



**COUNCIL OF
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NOTE

from: General Secretariat of the Council
to: Council

Subject: **Employment, Social Policy, Health and Consumers** Council meeting on 6 and 7 December 2012

Transposition of the Directive 2011/24/EU on the application of patients rights in cross-border healthcare
- Information from the Commission
(Other business item)

Delegations will find annexed an information note from the Commission on the above-mentioned subject.

EPSCO COUNCIL – 7 DECEMBER 2012
WRITTEN INFORMATION FROM THE COMMISSION SERVICES
UPDATE ON TRANSPOSITION OF DIRECTIVE ON PATIENTS' RIGHTS
IN CROSS-BORDER HEALTHCARE

Directive 2011/24/EU on the application of patients' rights in cross-border healthcare entered into force in April 2011 and is due to be transposed by the Member States by 25 October 2013. This note provides a brief update on the Commission's work to assist Member States in the transposition of the Directive.

In early summer 2011, the Commission circulated a questionnaire aimed at helping Member States to identify areas of national legislation which were likely to need to be amended in order to transpose the Directive. Member States have responded to the questionnaire and their responses have been invaluable in informing on-going work.

In addition, the Commission offered to visit Member States to discuss bilaterally the details of national transposition. All Member States have taken up this offer. The programme of visits began in June 2011 and has continued since then. The last country visit took place on 28 November 2012. The Commission received positive feedback from these visits, which most Member States considered a useful exercise. Such visits have also provided an excellent opportunity for the Commission to learn more about the specificities of each health system, and to inform its consideration of the implementation of the Directive.

Alongside this bilateral work, the cross-border healthcare Committee established by the Directive met a number of times to discuss and vote on implementing measures, and to discuss other issues of common interest. In response to interest expressed by Member States, the Commission has also started to organise informal workshop events to run alongside these Committee meetings. These provide a forum for Member States' experts to exchange views on issues and challenges related to the transposition of the Directive.

This joint work has led to considerable progress in the implementation of the Directive across the Member States.

A number of challenges remain to be dealt with. In particular, the following requirements of the Directive are causing difficulties in many Member States:

- establishing non-discriminatory reimbursement tariffs (for outgoing patients) and fees (for incoming patients);
- establishing a prior authorisation system;
- providing patients with transparent information on their entitlements;
- creating National Contact Points.

The Commission intends to continue supporting Member States to achieve the transposition of the Directive by the deadline of 25 October 2013.
