

shall apply, unless the President decides otherwise for specific contributions.

#### Article 4

Procedure for discussions at the Subcommittees.

- 4.1. The matters and questions which the Subcommittees shall discuss shall be determined by the Board or by the General Assembly. At the end of two discussions at the most, the Subcommittees shall submit a draft decision to the Board or to the General Assembly.
- 4.2. The Chairman of the Subcommittee shall appoint a rapporteur from among the members of the Subcommittee for each question that is to be discussed. The rapporteur shall prepare the debates and shall explain the proposed decision at the meeting of the Board or at the General Assembly.
- 4.3. When the importance or the urgency of the matter so demands, the Chairman of the Subcommittee and the rapporteur may resolve to hold special meetings with specific members of the Subcommittee.

## 1. The practice of the profession within the European Union

### 1.1 Declaration of Nuremberg, Declaration of the CP concerning the practice of medicine within the Community (Article 57-3 of the Treaty of Rome)

Adopted at Nürnberg, 1967

1. Every man must be free to choose his doctor. Every man must be guaranteed that whatever a doctor's obligations vis-a-vis society, whatever he confides to his doctor and to those assisting him will remain secret. Every man must have a guarantee that the doctor he consults is morally and technically totally independent and that he has free choice of therapy. Human life from its beginning and the human person in its integrity, both material and spiritual, must be the object of total respect. Guarantees of these rights for patients imply a health policy resulting from firm agreement between those responsible to the State and the organised medical profession.
2. The aim common to the health policy of states and medical practice is to protect the health of all its citizens. It is the duty of States to take all precautions to ensure all social classes – without discrimination – have access to all the medical care they require. Every man has the right to obtain from the social institutions and the medical corps the help he needs to preserve, develop or recover his health: he has an obligation to contribute materially and morally to these objectives. Economic expansion finds one of its principal human justifications in the advancement of resources allocated to health; the medical profession intends to do all in its power to increase, at equal cost, the human and social effectiveness of medicine.
3. The unusual necessary contact between the doctor and his patient takes account of the fact that these two partners belong to one community a condition of all health and social policy. But there must be reciprocal confidence between the patient and his doctor based on the certitude that in his treatment the doctor holds in the highest esteem and has consciously consecrated all his knowledge to the service of the human person. No matter what his method of practice or remuneration the doctor must have access to the existing resources necessary for medical intervention;

he must have free choice of decision bearing in mind the interests of his patient and the concrete possibilities offered by the advancements of science and medical techniques.

Doctors must be free to organise their practice together in a manner complying with the technical and social needs of the profession, on condition that moral and technical independence be respected and the personal responsibility of each practitioner maintained.

4. Whatever its method of practice, the medical profession is one. These methods are complementary. They derive from the same deontology although they may be submitted to different organisational conditions. Respect for moral laws and for the basic principles of medical practice is assured by independent institutions, emanating from the Medical Corps and invested, particularly under the highest judicial processes in the country, with disciplinary and judicial power.

Every doctor has a moral obligation to actively participate in his professional organisation. Through this organisation he participates in the elaboration of the country's health policy. Members of the profession can and must fight for respect of basic principles in the practice of medicine, on condition that the rights of the patient are safeguarded.

5. Hospital equipment must be within the compass of its specific mission in the service of the whole population. Its establishment is the result of a planned policy in which the public powers and the organised profession participate, allocating to public power and private initiative fuller distribution of health establishments. It comprises a variety of establishments, graded and coordinated among themselves, meeting the task or several tasks given to it: prevention, care, rehabilitation, teaching, research ... This organisation as a whole must take into consideration the principles given in the hospital charter drawn up by the Standing Committee of Doctors of the EEC and respect the autonomy of each establishment which must entail administrative and medical direction. The professional independence of the hospital doctor must be guaranteed by unquestionable criteria of nomination and a statute assuring him stability of function, economic independence and social protection.

"Technical progress, the basis of our industrial civilisation, and economic expansion which is its fruit, have for their natural end, especially thanks to a health policy, to bring about full physical and spiritual development of man, of all men."

## 1.2 Annex to the Charter of Nuremberg

Annexe à la déclaration du comité permanent des médecins de la CEE au sujet de l'exercice de la profession concernant son application dans les rapports contractuels ou statutaires unissant les médecins à des pouvoirs organisateurs de services médicaux

Adoptée lors de la Réunion Plénière tenue à Luxembourg les 29 et 30 mai 1970 (CP 259/70)

La présente annexe a pour but de préciser les règles d'application de la Charte de Nuremberg.

Les médecins contractuels sont soumis comme tous les autres aux règles de l'éthique médicale et à la déontologie médicale établie par le Corps Médical.

Ce caractère postule l'inaliénabilité de leur indépendance professionnelle, laquelle constitue à la fois un droit et une garantie du patient et la condition de sa confiance.

Les règles ci-après doivent régir dans les pays du Marché Commun les conditions d'exercice des médecins pratiquant leur art dans un lien contractuel ou statutaire définissant les conditions de leur collaboration avec un tiers propriétaire en tout ou partie des moyens mis à la disposition des médecins, organisme public ou privé, institution de soins, service de médecine curative ou préventive tel un service de médecine du travail ou service de contrôle.

Les relations entre les parties doivent donc prévoir les garanties de droit et de fait permettant au médecin d'effectuer sa mission dans le respect des impératifs de sa conscience, des règles scientifiques et techniques de sa profession, et des règles de déontologie. Les droits et obligations du médecin non stipulés par la loi doivent figurer dans un règlement ou dans une convention écrite, résultant d'une concertation entre la profession médicale organisée et les établissements ou organismes intéressés ou leurs représentants.

La concrétisation de ces principes postule la réalisation des conditions suivantes sans le respect desquelles l'indépendance morale et technique du médecin est compromise.

1. Ce contrat ou statut doit respecter la déontologie médicale en tenant compte des règles et procédures propres à chaque pays.

Ces procédures comportent le contrôle par les Ordres des Médecins dans tous les pays où ils existent.

Le respect de la déontologie implique l'impossibilité de sanctions disciplinaires pour raisons professionnelles sans l'intervention de la juridiction professionnelle officielle compétente; celle-ci doit dans tous les cas être totalement indépendante des pouvoirs organisateurs.

L'activité professionnelle du médecin ne peut jamais être contrôlée par un non-médecin.