

EU set to table new health services law end 2006

Buoyed up by several decisions coming from the bloc's top court, particularly a recent one on patient mobility, the commission has already set the process in motion.

"We will come with a separate proposal on health services preferably by the end of the year", Margaritis Schinas, head of the health commissioner's cabinet, told EUobserver.

He said that the commission "has already triggered the process" with the full set of 25 commissioners set to debate the scope of any proposal before the summer break.

He pointed out that both the health and the internal market commissioners had announced in the European Parliament that they were going to come forward with a proposal.

The Brussels executive has been given a boost by the European Court of Justice, whose legal rulings tend towards further integration, using internal market arguments,

Taking the recent example of the landmark case awarded in favour of British national Yvonne Watts, saying she was entitled to have claim money back from the British health service for treatment carried out in France, Mr Schinas said the ruling "clearly states that there is scope for community action to achieve public health objectives".

"For example, patient mobility can very well be under article 95 [internal market rules] - that's what the court says".

Mr Schinas says that the EU has to take action in this area or it risks descending into a legal quagmire.

"We view the latest judgment as very timely encouragement ... saying that we are right because if we don't come up with a proposal, you can imagine the regulatory mess that would be created because we would have the court dictating health policy for national governments".

Mr Schinas refused to go into details of the scope of the directive before the commissioners debate it but said it is likely to cover "patient mobility (...)" but probably other things as well".

Bolkestein directive

Any directive from the commission to open up the internal market in this area is likely to prompt strong reactions - particularly from some quarters of the European Parliament which recently only agreed a general services law after health had been removed from its scope.

That directive, dubbed the Bolkestein directive after its Dutch commissioner author, prompted massive debate both within and beyond Brussels, and was eventually agreed by member states last month after being substantially watered down.

At the time, several MEPs had argued that health and social services should not be governed by the principles of the internal market.

However, critics of the exemptions pointed out that the commission would be likely to come forward with a separate specific directive for each excluded area - which included health, social, security and transport services.

Member states are also likely to watch any moves the commission makes very keenly.

Technically the EU only has a supporting role in the public health sphere and the current treaties are quite clear about the rights of member states in health issues - which are very linked to national sovereignty.

However, the commission can get around the issue via internal market rules and has traditionally been strongly backed by the European Court of Justice.

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