



## The history of the EU Directive

**9th March 2011: EU health ministers approved the directive during the Employment, Social Policy, Health and Consumer Affairs (EPSCO) Council.**

**19th January 2011: European Parliament adopts its second reading of the cross-border healthcare directive**

The Parliament took the second reading vote for the cross-border healthcare directive, paving the way for a Council's ratification. If the Council agrees with the Parliament's proposal, the directive should become effective in 2013. Although most MEPs declared to be satisfied with directive, criticisms arose from the GUE/NGL and the EFD parties. The Dutch MEP Karika Liotard thus fears that the directive is only a market product, making room for profitable health tourism.

**21st December 2010: a compromise is achieved before Christmas**

A compromise between European countries was achieved at ambassador level (Coreper). In the current compromise, prior authorisation is restricted to what is necessary and proportionate and may not constitute a means of arbitrary discrimination or an unjustified obstacle to the free movement of patients. Regarding national contact points, they should be established in an efficient and transparent way and should be able to consult with patients' organisations, health care insurers and health providers. Finally, as far as e-health is concerned, member states have identified three concrete priority areas for patient safety and the continuity of cross-border healthcare: - Identification and authentication of health professionals - List of essential data to include in patient summaries - Use of medical information for public health and medical research

**20th September 2010: The European Commission publishes its communication and comments on the position of the Council.**

The Commission reacted to the Council's position, arguing that it contains certain elements that might create risks of legal uncertainty. However, in order to allow the legislative process to move forward, the Commission did not stand against the position adopted by the Council.

**13th September 2010: The Council of the European Union adopts its first-reading position on the draft directive.**

The position of the Council at first reading refuses the adoption of a list at EU level of specialised healthcare subject to prior authorisation and only provides that the Member State of affiliation shall make publicly available which healthcare is actually subject to prior authorisation. Poland and Slovakia voted against the draft directive and Romania abstained from voting.

**15th June 2010: Critical voices raise in the European parliament:**

Françoise Grossetête, EPP, rapporteur on the directive in the European Parliament,

demands for further modifications of the directive. She states that it should ensure the equity of all patients instead of favouring the ones with higher financial means. According to her, there is a need for a clearer language in order to avoid variations of the law in different member states. Other actors: BEUC, the European consumers' organisation, hopes that the European parliament will make it more meaningful and ambitious. The European Patients' Forum thinks that alternative means of financing shall be included, not requiring patients to bear the whole costs of the healthcare up-front. The permanent working group of European junior doctors fears the negative consequences of the doctor migration the directive causes in their opinion.

#### **8th June 2010: Spain makes a proposal to get round the blockade:**

Spain proposes a directive on cross-border healthcare allowing patients to get reimbursement when seeking a planned healthcare in another member state with a modified concept: generally, the principle that the country of residence pays persists, however, in some cases, especially with regards to pensioners who return to their country of origin for treatment, the latter is in charge. Patients have to seek prior authorization of the country of residence in case of a overnight hospital stay, if highly specialised or cost-intensive medical infrastructure is required or if concerns are raised with regard to the quality or safety of the care. **Pro:** Member states believe that these dispositions allow them to better plan their budget. **Contra:** The Commission states that these safeguards hinder the original idea to help patients assert their rights.

#### **2nd December 2009: The Council fails to reach agreement on the Patients Rights Directive:**

The Spanish health Minister Trinidad Jiménez, has announced that, at a meeting of European health ministers, Spain managed to gain the support of another six European countries to block agreement on the European directive on cross-border healthcare. Jiménez explained that Spain's opposition came over concerns that such a directive would not guarantee quality health care to patients and would mean an additional cost to the public health system of around 2 billion € every year. The question of cross-border patient mobility will now be one of the tasks Spain must face when it takes over the rotating EU Presidency on 1st January next year.

#### **September 2009: Françoise Grossetête (EPP-France) is appointed new Rapporteur on the Directive on Patients Rights:**

Following the announcement of John Bowis' retirement at the end of his term, Françoise Grossetête has been designated to take over the dossier. This was publically stated in the Environment, Public Health and Food Safety Committee meeting on 2 September 2009. Under the leadership of the British MEP, the European Parliament had completed the first reading of the proposed Directive.

#### **July 2009: Crossborder healthcare Directive remains under EU Council's debate:**

European health ministers failed to reach an agreement on the proposed Directive during a Council meeting on 8-9 June 2009. In response to concerns expressed by several member states, Commissioner for Health Androulla Vassiliou agreed to include Article 152 of the Treaty, referring to public health, in the legal basis, along with Article 95

(Internal Market), and to exclude long-term care from the scope of the Directive. However, further discussions on many substantive issues, such as prior authorisation and the possible exclusion of some healthcare providers will continue under the Swedish Presidency.

**23rd April 2009: Adoption of the crossborder healthcare report in the European Parliament.**

The cross-border health care report, drafted by John Bowis (EPP-ED, UK), was adopted, on 23 April, during its first reading in the European Parliament with 297 votes in favour, 120 against and 152 abstentions. The European Commission welcomed the "Parliament's supportive stance on fostering further European cooperation on health". MEPs agreed upon the possibility of introducing a system of prior authorisation for the reimbursement of the costs of hospital care, but they want the definition for hospital care to come from the member states and not from the Commission, as was originally proposed. They underlined that the prior authorisation requirement must not create an obstacle to the freedom of movement of patients. On the reimbursement of medical costs incurred, MEPs agreed with the rule that patients are to be reimbursed up to the level they would have received in their home country. They added that member states may decide to cover other related costs, such as therapeutic treatment and accommodation and travel costs. The MEPs agreed on special rules for patients with rare diseases and disabilities who might need special treatment. Patients affected by rare diseases should have the right to reimbursement even if the treatment in question is not provided for by the legislation of their member state, they said.

**31st March 2009: Vote in ENVI Committee of the European Parliament**

**4th December 2008: Opinion of the European and Social Council on the Directive Proposal**

**2nd July 2008: Proposal for a Directive from the European Parliament and the Council**

**2nd July 2008: the European Commission publishes a communication announcing a community framework on the application of patients' rights in cross-border healthcare**

**15th March 2007: European Parliament's resolution on Community action on the provision of crossborder healthcare**