
Council Agrees on New Rules for Patients' rights in Cross-Border Healthcare

The Council in charge of Employment, Social Policy, Health and Consumer Affairs has agreed on a draft directive concerning the application of patients' rights in cross-border healthcare, on the basis of a compromise proposal of the Spanish presidency.

The draft directive aims to facilitate the access to safe and high-quality cross-border healthcare and to promote cooperation on healthcare across member states. The compromise reflects the Council's intention to fully respect the case law of the European Court of Justice on the patients' rights while preserving member states' rights to organise their own healthcare systems. The draft directive provides clarity about the rights of patients who seek healthcare in another member state and supplements the rights patients already have on an EU level.

The directive includes the following provisions:

- Patients will be allowed to receive healthcare in another member state and be reimbursed up to the level of reimbursement applicable for the same or similar treatment in their national health system if the patients are entitled to this treatment in their country of affiliation;
- Member states may manage the outgoing flows of patients also by asking a prior authorisation for certain healthcare;
- Member states of treatment will have to ensure, via national contact points, that patients from other EU countries receive on request information on safety and quality standards on their territory in order to enable patients to make an informed choice;
- The cooperation between member states in the field of healthcare is strengthened, for example in the field of e-health and through the development of European reference networks; and
- The recognition of prescriptions issued in another member state is improved.

The draft directive is part of the social agenda package of 2 July 2008, focusing on a triple objective: to guarantee that all patients have care that is safe and of good quality, to support patients in the exercise of their rights to cross-border healthcare; and to promote cooperation between health systems. After the legal-linguistic revision of the draft directive, the Council will adopt its position at first reading and forward it to the European Parliament for its second reading.

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