



# CED INFO

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## SUMMARY

Welcome to the 3rd issue of CED info of 2010, the update from the CED Brussels office that regularly provides you with information on CED topics and activities, EU developments that are of interest to the dental profession, and on health policy and other more general EU issues.

The months since the CED General Meeting in Santiago de Compostela have been very busy for the CED Board, Working Groups and staff. The CED Board, meeting in Vienna for their autumn meeting, discussed CED policy work and agreed to suggest to the General Meeting to enhance activity on **general oral health** and on **e-Health**. A group of Members of the European Parliament proposed in September the creation of **the European Action Plan for Oral Health** and the Board felt that a new Working Group should be established in the CED to contribute to the initiative, as well as to the revision of **the tobacco directive** and to initiatives on **healthy ageing**.

Education and Professional Qualifications Working Group continued its work on the **Professional qualifications directive**, the review of which is one of the priorities of the Commission's **Single Market Act** and **2011 Work Programme**. The Commission has now concluded consultations with competent authorities and is engaging with professional associations, including the CED, before launching a public consultation the end of this year.

Tooth-whitening Working Group continued to work with the Commission on amending the **Cosmetics directive** to allow **regulation of tooth-whitening products** at EU level. Following the failure to approve the Commission's proposal in June, the Commission is now considering another approach, limiting new regulation to H<sub>2</sub>O<sub>2</sub> concentrations between 0.1 to 6% only.

**Draft Directive on the application of patients' rights in cross-border healthcare** passed a crucial vote in the ENVI Committee in late October and is now being discussed by the representatives of the Council, the Parliament and the Commission who are attempting to strike a final compromise on the text.

In a Commission survey published in October, **dentistry was identified as one of the best functioning markets in the EU**, with highest levels of "consumer" trust and satisfaction. Meanwhile, the European Committee for Standardization considered developing **Europe-wide standards for delivery of dentistry**, following a similar project for cosmetic surgery.

Looking ahead, the Council is expected to agree on the draft Cross-border directive in December, paving the way for a final vote in the European Parliament on this important piece of legislation. We are also expecting the publication of **the revised EU Mercury strategy** before the end of the year. 2011 will bring the revision of the tobacco directive as well as further work on the Professional qualifications directive and **the medical devices directives** which are all expected to be reviewed in 2012. The CED will continue to be engaged in all these initiatives and we hope to be able to continue to rely on the support of our members.

## 📁 CED TOPICS

### // CONCLUSIONS OF SEPTEMBER CED BOARD MEETING

On 17 September, the CED Board met in Vienna for its regular autumn meeting.

Board members discussed the future of the CED policy work and agreed to organise a workshop with outgoing and new Board members in early 2011 to share lessons learned and ensure continuity of CED



policy. They supported increasing CED work on e-Health issues and on general oral health topics which would be suggested to CED Members at the November General Meeting.

The Board reviewed the request of CMDR (Romania) for membership in the CED and concluded that membership could only be granted if CMDR was willing to pay CED membership fees in full, under the same conditions as all other CED Members and Observers. The Board also decided not to invite Turkey to the November General Meeting as they had already been invited twice as special guests.

The Board discussed the proposed changes to the CED voting system and agreed not to include the issue in the agenda of the November General Meeting. The discussion and the vote on the proposal were for the time being delayed although the Italian CED Members mentioned that they would like to see the issue resolved by 2014.

At the request of the European Federation of Orthodontic Specialists Associations (EFOSA), the Board welcomed EFOSA's Vice-President Dr. Bart Vande Vannet to the meeting. Dr. Vande Vannet presented EFOSA's work and their concerns because orthodontics was not yet recognised as a specialty in three EU countries, Austria, Luxembourg and Spain. It was explained to him that this should be discussed bilaterally with the countries concerned.

The Board also discussed CED communications, activities of CED Working Groups and Task Forces, and CED external relations, particularly with the European Patients' Forum, European Movement and ERO. Further information to Members and Observers on these topics would be provided at the November General Meeting.

## // PROFESSIONAL QUALIFICATIONS DIRECTIVE (PQD)

### // European University Association (EUA) meeting on the Bologna Process

On 14 October, Constantinos Oulis (Chair of the CED WG Education and Professional Qualifications), and Sara Roda (CED Brussels Office) attended the EUA meeting entitled "*The Bologna Process and Directive 2005/36/EC on the Recognition of Professional Qualifications: is there a scope for creative interaction?*". The purpose was to discuss if the Bologna process could be in any way included in the Directive. Malcom Harbour, Chair of the Internal Market and Consumer Protection Committee (IMCO), European Parliament, informed the audience that a reflection group, chaired by Bernardette Vergnaud had been set up to lead the work on PQD and that an own-initiative report on the Directive would be concluded in 2011. He also addressed the issue of the continuing professional development (CPD) pointing out that the EU needed to ensure transparency for the benefit of patients. Jürgen Tiedje, Head of Unit D4 – Professional Qualifications, DG Internal Market, also speaking at the meeting, appeared quite sceptical about the possibility of including Bologna in the Directive 2005/36/EC, questioning EUA on what this process could do for the EU economy in terms of better mobility. This question kept unanswered.

