

UPDATE TO THE COUNCIL ON EUROPEAN DIRECTIVES EEC 89/48 AND 92/51

This report has been prepared as an update for members. It gives a synopsis of events that have occurred since October 2002 that have bearing on the work of the HPC.

LETTER TO THE DIRECTIVE GENERAL INTERNAL MARKET

A letter (enclosed) has been sent to the Directive General Internal Market expressing the Council's concerns about the new proposals. A response has now also been received (enclosed)

CSOPH

Even though the Committee of Senior Officials in Public Health will not be meeting in Europe this winter the DoH asked the HPC to attend a meeting on 26 November 2002. John Dorling (DoH) was present.

There will be a Ministerial EU meeting on 25 January 2003 at which the new proposals will be discussed. The conclusions from this meeting will be going to the GATS negotiations.

There is a dissonance between the economic aspects of health systems in the different member states and the free market agenda of the EU. The issue of free trade has primacy rather than the issue of regulation.

It was reported that the Irish Government and the Irish Ministry of Health are presenting the same front on the proposals and CSOPH members asked the DoH to work with the UK Government in a similar way.

LEGAL AFFAIRS & INTERNAL MARKET COMMITTEE

This Committee is an influential one for us. The rapporteur is Mr Zappala and his comments to the proposal have finally surfaced. In brief, he does not like the 16 week rule and does not think the information points system would work because it does not give any guarantees on levels of qualification. He is asking for comments and the HPC and AURE will be responding.

ENVIRONMENTAL COMMITTEE

This Committee has now voted against the proposals and will send the result of their vote on to the Legal Affairs Committee. John Bowis drafted amendments to the proposals that excluded healthcare professionals.

CEPLIS MEETING ON 18 NOVEMBER 2002

REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT ON THE STATE OF THE INTERNAL MARKET FOR SERVICES

Mr Neil Willis and I went to the CEPLIS meeting on 18 November 2002. A 60 page report (available from the office) highlighting numerous problematic issues such as insurance, language testing, movement of patients was launched at the meeting. Members were asked for their comments and suggestions. It appeared to indicate that EU internal market problems were far more complex than anyone had realised. We raised the issue of Data Protection being different in different member states and they conceded that they had not realised but were now looking at the problems.

We were advised that the first step of DG Internal Market's strategy is a horizontal one – diagnosis of problems. This would be followed by the designing of solutions. The horizontal framework strategy is looking at the following areas:

- Administrative cooperation
- Exchange of information
- National co-operation
- Approximation of rules and regulations
- After sales or post operative activity

It was hoped that common platforms would be used to resolve some of these issues.

UPDATE ON AURE

All UK health regulators remain on this group and now that Mr Zappala's report has been received it will continue with its lobbying work.

GATS (GENERAL AGREEMENT ON TRADE AND SERVICES) CONSULTATION REQUEST

The HPC has been asked to comment on the impact in the UK of requests for the liberalisation of certain industries, including health in the EC. The HPC is mentioned in this document as a regulator and, among other things, we are being asked to supply information on problems being experienced by out-migrants going to countries such as the USA and Australia.

I will be asking the professional bodies for their comments on this issue.

NEW INITIATIVES

SOLVIT – this is a new network to help individuals to solve problems within the internal market. It is based on having a network of centres based in the national administration of each member state linked by an on-line database system.



EUROPEAN COMMISSION

Internal Market DG

FREE MOVEMENT OF GOODS, REGULATED PROFESSIONS AND POSTAL SERVICES
Regulated professions (qualifications)

Brussels,
MARKT/D3/JIS/rh D(2002) 1422
J:rh/jis/1422/nd/brook

Prof Norma BROOK
President of Health Professions
Council, Park House,
184 Kennington Park Road
UK – London, SE11 4BU

Subject: Your Ref CDB/GMM/539762

Dear Professor Brook,

Thank you for your letter of 2 December concerning the proposal for a directive on professional recognition.

I understand your concerns in relation to the question of registration in the 'host' Member state for the purposes of the local provision of health services. The present sectoral directives on the health professions require an advance declaration, and allow for pro forma registration, in this regard. The Court of Justice has ruled out the application in different Member States of essentially duplicatory requirements as contrary to the basic principles of the EC Treaty. At the same time, we acknowledge that our proposal has given rise to concern and we expect to pay particular attention to this issue in the various stages of the legislative process on the proposal.

At the same time, I would like to reassure you that we did not intend to produce a de-regulatory proposal and we do not want to adopt a regime which could not work in practice and ensure appropriate controls being applied. Of course, we would like to find the simplest and easiest way to organise the cross-frontier provision of services in the context of our current Internal Market Strategy for Services and developments which are taking place in health care provision between Member States. I can agree that the right balance needs to be struck between the freedom to provide services and protection of the public health. I very much hope that the final outcome of the legislative procedure will be seen as achieving just that.

Yours sincerely,

J. I. Stoodley
Head of Unit

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