Patients' rights in cross-border healthcare

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Despite substantial progress, the **Council did not reach political agreement** on a draft directive concerning the application of patients' rights in cross-border healthcare.

The discussions at the Council meeting focused mainly on the reimbursement of costs with regard to non-contractual healthcare providers. In the search for a compromise, the intention was to fully respect the case law of the European Court of Justice while preserving the Member States' rights to organise their health care system. The incoming Spanish Presidency undertook to continue the work and try to reach an agreement.

It should be noted that the Commission submitted this legislative initiative as 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. The aim of the second objective is in particular to codify the case law of the Court of Justice relating to the reimbursement of cross-border healthcare.

The legal basis proposed is Article 95 of the Treaty (on the internal market) (qualified majority required for a Council decision; co-decision procedure with the European Parliament's first reading opinion voted on 23 April 2009).

The Council is expected to agree to change the legal basis for Articles 13 and 15 of the directive to Article 152 of the Treaty.