### // Meeting of the European Parliament with national parliaments on PQD

On 26 October, the European Parliament met the EU national parliaments in Brussels to discuss the evaluation of Directive 2005/36/EC. At the meeting, the Commissioner for Internal Market and Services, Michel Barnier, informed the audience that by September 2010 all 27 Member States had completed the transposition of Directive 2005/36/EC. He further informed that the first assessment carried out by the Commission's services, which began on March, had already shown that there were three areas for improvement in the Directive in particular:

- a) Simplification of procedures especially for professionals who wished to carry out activities on a temporary or occasional basis;
- b) Modernisation of the *acquis communautaire* in the area of mutual recognition namely by updating the minimum training requirements and facilitating the recognition of professional qualifications;
- c) Promoting a proactive cooperation in particular between competent authorities in the health sector. An alert mechanism similar to the one established in the Services Directive should be the way forward.

The Commissioner also mentioned a specific project that could re-launch the internal market - professional cards. In his opinion, professional cards would simplify mobility across Europe, allowing competent authorities to have reliable and quick access to the key information on the professional and

enhancing confidence of consumers and employers. Professional cards should be optional, issued upon request and could be related to a data base accessible to competent authorities, using the IMI System.

### **// Meeting of DG Internal Market with Professional Organisations**

On 29 October, the CED Brussels Office (Nina Bernot and Sara Roda) attended a Commission meeting with professional organisations on the evaluation of Directive 2005/36/EC. At the meeting, the Commission (DG Internal Market) presented the main results of the competent authorities' experience reports and reported on its staff working document on the transposition and implementation of Directive 2005/36/EC<sup>1</sup>. By 29 of October, only 14 dental competent authorities had sent their experience reports to the Commission (Bulgaria, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Malta, the Netherlands, Poland and Sweden). Nevertheless, the main messages of concern seemed to have reached the European Commission – language requirements and the need for updating minimum requirements for dental education. The Commission explained that it intends to i) launch a public consultation by the end of the year, ii) launch a major study on the impact of recent educational reforms also before the end of the year and to be finalised in the summer of 2011, iii) release a Green Paper in the autumn of 2011, and iv) present its legislative proposal by 2012. Regarding professional cards, the Commission informed that it would be setting up a steering group composed of representatives of professional organisations to study the specific features of a plastic professional card (or of an e-certificate). To become part of this group the organisations needed to already be part of a similar project, to have expressed their interest and to represent professions with high cross-border mobility. A meeting of the steering group is scheduled for 10 January 2011. Next meeting with the professional organisations on PQD will take place in the spring of 2011.

### **// TOOTH WHITENING**

On 4 November, CED Tooth-whitening Working Group chair Stuart Johnston and member Stefaan Hanson, and Nina Bernot and Sara Roda from the CED Brussels Office met with Sabine Lecrenier, Head of Unit Cosmetics at the European Commission to present the results of the CED questionnaire on the range of concentrations of H<sub>2</sub>O<sub>2</sub> in use in the EU and to discuss Commission's plans for regulation of tooth-whitening products containing H<sub>2</sub>O<sub>2</sub>.

The Commission is experiencing problems with a number of key Member States and they fear that it would not be productive to submit the current proposal to the Council for a vote as they would not get the required majority. Because the objections of certain Member States seem insurmountable, the Commission is thinking about approaching the problem from another perspective, namely changing the proposal from the current form (under 0.1% H<sub>2</sub>O<sub>2</sub> freely available, between 0.1% and 6% H<sub>2</sub>O<sub>2</sub> first use only by dentist and to be supplied only by dentist, above 6% H<sub>2</sub>O<sub>2</sub> use only by dentist) to a new limited proposal (under 0.1% H<sub>2</sub>O<sub>2</sub> freely available, between 0.1% and 6% H<sub>2</sub>O<sub>2</sub> first use only by dentist and to be supplied only by dentist, no mention of above 6% H<sub>2</sub>O<sub>2</sub>). The Commission feels that this new proposal would probably be acceptable to Member States.

