



CEPLIS TELEGRAM

*The European Council of the Liberal
Professions
Coudenberg 70
B-1000 Brussels*
Tel : +32.2.511.44.39 - Fax : +32.2.511 01 24
E-mail: ceplis@scarlet.be
www.ceplis.org

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EU Ministers reject Directive proposal on patients' rights in cross-border healthcare.

As you already know (general mailing of 7/12/2009), the European Council's meeting of the 1st of December 2009, has failed to approve the Directive proposal 2008/0142 on the application of patients' rights in cross-border healthcare thus putting its future un serious doubt.

EU Member States began debating cross-border healthcare back in late 2003, but sensitivities relating to national governments' control over health services have always been strong. An early attempt to legislate at EU level stalled: healthcare was in fact removed from the Directive 2006/123/EC on services in the internal market - CEPLIS has taken position in favour of their removal at the time. Then the Directive proposal on cross-border healthcare was bogged down in the European Commission for months in internal battles and countless re-drafts before finally being published in July 2008.

Spain and Hungary were the most vocal of the nine countries that were actively disagreeing with the proposed text. Sweden, current chair of the EU Council, has battled for a compromise until the last moment, but was forced to concede defeat after last-ditch discussions broke down.

These countries were in fact worried that once approved, the Directive would give patients travelling abroad entitlement to be treated by private providers they would not get at home. **Trinidad Jiménez García-Herrera**, Spain's Minister for Health, insisted that she did not want to exclude private providers, but wanted guarantees on quality.

Spain also feared that it would be left footing the bill for large numbers of northern European pensioners who retired in that country.

Along with Spain and Hungary, Ireland, Portugal, Romania, Slovakia, Slovenia, Greece and Lithuania raised objections to the proposal.

"There are Member States that still have difficulties reaching an agreement that could have meant certainty for our Member States and fellow citizens," said **Göran Hägglund**, Sweden's health and social affairs minister, who chaired the meeting. *"I am forced to conclude that we are not going to make any more progress."*

The European Commission said it may now abandon the proposal, leaving the European Court of Justice (ECJ) to decide when patients are entitled to be reimbursed for healthcare treatment in another EU country.

"The next European Commission will take time to think about this failure and honestly I do not exclude the possibility of withdrawing this proposal," **Androulla Vassiliou**, the European commissioner for health, told health ministers after the failure of the compromise talks.

"This is a sad moment for patients. They are the main losers today. A golden opportunity has been missed to reinforce their rights to seek treatment in another member state and to be reimbursed," add the Commissioner.

Pascal Garel, Chief executive of the **European Hospital and Healthcare Federation** (HOPE), which represents public and private hospitals, said the failure to reach an agreement was a surprise. While Mr. Garel was not confident about the survival of the proposal, he insisted that the issue has a future, noting the EU has had *"a similar experience with the working time directive, when it took four years to get an agreement"*.

"It is of course not satisfactory to be in this situation...but it doesn't change much in our lives. We shall cope with patients crossing borders as we did in the past."

On average, EU Member States spend around 1% of the public healthcare budget on cross-border care. This mainly affects patients with rare diseases and people living in border regions. The European Commission has estimated that its proposal would increase costs by €90 million each year, around two-thirds of which would be administrative costs.

For further information, please contact the secretariat of CEPLIS.

“Small Business Act: 2009 Happy Birthday?”

The Small Business Act (SBA) has celebrated its first anniversary on the 2nd of December 2009. It was the occasion for **the European Economic and Social Committee Employer’s Group (EESC), the Association of European Chambers of Commerce and Industry (EUROCHAMBRES), the European Association of Craft, Small and Medium-Sized Enterprises (UEAPME) and BUSINESSSEUROPE** to organize a conference on the state of implementation of the “Thinking Small First” principles. CEPLIS was present in order to follow up the progress of the SBA during its first year of existence.



The Economic and Social Committee

The conclusions of the speakers were almost identical; both **Henri Malosse**, President of the Employers’ Group at the EESC and **Mario Sepi**, President of the EESC, have stated that Small and Medium Enterprises (SMEs) are to be credited with a large contribution to the economic growth within the EU but still suffer from bureaucratic burdens and the lack of harmonization of the European Internal Market.

Other speakers, notably representatives from national entrepreneurs’ associations, have underlined the key role of SMEs in finding

a solution for the actual financial crisis and also as the core of the European economic innovation. According to them, SMEs need more financial support from the European Union and a clear legal framework in order to boost entrepreneurship throughout Europe.

To conclude, **Gianni Pittella**, Vice-president of the European Parliament, declared that he understood the concerns expressed by the entrepreneurs but felt that the SBA is still too young to be severely judged. The Vice-president called upon participant to give more time to the EU and to the Member States to adjust the policies in order to benefit from the full advantages of the “Thinking Small First” principles.

As you remember, CEPLIS has adopted a position paper on the Small Business Act, notably underlining its concerns about the applicability of this Act to the Liberal Professions. In the light of this conference, CEPLIS must continue its study of the text and of its current consequences in the context of our professional specificities.

For further information on this conference please contact our Secretariat

“Planning Europe’s Healthcare Revolution”

The 2nd of this month, CEPLIS has attended a conference organized by the Think Tank “Friends of Europe” in Brussels. The conference was divided into three sessions each dedicated to specific issue.



Panelists discussing Europe’s Health Policies

The first panel addressed the question: **Could E-Health deliver a strong economic opportunity?** Participants stressed that E-Health will allow for a faster exchange of patient data, reduce the number of medical casualties due to mistakes and help to set up a more preventive and predictive healthcare system. With regard to the economic dimension, according to **Mr. Zoran Stancic, Deputy Director General for information Society and Media in the European Commission**, E-

Health is a business worth 15 billion within the European Union and in that sense can be a great opportunity for investors in context of the Economic crisis. The panelists underlined also the importance of holding a debate with respect to legal issues such as protection and use of patient information in order to develop the full potential of this sector.

The speakers of the second session focused their attention on the **attainability of EU-wide healthcare standards**. Given indeed how wide the gap in average healthcare standards and life expectancy between older and newer EU Member States remain, this issue must be one of the top priorities for European authorities. The speakers especially insisted on the **urgent need to produce performance indicators in order to compare Health systems between Member States**. This could allow to identify the best model which could be followed as example by all EU Members.

The last panel of this conference was dedicated to the question: **Does Europe’s regulatory framework create the right incentives for innovation in health?** The speakers principally underlined the rigidity of the European regulatory framework in comparison with the American one whereby innovation is better promoted. They insisted as well on the necessity to promote innovation not only in the field of the development of new drugs but also with regards to improvements in organization and implementation of care.

For further information please contact our Secretariat

News from our members

- The 15th of December 2009, the “**Union Nationale des Professions Libérales et Intellectuelles de Belgique**” (UNPLIB), an Active Member of CEPLIS, will hold its General Assembly meeting. At this occasion, UNPLIB is organizing a round table aiming at debating “*The practice of a Liberal Profession in our society: what’s new?*” CEPLIS was invited to attend the Assembly, along with **Mr. Olivier Remacle**, Deputy Director of the office of the Belgian Minister of SMEs, self-employed persons, Agriculture and the Scientific policy, and **Mr. Pierre Sculier**, lawyer and member of the Administration Board of the Ordre des Barreaux francophones et germanophones (OBFG).

Venue: Av. Adolphe Lacomblé, 29
B- 1030 Brussels

Time: 17h30