

Patients' rights in cross-border healthcare

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The Council held a **public policy debate** on the proposal for a Directive on the application of patients' rights in cross-border healthcare on the basis of a progress report and a Presidency questionnaire.

All delegations wanted all the Court of Justice case-law on the application of the principle of free movement of goods and services in the field of health to be codified in the Directive.

The majority of delegations recommended that the Regulation on the coordination of social security systems (1408/71) should be supplemented by the Directive on cross-border healthcare and that a "third method" of reimbursement should be avoided.

So as not to compromise equal access to healthcare, the ministers asked that Member States should be able to make the use of cross-border healthcare subject to prior authorisation or to apply the "gatekeeping" principle, for example by the attending physician.

Delegations also wanted the Member State providing the healthcare to be responsible for giving patients information on the quality and safety of cross-border healthcare.

All delegations considered that the French Presidency's compromise proposal formed a good basis for future work.

However, the Commission representative entered reservations on the approach selected by the Presidency regarding the quality and safety of healthcare (Article 5) and prior authorisation (Article 8).

In its conclusions on the debate, the Presidency supported the idea of a balance between the rights of patients and of Member States. Mandatory reimbursement by a Member State should not exceed the level provided for by its own system. The Presidency also identified outstanding issues, inter alia the management of incoming patient flows, the definition of healthcare and the quality of care.