

17. 12. 2009



EUROPEAN COMMISSION
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Public Health and Risk Assessment
Risk assessment

Brussels,
SANCO C7/KB/mv D(2009) 371322

Subject: A370381 Case of Servando Pérez-Domínguez (poisoned by dental Hg) and denial of Health Authorities of Hg chelation, based on DG SANCO Reports that say that amalgams are safe, your email of 1.12.2009

Dear Mr. Pérez-Domínguez,

Thank you very much for your email of 1 December 2009. I am sorry to hear that you could not come to the Risk Assessment Day for medical reasons and wish you a speedy recovery.

On your question regarding the status of the two reports from SCHER¹ and SCENIHR² to which you refer, I would like to confirm what we have already explained in the meeting with stakeholders on 20 January 2009, in which you participated:

The SCHER and SCENIHR opinions were adopted after a call for information and a public consultation, which gave the opportunity to all interested parties to submit data and scientific information and to express their comments. Nevertheless, DG SANCO decided to organise an extraordinary meeting in order to offer concerned stakeholders the opportunity to raise any further scientific issues on the health aspects of dental amalgams with members of the Scientific Committee. At that meeting, members of the SCENIHR and SCHER presented the opinions and conclusions and explained the scientific reasoning and the procedure which was followed for evaluating the given information by the respective working groups. The SANCO Secretariat explained procedural and administrative issues as well as the overall process of developing the reports (e.g. developing mandates upon requests from Commission Services, call for information, public consultation, finalisation of opinion, status of the report). Furthermore, the concerns of individual stakeholders were presented and discussed. These concerned in particular the organisation of public consultations, composition of working groups, quality of data on which the risk assessment was based, assessment of comments from calls for information and public consultations, communication of conclusions.

¹ http://ec.europa.eu/health/ph_risk/committees/04_scher/docs/scher_o_089.pdf

² http://ec.europa.eu/health/ph_risk/committees/04_scenihr/docs/scenihr_o_016.pdf

Mr. Servando Pérez Domínguez
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As outlined in the meeting, the two opinions, delivered upon request of Commission services, have been adopted, and are therefore considered final documents with respect to the date of adoption. They are publicly available at the webpages of SCENIHR and SCHER, specified in this letter. However, should any relevant new scientific findings on this matter arise in the future, the Commission would ask the appropriate Scientific Committee to re-assess the relevant issues. As a rule, the opinions of the Scientific Committees on a particular subject will be considered closed and not subject to revision for a period of 3 years (see Rules of Procedures³ of the EC Scientific Committees, Annex IV, 5.3) unless new scientific data become available requiring immediate assessment. We would also like to emphasize that so far the legal and policy actions at EU level has been within the competence of DG Enterprise and Industry (ENTR) and DG Environment (ENV). DG SANCO has provided support to DG ENTR and DG ENV for any investigation on the health and environmental risks of dental amalgams, as necessary.

Finally, we would like to clarify again that the mission of SCENIHR and SCHER, as purely scientific committee, is to pronounce on health risks based on scientific data, not to advise on risk management needs and measures. Normally, to that aim the Committee refers to data published in the peer-reviewed scientific literature. The opinions in question are not legal documents and do not create obligations. They are addressed to the services of the Commission requesting scientific advice. They are published and disseminated, as appropriate, only as scientific information.

Thank you once more for your continued interest in the work of the SCENIHR and SCHER.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Bernardo Delogu', with a long horizontal flourish extending to the right.

Bernardo Delogu
Head of Unit

³ http://ec.europa.eu/health/ph_risk/documents/rules_procedure_en.pdf