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Commission pushes for internal health market

"A European strategy is needed to ensure that citizens can exercise their rights to seek care in other member states if they wish, and that European co-operation can help systems to work together to better meet the challenges they face," states the Commission in its communication on patient mobility (April 2004).

Health systems are primarily the responsibility of the member states, but in some cases, as confirmed by several rulings of the European Court of Justice (ECJ), EU citizens can seek healthcare in other member states with the cost being covered by their own health system.

Health services were excluded from the services directive in spring 2006, but the many rulings of the ECJ show that they are to be considered as an economic activity and that Community law applies to them.

Issues:

Regardless of the European Court of Justice (ECJ) rulings on patient mobility, patients, health professionals and actors of member states' health systems are still uncertain about the practicalities and applicability of the Community law on health services.

To provide clarity and legal certainty on the issue, the Commission has decided to establish an EU framework on healthcare services to ensure cross-border access to safe, high-quality and efficient care. The College of Commissioners held an orientation debate on the issue on 5 September 2006 and the Health and Consumer Protection Commissioner Markos Kyprianou will shortly draw up a Communication setting out ideas for such an EU framework. This Communication will then be subject to a public consultation, open, for example, to patients, health professionals, purchasers and providers of care, member states and the Parliament.

This Commission initiative will, in particular, aim to provide legal clarity and certainty regarding the application of Treaty provisions on free movement to health services following the ECJ rulings and to support co-operation between health systems to enable economies of scale on some health-services areas. Development of European networks and centre of references will also be encouraged.

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