

Internal Market

CROSS-BORDER HEALTH SERVICES

Proposal for a Directive of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare ([COM\(2008\) 414 final](#))

Objective

To ensure that there is a clear framework for cross-border healthcare within the EU. This requires action to address barriers to the provision of cross-border healthcare (e.g. uncertainties about the rights to reimbursement for healthcare provided in other Member States) and ensure the free movement of patients and of health services.

Relevance for the hospitality industry

This Directive may have an indirect positive effect for the hospitality industry in some Member States providing high quality health services, as this Directive could potentially boost medical tourism.

State of progress

The European Commission issued the proposal for a Directive on the application of patients' rights in cross-border healthcare on 2 July 2008. The Commission proposal is discussed both in the European Parliament and the Council under the co-decision procedure.

The European parliament adopted its 1st reading opinion on 23 April 2009. The Council held a political debate on the Commission proposal and the EP opinion on 9 June 2009. The Council will re-examine the proposal and should reach a political agreement on 1 December 2009, thus paving the way for a Council common position. A 2nd reading in the European Parliament is very likely.

For a detailed overview of the state of progress and related documents you can visit [PreLex](#) (European Commission) or [OEIL](#) (European Parliament).

Content

The proposed Directive applies to all healthcare provision, regardless of how it is organised, delivered or financed.

The Commission proposal provides that insured patients shall not be prevented from receiving healthcare in another Member State, when the treatment is among the benefits provided for by the legislation of the Member State of affiliation.

This proposal does not affect the right of Member States to define the benefits that they choose to provide (e.g. If a Member State does not include a particular treatment as part of the entitlement of their citizens, the proposed Directive does not create any new entitlement for patients to have such treatment abroad and be reimbursed).

The Commission proposal also provides that Member States of affiliation shall set-up a transparent and non-discriminatory system of calculation of costs that are to be reimbursed for cross border healthcare.

The proposed Directive would allow each Member State to provide for a system of prior authorisation for hospital care, provided however, that this Member State can provide evidence that:

- If the treatment had been provided on its territory, it would have been covered by its social security system; and
- The consequent outflow of patients due to the implementation of the Directive seriously undermines or is likely to seriously undermine in the Member State concerned the financial balance of the social security system and/or the planning and rationalisation carried out in the hospital sector to avoid overcapacity, financial wastage, the maintenance of a balanced medical and hospital service open to all, etc.

This last aspect is creating difficulties in the process, as views are diverging between the Council and the European Parliament and also within the Council.

The proposal also contains provisions on the responsibilities of the Member State of treatment and on the recognition of medical prescriptions.

HOTREC position

HOTREC welcomes the Commission proposal which aims to ensure patients can move freely across Europe to exercise their right to cross-border provision of healthcare services.

Official references

Proposal for a Directive of the European Parliament and of the council on the application of patients' rights in cross-border healthcare ([COM\(2008\) 414 final](#))

European Parliament legislative resolution of 23 April 2009 on the proposal for a directive of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare, [P6_TA-PROV\(2009\)0286](#)

See also:

Communication from the Commission - A Community framework on the application of patients' rights in cross-border healthcare, [COM\(2008\) 415 final](#)

Summary [report](#) of the responses to the consultation regarding "Community action on health services"

Consultation regarding Community action on health services, 26 September 2006, [SEC\(2006\) 1195/4](#)

Website of the DG SANCO of the Commission, [specific section on patient mobility](#)