

Public health and the EU Internal Market – a contradiction in terms?

Concept note for the parallel workshop, 8 September 2004

Interested organisations: EPHA, AIM

What is meant by the Internal Market?

An overview of the Internal Market Treaty Article (Art 95) and the Single European Act. Presentation to cover what proportion of legislation is introduced under this article, how health issues are taken into account, concrete examples (if any) of internal market legislation where protection of health is the goal.

How have the internal market freedoms been interpreted by the ECJ?

Cross border sales (Doc Morris, Parallel trade in pharma)

National law vs European law (Loi Evins and other alcohol examples, Italy and GM crops, bans on novel foods, Hanner case and Swedish Monopoly on medicines)

Goods (withdrawal of centralised authorisations of obesity drugs, trade names for centrally authorised drugs)

Services (Smits-Peerboom, Muller-Faure, Ionnnidis, Leichtle etc)

Working Time (Spain, Germany cases)

European law vs international law (WTO cases on BSE, hormone treated cattle, GMOs)

What are the key public health challenges facing the EU?

50 % of annual deaths in developed countries are the direct result of lifestyle related issues. Specifically smoking, patterns of alcohol consumption, nutrition and physical exercise.

- Cerebro-vascular diseases = >75 % of cases are preventable
- Cancer = > 50 % of cases are preventable
- Obesity = exploding public health problem, largely preventable
- Respiratory diseases = linked to physical environment, chemicals and tobacco

These are largely 'industrial' epidemics in the sense that they are related to modern products and services rather than communicable disease. Therefore regulation of the market could potentially influence the key factors that lead to these lifestyle diseases.

ROUNDTABLE DEBATE

Industry – the problem or the solution?

Self-regulation and codes of conduct – are there case studies of success or failure (chemicals, clothing industries)

Corporate Social Responsibility – concentrates on social, ethical and environmental concerns. How can health be integrated into these criteria? (retail sector, energy company)

What role can or should industry play in addressing 'industrial epidemics'? (examples of food industry and sports equipment or nutrition advice)

Sponsorship or endorsement of NGOs or other civil society actors in the name of health, eg public awareness campaigns. Whose interest do they serve?

Political response for EU: suggested speaker, Mrs Mel Read, MEP (til 06/04)

Can public health and the internal market be reconciled?

How could public health issues become the driver for internal market legislation? How can market access and authorisation legislation be used to provide incentives for individual behaviour change for healthier lifestyles? Is there the political will to act at national and EU level?