

PE1463/KK

John Charville Email of 7 February 2014

Dear Mr Howlett,

I note with interest that apparently the Scottish Government has indicated that it will not be setting up a "Short Life Working Group" whatever that entails.

I would remind you that under the 2nd & 3rd paragraphs of Article 4.3 from the [Treaty on European Union](#) the Scottish Government cannot perform any measure that will put European Union legal obligations in jeopardy: -

The Member States shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the Treaties or resulting from the acts of the institutions of the Union.

The Member States shall facilitate the achievement of the Union's tasks and refrain from any measure, which could jeopardise the attainment of the Union's objectives. Indeed the Scottish Government shall take all appropriate measures to ensure fulfilment of Article 168 from the [Treaty on the Functioning of the European Union](#)

I refer the Scottish Parliamentary Petitions Committee to the following legal principle (which incidentally underpins Article 41 of the Charter of Fundamental Rights): -

[Judgment of the Court of 21 November 1991.](#)

**Technische Universität München v Hauptzollamt München-Mitte.
Reference for a preliminary ruling: Bundesfinanzhof - Germany.
Common Customs Tariff - Exemption for scientific instruments - Equivalent scientific value.**

[Case C-269/90.](#)

Should the Petitions Committee be considering taking over the Governmental role of investigating the Failure to acknowledge the Health Scourges of Hypothyroidism, Free Triiodothyronine (FT3) Deficiency and/or Adrenocortical Insufficiency, ensure that they are properly defined, researched, prevented/treated and the general public & medical profession properly educated as required by Article 168 of the Treaty on the Functioning of the European Union then the legal principles established by the European Court of Justice case C-269/90 apply equally to the Petitions Committee.

I would point out that the Scottish Parliamentary Petitions Committee has already

been presented with an obvious flaw in breach of Article 168 of the Treaty on the Functioning of the European Union, in so far as there are 2 different definitions of Hypothyroidism which define 2 completely different medical conditions.

At its most simple level, there are 2 definitions of hypothyroidism in use: -

1. *“Hypothyroidism is a condition characterized by the clinical and biochemical manifestations of thyroid hormone deficiency in the target tissues of thyroid hormone.”*
2. *“Hypothyroidism is a condition in which the Thyroid Gland does not make enough Thyroid Hormone.”*

OR AS MORE RECENTLY UPDATED: -

2. *“Hypothyroidism is an endocrine disorder in which the thyroid gland produces inadequate quantities of the thyroid hormones thyroxine (T4) and triiodothyronine (T3)”.*

The first definition makes hypothyroidism relate to the hormones produced by the Thyroid Gland and includes Free Triiodothyronine (FT3) Deficiency, whilst the second definition makes hypothyroidism relate solely to a dysfunction of the Pituitary, Hypothalamus and Thyroid Glands, thereby excluding FT3 Deficiency: A healthy thyroid gland produces 100% of the bodily requirement of Thyroxine (T4) but only approximately 20% of the Triiodothyronine (T3) needed by the body. The remaining 80% of the bodily requirement of Triiodothyronine (T3) is supplied by conversion of T4 to T3 by the Deiodinase System.

It is not difficult to understand that this confusion regarding the definition of Hypothyroidism must be brought to an end right now. It does not require a Committee or any other government mechanism to establish this one prevailing fact.

Furthermore resolving the issue of conflicting definitions must be effected within a reasonable time-frame, and there cannot be any excuse for prolonging such a resolution of these conflicting definitions. More than 6 months is intolerable.

Indeed I believe that the general public are entitled to ask why is it taking so long for this conflict to be resolved?

Finally I refer again to the above ECoJ case law and the requirement that a Deciding Body shall state the reasons for any decision it makes. This applies equally to the Petitions Committee.

I look forward to your consideration in this matter.

Yours Truly

John Charville