The proposal is currently being considered by the CED Working Group Tooth-whitening.

### **// CED PRESIDENT INTERVIEWED FOR INTERNATIONAL INNOVATION**

CED President Dr. Wolfgang Doneus was interviewed for International Innovation magazine, an on-line publication dedicated to the latest science, research and technological innovation on a global level ([www.research-europe.com](http://www.research-europe.com)).

In an interview which will appear on the magazine's website by the end of November, Dr. Doneus presented the CED, its history and goals as well as its structures and working methods. He stressed the importance of respecting the principles of democracy and transparency in the CED's daily work, as well as the organisation's role in forging links and building consensus among practising European dentists.

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<sup>1</sup> The document is available at [http://ec.europa.eu/internal\\_market/qualifications/docs/evaluation/staff-working-doc\\_en.pdf](http://ec.europa.eu/internal_market/qualifications/docs/evaluation/staff-working-doc_en.pdf).

Dr. Doneus expressed concern about over-regulation of dentists in Europe and highlighted the self-governing character of liberal professions. He explained the CED's policy concerning dental tourism and mutual recognition of professional qualifications for dentists, and emphasized the importance of high standards of oral health and dental care for CED policy work.

## EU HEALTH POLICY AND RELATED NEWS

### // DRAFT DIRECTIVE ON THE APPLICATION OF PATIENTS' RIGHTS IN CROSS-BORDER HEALTHCARE

The Employment, Social Policy, Health and Consumers (EPSCO) Council of 8 June 2010 adopted its first reading position on this draft Directive. The European Parliament must now approve, reject or amend the Council common position at second reading. On 27 October, draft Directive rapporteur Françoise Grossetête presented her recommendations for a second reading in the Environment, Public Health and Food Safety Committee (ENVI Committee), proposing amendments to the Council's position. The ENVI Committee approved the report and the draft recommendation will proceed to the plenary session which is forecasted for 18 January 2011. Currently, the draft Directive is being discussed by the representatives of the Council, the Parliament and the Commission who are attempting to strike a final compromise on the text.

On the basis of the CED resolution adopted at the May 2010 General Meeting, CED Board Task Force Internal Market prepared comments to the Council's position and sent them to the European Parliament in September.

### // MEPS CALL FOR A EUROPEAN ACTION PLAN ON ORAL HEALTH

Following a CED-attended roundtable organised on 27 April in the European Parliament on oral health, a group of Members of the European Parliament (MEPs) called on the European Commission to step up prevention measures to reduce the burden and cost related to dental diseases by drawing up a specific EU Action Plan on Oral Health.

In a letter of 12 September addressed to Health Commissioner John Dalli, MEPs Christian Silviu Busoi, Thomas Ulmer, Karin Kadenbach, Jo Leinen, Anja Weisgerber and Christa Klass put forward three policy demands:

1. Making oral health a priority under the Community Health Action Programme
2. Tackling oral health as part of the implementation of the EU Strategy for Reducing Health Inequalities in Europe
3. Increasing availability of EU funding, particularly to investigate innovative approaches in dental prevention and achieve a better inclusion of social and economically disadvantaged populations in dental care

This call to action is currently supported by the FDI, the EADPH (European Association of Dental Public Health), CECDO (Council of European Chief Dental Officers), ADEE (Association of Dental Education in Europe) and Wrigley Oral Health Programs.) Possible CED involvement in the project could be developed by the CED Working Group Oral Health, creation of which will be proposed at the November General Meeting.

### // FOURTH CONSUMER MARKETS SCOREBOARD SHOWS POSITIVE PUBLIC ATTITUDE AMONG EUROPEANS TOWARDS DENTISTS

On 22 October the European Commission published the results of the 4<sup>th</sup> Consumer Markets Scoreboard. Dentistry was included as one of 50 markets to be analyzed. The Scoreboard ranked consumer markets by indicators such as comparability, consumer trust, consumer satisfaction, problems, complaints the ease of switching providers, prices, etc. The results are published on the Commission's website: [http://ec.europa.eu/consumers/strategy/facts\\_en.htm#4CMS](http://ec.europa.eu/consumers/strategy/facts_en.htm#4CMS)

Dentistry was identified as one of the best markets, with highest levels of “consumer” trust and satisfaction. The overall average level of satisfaction reported for dentistry is 7.9 out of 10: 65% of patients reported level of satisfaction 8 or higher and only 6% reported level of 4 or lower. Dentistry is also among the most trusted markets: the average level of trust is 7.4 (out of 10): only Books, magazines and newspapers scored better (7.7). Only 8% of dental patients reported experiencing problems with dentists that would cause them to have a legitimate cause for complaint (compared to 16% for legal services, accountancy and notary services) and 26% for Internet provision.

