



To:
Mr. Algirdas Butkevičius
Prime Minister of the Republic
of Lithuania
Vilnius, Lithuania
albutk@irs.lt
Algirdas.Butkevicius@irs.lt

Brussels, 23 November 2015

Subject: Amendments to the Law on Dental Chamber

Dear Mr. Prime Minister,

I am writing to you on behalf of the Council of European Dentists (CED) which is the representative organisation for the dental profession in the EU, representing over 340,000 practising dentists through 32 national dental associations and chambers from 30 European countries. Established in 1961 to advise the European Commission on matters relating to the dental profession, the CED key objectives are to promote high standards of oral healthcare and dentistry and effective patient-safety centred professional practice across Europe.

We were very concerned to learn that on 12 November 2015, the Health Committee of the Lithuanian Parliament (Lietuvos seimas) registered the draft of amendments to the Law on Dental Chamber that would abolish the licensing role and the mandatory membership of dentists and auxiliary dental professions in the Dental Chamber. We would like to note that since its establishment in 2004, the Lithuanian Dental Chamber has successfully performed these roles as part of its overall responsibility for quality of dental care and patient safety in Lithuania which include also tasks related to ensuring the application of the professional code of ethics and the responsibility of professionals to undertake continuous professional development. We would strongly regret any changes to the established integrated system which might reduce the high standards of Lithuanian dentistry.

I would like to draw your attention to the Charter for liberal professions¹ which was adopted by the European associations representing dentists (CED), doctors (CPME), community pharmacists (PGEU), veterinarians (FVE) and engineers (ECEC) in 2013 and which called on European authorities to “strengthen the role of liberal professions and support these professions within their competences” as well as to “respect the self-governing structures of liberal professions as they exist in many Member States”. We believe that the proposed amendments to the Law on Dental Chamber would go directly against these recommendations.

In addition, in its Opinion on the role and future of the liberal professions in European civil society 2020 of 25 March 2014² (INT/687-EESC-2013-01748-00-01-AC-TRA), the European Economic and

¹ Charter for liberal professions : http://www.eudental.eu/library/policy.html?filter_id=31

² Opinion of the European Economic and Social Committee on the role and future of the liberal professions in European civil society 2020 of 25 March 2014 (INT/687-EESC-2013-01748-00-01-AC-TRA) : <http://www.eesc.europa.eu/?i=portal.en.int-opinions.25755>

Council of European Dentists

President Dr Marco Landi

Transparency register: 4885579968-84

Avenue de la Renaissance 1

B-1000 Brussels

T +32 (0)2 736 34 29

F +32 (0)2 740 20 26

ced@eudental.eu

www.eudental.eu

Social Committee (EESC) noted that “Self-regulation of the liberal professions is in line with the subsidiarity principle, according to which a matter should always be handled by the body closest to it. Professionals are characterised by their particular subject knowledge, and are therefore the body in the best position to administer and regulate the liberal professions... For self-regulation to work, membership of professional associations must be compulsory in those countries where this is possible under current legislation. This restriction on the right to pursue a professional activity is justified by an overwhelming public interest.”

Finally, the European Court of Justice has held that the mandatory membership of professional organisations and bodies is justified if these institutions fulfil professional regulatory tasks. This has been the consistent case law of the court since Auer (Case C-271/82, judgment of 22/09/1983, para. 18³).

In conclusion, I hope that the proposed amendments to the Law on Dental Chamber can be withdrawn, and the licensing role and mandatory membership in the Lithuanian Dental Chamber maintained in the interest of public health.

We remain at your disposal for any further information.

Yours sincerely,



Dr Marco Landi
CED President

CC:

- Mrs. Dalia Grybauskaitė, President of the Republic of Lithuania (kanceliarija@prezidentas.lt; raminta.vysniauskiene@prezidentas.lt)
- Mrs. Loreta Grauzinienė, Speaker of the Seimas (Loreta.Grauziniene@Irs.lt)
- Mrs. Rimantė Šalaševičiūtė, Minister of Health of the Republic of Lithuania (rimante.salaseviciute@sam.lt)
- Dr Alvydas Šeikus, President, Lithuanian Dental Chamber (rumai@odontologurumai.lt)

³ Judgment of the Court (First Chamber) of 22 September 1983. - Vincent Rodolphe Auer v Ministère public. - Reference for a preliminary ruling: Cour d'appel de Colmar - France. - Veterinary surgeons - Freedom of establishment - Direct effect of directives. - Case 271/82 <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1448278760799&uri=CELEX:61982CJ0271>