

**БЪЛГАРСКИ
ЛЕКАРСКИ СЪЮЗ**

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TO: Robert Fico

Prime Minister

Úrad vlády Slovenskej republiky

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813 70 Bratislava

TO: Zuzana Zvolenská

Minister of Health

Ministerstvo zdravotníctva SR

Limbová 2

837 52 Bratislava 37

TO: All the Members of the Slovak Parliament

Sofia, 13th May 2013

Dear Sir/Madam,

On behalf of all the doctors in Bulgaria, the Bulgarian Medical Association strongly opposes to the attempts to limit freedoms stipulated in EU regulations and to restrict the rights of a group of EU citizens on an occupational criterion by changing laws. This would not only be an unprecedented act in the European legal practice, the adoption of such a law will irretrievably damage and deteriorate the quality of healthcare. The repressive methods of governance, known from our common and recent past, have never had a lasting positive effect.

In this regard, we urge you to take into account the following arguments:

Firstly, the regulation in any medical profession is an internal process within the profession. That's because medical chambers are special public entities with regulatory powers delegated from the state. Their status has been studied in a European legal doctrine. The European Court presented extensively its reasoning in this regard, while considering the functions, objectives and legal capacity of the "Order" corporation of public rights established by legislative act of the King of Belgium. The corporation aims to protect public health by exercising control over the medical practice. This function led to a number of administrative powers of "Order" incl. disciplinary power over the doctors registered in it. Similar is the opinion of the German Federal Constitutional Court and the ruling German legal doctrine on the various corporations (the so called "Chambers") of public rights that exist in West Germany, such as the chambers of lawyers, notaries, doctors and dentists to pharmacists, the craftsmen, etc. (see Maunz Durig, Kommentar, Grundgesetz, Bd.I, Auflage, Munchen, 1990, Art.9, Abs.1, RN 88; Sachs M. (Hsg), Grundgesetz, Munchen, 1996, Art.9, Abs.1, RN 21). It is well known that the principle of self-regulation is inherent in many European countries that do not allow interference in their control system of physicians. This mode is used in

Austria, Belgium, Germany, Greece, Italy, Spain, Iceland, Poland, Croatia, Czech Republic, Slovenia, France and many others. Therefore, it is inconceivable some control functions to be assigned to officials who would not have the proper expertise.

The fundamental human right of free work to be derogated by legislative changes is inconceivable and unacceptable. To force doctors to unequal labor is unacceptable. The restriction of the fundamental right to free choice is unacceptable. Discrimination on occupational criterion is unacceptable.

In addition, we have to point out that the proposed amendments do not have any expedience and will lead to negative consequences in the healthcare system. They will create an artificial split between doctors and patients and will force many doctors to leave the system and the country in order to find their rightful equality. And, inevitably, this will lead to a lack of medical personnel.

In view of the above stated, we explicitly declare opposition to these legislative amendments which shall allow the Ministry of Health to suspend the medical activity of a medical professional for 10 years, with the imposition of fines for violation of duties, without legal proceedings but only with its decision. We stand also against the amendments to the Criminal Code, which shall lead to the criminalization of certain acts that can be performed by the medical professionals.

Therefore, we urge the Government and the Parliament of the Slovak Republic to stop these shameful legislative proposals.

Looking forward to your reply, I remain,

With kind regards,



Dr. Cvetan Raychinov,
President
Bulgarian Medical Association