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COUNCIL BLOCK DIRECTIVE ON CROSS-BORDER HEALTH CARE

EPF is very disappointed at the surprising outcome of the Health Council on the Patients’ Rights in Cross-Border Health Care Directive. On December 1 2009, Member States were not able to find an agreement on the Swedish EU presidency compromise. Five Member States voted against the directive, which was enough to form a blocking minority! In regards to the compromise text, it was in itself unsatisfactory for the patients as it was a step backwards particularly on quality and safety commitments. However, progress was made on several issues and EPF regrets the inability of Member States to find a political agreement and to move forward the Directive for a second reading in the European Parliament.

PATIENTS’ RIGHTS IN CROSS BORDER HEALTHCARE

The blocking of the Directive on Patients’ Rights in Cross-Border Health Care came as a very surprising and unfortunate outcome of the Health Council held on 1 of December in Brussels! Although the Ministers present at the meeting moved forward constructively with Council Conclusions on effective antibiotics, e-Health, alcohol and a Council Recommendation on smoke free environment, they were regrettably unable to reach a political agreement on the draft Directive. This reflected once again Member States’ strong concerns about the Directive limiting their competence for financing and organising healthcare.

Expectations towards a political consensus were high as the Swedish EU Presidency made considerable efforts to come to a compromise. During recent meetings of the permanent representatives committee (COREPER) in October and November, various issues of concern for Member States were solved. One single issue remained however particularly tricky: the issue of private healthcare providers who do not have a contract with the healthcare in the host country. This was the one which triggered the blocking. Finally, five Member States (Spain, Portugal, Poland, Romania and Greece) could not accept this, with Greece shifting at the last moment in the “NO camp”. The absence of the Minister of France from such important negotiation was also concerning.

In regards to the Swedish compromise text, it was in itself quite unsatisfactory for the patients’ community, as some very important elements were taken away, such as the establishment of European-wide standards on safety and quality regarding e-Health and telemedicine use. Otherwise, although patients’ organisations and their role in providing information to patients were excluded, the draft compromise text outlined however various provisions to make the information publicly available to citizens - about patients’ rights in cross-border health care, procedures, costs of cross-border healthcare that are to be reimbursed to patients.

Present at the Health Council deliberations, Commissioner Vassiliou said : “This is a sad moment for patients(...). A golden opportunity has been missed to reinforce their rights to seek treatment in another Member State and be reimbursed”. “Today we missed a chance to progress towards a Europe which matters to EU citizens and towards a Europe for patients”, she added.

EPF regrets very much the inability of Member States to reinforce the rights of the patients through this Directive and to move it forward for a second reading in the European Parliament. Since October, EPF has sent letters addressed to Health Ministers of the 27 EU Member States and health attachés urging for their support on the Directive. The letters called for further cooperation on cross-border health issues and on quality and safety among EU Member States. EPF will continue to engage with the Spanish EU Presidency on this issue and will advocate for ALL patients’ fundamental rights to quality healthcare, in their country and abroad. We will work with the forthcoming EU Presidencies, new Health Commissioner and the European Parliament, and will urge for reaching an agreement on cross-border healthcare and putting patients at the centre. Our conference in Gothenburg coming up will also be a key opportunity to discuss with the members and allies on how to move forward on this issue.