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**The Codes of Medical Ethics, Good Practices and Other Professional Standards – Just Nonbinding Guidelines or Something More?**

The professional medical standards are set of norms created or recognised by medical chambers, private or public, national or international associations of medical professionals or bodies and/or governing bodies and regulators of health care sector or ultimately by courts: professional or national or international courts. The nature of this standards differs depending on their author, form and obviously – law system.

For instance, in **France** the code of medical ethics, adopted by the National Medical Council, is confirmed by the state in the form of a decree of the *Conseil d'Etat*. In **Poland** code of medical ethics is adopted by Supreme Medical Chamber on the basis of statutory authorisation. In **United Kingdom** *Good Medical Practice* is defined by General Medical Council as "a guidance, not a statutory code". In Switzerland codes of medical ethics are considered as an autonomous source of norms independent of state law, but the role of the state is to recognise them, ensure their effectiveness and resolve possible collisions. In **Germany** neither statutory provisions in *Ländern*, nor do any federal provisions create authorisation to issue codes of medical ethics or to enforce them. In **EU law**, professional standards are expressed in the form of recommendations, opinions and recommendations of scientific committees and agencies that have the rank of soft law, often considered as acts with "incidental legally binding force".

The professional standards not only set the patterns of behavior for the medical practitioners, but also constitute interpretative directives helpful in expounding technical terms used in provisions of medical law. While usually these directives are not formally binding, they are always legally relevant as a source of expertise in understanding legal concepts that have been drawn from medical sciences. As Hugo Grotius put it: "In terms of art which are above the comprehension of the general bulk of mankind, recourse, for explanation, must be had to those, who are most experienced in that art". *Curia novit iura* and only *iura* – the court is not an expert in medicine. Therefore, a court cannot disregard professional standards indicating the well-established meaning of medical terms, without a serious reason supported by an alternative expert opinion. An unjustified deviation from the professional standards in such circumstances will constitute an error in the interpretation of the law.