Understandably, dentistry scored less well when it came to comparability of “service” by different “suppliers,” scoring only 6.9 out of 10 (maximum for all markets 7.9, minimum 5.8) and when comparing prices between Member States. The CED reminded the Commission in a letter sent before the publication of the Scoreboard results of the reasons why price comparability for dentistry across the EU was not achievable. Due to its special character and differences in organisation at national and regional level, dentistry, as other kinds of healthcare is excluded from the Services directive and should not be judged according to the same criteria as purely consumer services.

## // EU HEALTH POLICY FORUM

Nina Bernot and Sara Roda represented the CED at a meeting of the EU Health Policy Forum (EUHPF) on 21 October in Brussels. This was the second meeting of the Commission-healthcare stakeholder forum after the renewal of its membership in March 2010.

The Belgian EU Presidency reported on the on-going work in health policy. The Presidency is preparing Council conclusions to be adopted at EPSCO Council meeting on 7 December on cancer (agreement on development of national cancer plans by 2013), on pandemic preparedness, on healthcare workforce (Joint Action on workforce forecasting in 2012), on innovation and solidarity in pharmaceuticals and on chronic diseases.

Representative of the Commission gave a presentation on the European Innovation Partnership on Active and Healthy Ageing (AHAIP) which is a pilot project under the Europe 2020 Flagship Initiative Innovation Union and will be launched by January 2011. Work under AHAIP will be organized in three work areas: individuals as patients and consumers, social and health care systems, and developing EU and global markets. The aim is to adopt a multi-annual strategic work programme in early summer 2011 and present some outcomes of the project by the end of 2011. DG SANCO will launch an online consultation and will hold a stakeholders consultation meeting on 26 November 2010. Due to very tight deadline it was agreed that in the first stage of the project stakeholders should only submit already adopted positions on health aging through the EUHPF Secretariat.

The Commission also reported on key health policies: revision of the Tobacco products directive (a public consultation is running until 17 December on the scope of the Directive, smokeless tobacco products, consumer information and reporting and registration of ingredients regulation of ingredients and access to tobacco products), e-Health policies and health-related research activities under Framework Programme 7.

EUHPF members agreed that in 2011/2012 the Forum will focus on assessing the implementation of the EU health strategy, on health in EU 2020 strategy and on financial perspectives for the Commission's work in the field of public health. The next meeting of EUHPF will be organised in May 2011.

## // HUNGARIAN EU PRESIDENCY ANNOUNCES HEALTH POLICY PRIORITIES

At the October meeting of the EU Health Policy Forum a representative of the Hungarian EU Presidency presented the following priorities in health policy:

- Investing in the healthcare of the future – to be part of the April 2011 ministerial meeting
- EU workforce for health – continuation of work by the Commission and the Belgian Presidency
- Health security and preparedness
- Childhood vaccination initiatives – expert level discussions will be organised
- Mental health – Council conclusions will be adopted
- e-Health – a ministerial event is planned in May, during e-Health week

Hungary will hold the presidency of the EU Council during the first six months of 2011.

## // **EUROPEAN PARLIAMENT ADOPTS REPORT ON FUTURE OF STANDARDISATION IN THE EU: CEN DEVELOPS FIRST STANDARDS FOR HEALTHCARE PROCEDURES**

On 21 October the European Parliament adopted in a plenary session a report on the future of standardisation in the EU. The report, prepared by the Internal Market Committee (IMCO), welcomed the European Commission's intention to review the European standardisation system, urging it to preserve its successful elements, improve its deficiencies and strike the right balance between the national, European and international dimensions. The Parliament asked the Commission to accompany its review proposal with a strategy document establishing a comprehensive framework for action at European and national level. It also asked for the development of European standards in the services sector and proposed measures to promote participation of societal stakeholders and SMEs in the standard-setting process. Finally, it stressed the need for better access to standards and for promoting a standardisation system which fosters innovation and sustainable competitiveness.

In a related development, the CED Office was contacted by a representative of the European Committee for Standardization (CEN) who explained that CEN recently started work on developing European standards for plastic surgery at the instigation of the Austrian Standards Institute (ASI) and wondered if the CED thought that it would be useful to develop as well standards for delivery of dentistry. After being informed that the CED was opposed to the development of such standards, CEN is currently not considering further work in this area.

