



The following request was sent at the 21st of August to Mr. Solana (Council of Europe), Mrs. Vassiliou (Commissioner for Public Health), Mrs. Kuneva (Commissioner for Consumer Affairs), Mr. Madellin (DG Sanco) and to all national ministers of health in the EU member states:

Request regarding the proposal for a directive of the European parliament and the European council on the application of patients' rights in cross border health care.

Keyword: CAM, scientific evidence, EBM, implementation control

The proposal made to the EUROPEAN PARLIAMENT AND TO THE EUROPEAN COUNCIL is based on the Treaty establishing the European Community and in particular on Article 95 thereof

- Having regard to the proposal from the commission
- Having regard to the opinion of the European Economic and Social Committee
- Having regard to the opinion of the Committee of the Regions
- After consulting the European Data Protection Supervisor
- Acting in accordance to the procedure laid down in Article 251 of the Treaty

It will be justified as follows:

... (2) Given that the conditions for recourse to Article 95 of the Treaty as a legal basis are fulfilled, the Community legislature shall rely on this legal basis even when public health protection is a decisive factor in the choices made; in this respect Article 95 (3) of the Treaty explicitly requires that, in achieving harmonization, a high level of protection of human health should be guaranteed, taking account in particular of any new development based on **scientific facts**.

Question: considering the critical discussions among experts how will you deal with the phrase as set up in point (2):.... in achieving harmonization, a high level of protection of human health should be guaranteed, taking account in particular of any new development based on scientific facts.

The complementary or alternative medicine (CAM) proposes different approaches. There to we can list such complex systems as the homeopathy, the anthroposophical medicine, the traditional Chinese medicine (acupuncture being an element of it) or Ayurveda and also some highly individualized treatments like the Bach Flowers or the reflexology. Naturopathy is being successfully applied to different fields. Thousands of patients report over and over again about positive results. Alone in Germany, there are nothing less than 250.000 patients going daily to a naturopathy practice. Nevertheless, there are still discussions whether naturopathy can be considered as an „alternative or merely a belief“.

Question: What part does the experience of a single patient play for you – since it has been made a millionfold?

It is almost impossible for the complementary medicine to compete with the academic medical treatment. There is a lack of financial means for research on not-licensed complementary medicines. On the other hand the pharmaceutical industry is investing a lot of money on studies to enable licensed medicines to be authorized. We should keep in mind, that there are also in the academic medicine a few diseases for which the effectiveness of the treatment is not thoroughly guaranteed. „The effectiveness of many naturopathic treatments has not been proved“does not mean that complementary medicine is ineffective but that there is a lot of catching up to do in research. The goal is to achieve results as objectively as possible. In the end the last step necessitates a subjective judgment on the results. Personal convictions play thereby an important part.

Question: Can you forget about the cultural dispute between academic medicine and complementary medicine?

The evidence based medicine EBM is facing amongst others a modern approach presently called Cognition Based Medicine. CBM takes already into account directly or indirectly how treatment works i.e. scientifically, the outcome parameters. The experience based naturopathy could possibly find some supporting impulse from this new approach. A professional discussion about complementary or alternative medicine took place in April in Berlin and was lead-managed by Bündnis 90/Die Grünen. Contributions to the theme patients' rights from well-known experts like MD. Claudia Witt, MD Gunver Sophia Kienle , MD Harald Matthes and Prof. MD Franz Porzsolt lead to revealing discussions. The aim was to find out the methodology to prove the effectiveness of treatments in complementary medicine and what conclusions the German health care system draws from first class studies.

Question: What part plays for you the well informed patient who consciously chooses his own way?

The member states shall be responsible for the implementation and warranty of the proposed directive. Considering the required adjustment effect in achieving harmonization among EU member states, we want to ask following question: How can this be achieved?

Question: What are the concrete actions meant in the arguments' listing under point 15 and 16?

We are looking forward to hearing from you and remain sincerely

Nora Laubstein
ANME-Chairman

Monika Gerhardus
Executive Committee

Schoeneck, 2008- 21st of August