on confidentiality, advertising and liability insurance.
- CPME is in continuous dialogue with CEN and the European Commission to express European doctors' opposition to the involvement of private bodies dealing with industrial standardisation in healthcare services. This has been reaffirmed in joint statements of CPME and other European Medical Organisations and with other healthcare professions.



## Conclusions

- ‘Deregulation’ initiatives to the benefit of growth and competition?
- Self-Regulation and Chambers are put to the test by
  - Proportionality tests
  - European Semester
  - Standardisation initiatives and
  - Infringement procedures in case of non-compliance with EU laws
- The European Commission refers to its mandate from the Member States.





## Who can help?

- The European Parliament
  - Has helped in excluding the healthcare sector from the scope of the Services Directive 2006/123/EC.
- National parliaments and governments
  - Can defend the role and objectives of chambers and professional regulation.
- Professional associations and chambers in Europe
  - Can provide arguments to parliaments and governments.
- CPME
  - Advocates professional autonomy and independence at European Parliament, Commission and Council.



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# Thank you!

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