## ☆ **EUROPA LEX**

### // **REIMBURSEMENT FOR PLANNED HEALTHCARE TREATMENT IN ANOTHER MEMBER STATE IS COMPATIBLE WITH EU LAW**

The Commission brought an action against France before the Court of Justice for failure to fulfil obligations, taking the view that some provisions of national law relating to the reimbursement of certain planned treatment – that is to say, treatment that the insured person proposes to obtain in a Member State other than France – were contrary to European Union law. The Commission's action against France was dismissed in its entirety.

The Court observed that the French legislation provides that a patient may receive, in respect of hospital treatment provided in another Member State, reimbursement on the same conditions as if the treatment had been received in France, and within the limits of the costs actually incurred by the person insured. Thus those provisions include entitlement to an additional reimbursement to be paid by the competent French institution when there is a difference between the levels of social cover in the State of affiliation and the State of the place of the hospital treatment, as referred to in the Court's case-law.

In addition, considering the dangers both to the organisation of public health policy and to the balance of the financial social security system, the Court noted that the requirement of prior authorisation for planned treatment in another Member State, in a hospital or otherwise, is a justified restriction. However, a prior authorisation scheme must be based on objective, non-discriminatory criteria known in advance,

For more information please see the Court of Justice judgement in Case C-512/08 and its press release <http://europa.eu/rapid/pressReleasesAction.do?reference=CJE/10/97&format=HTML&aged=0&language=EN&guiLanguage=fr>

## ☆ EU MINI-NEWS

### // BARROSO'S FIRST STATE OF THE UNION ADDRESS

European Commission President José Manuel Barroso delivered his first "State of the Union" address to the European Parliament on 7 September, outlining the Commission's priorities for the next 12 months. These will be:

- Reforms stimulated by the economic crisis (regulation of financial sector and sound public finances)
- Encouraging growth and job creation through Europe 2020 agenda (including through the Single Market Act)
- Reforms on asylum and migration, internal strategy on organized crime and terrorism, support for human rights
- Reforming sources for EU budget (EU project Bonds, Public Private Partnerships)
- Strengthening EU role in international affairs

Barroso has been criticized by Brussels-based health stakeholders for failing to include among the priorities health and social issues.

### // SINGLE MARKET ACT: REVISION OF PQD A PRIORITY

Internal Market Commissioner Michel Barnier announced on 27 October the Commission's plans to reform and deepen the Single Market. Building on the June 2010 Monti report, the so-called Single Market Act lists 50 proposals to be put in place by 2012, the 20<sup>th</sup> anniversary of the single market, to make it work better and to achieve a highly competitive social market economy with sustainable economic growth in the EU. Among the priorities of the Act will be easier access to financing for SMEs, encouraging social investments by businesses, updating rules for e-commerce and a thorough revision of the Professional qualifications directive (PQD). The Commission has launched a public consultation on the Single Market Act and intends to adopt the final work programme in the early spring of 2011.

### // COMMISSION PUBLISHES ITS WORK PROGRAMME FOR 2011

On 27 October the Commission published its Work Programme for 2011, detailing measures based on political priorities set out by President Barroso in his State of the Union address to be taken in 2011 and beyond, in line with the new multi-annual programming cycle. In the area of health policy, the revision of the Tobacco products directive and of the Decision on communicable diseases, as well as the recast of the Directive on safety standards for the protection of workers and the general public against the dangers of ionizing radiation are planned for 2011. The recast of the three medical devices directives and the review of the Professional qualifications directive continue to be planned for 2012. Finally, a major review of the European standardization system is foreseen in 2013.

### // EU ENLARGEMENT

Following a decision by the European Council on 17 June, the accession negotiations with Iceland were opened on 27 July. Negotiation of individual chapters of EU rules and regulations are expected to start in mid-2011 at the earliest.

On 27 July EU and Croatia provisionally closed two further chapters in accession negotiations. Commission officials noted that the pace of negotiations in the coming months was up to Croatia and its implementation of necessary reforms.

The European Commission welcomed the results of Turkey's referendum on constitutional reforms on 12 September. The proposed reforms were expected to allow Turkey to comply with EU accession criteria and proceed with negotiations.

 **CED EVENTS**

18 November 2010	CED Board meeting in Brussels, Belgium
19 November 2010	CED General Meeting in Brussels, Belgium
25 March 2011	CED Board meeting in Cologne, Germany
26 May 2011	CED Board meeting in Budapest, Hungary
27-28 May 2011	CED General Meeting in Budapest, Hungary
September 2011	CED Board meeting
17 November 2011	CED Board meeting in Brussels, Belgium
18 November 2011	CED General Meeting in Brussels, Belgium

// **Comments, questions and contributions please contact:** [ced@eudental.eu](mailto:ced@eudental.eu)