



**COUNCIL OF
THE EUROPEAN UNION**

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**SAN 468
SOC 970**

NOTE

from: General Secretariat of the Council
to: Council

Subject: **Employment, Social Policy, Health and Consumer Affairs** Council meeting on
9 and 10 December 2013

Transposition of the Directive 2011/24/EU on the application of patient's rights in
cross-border healthcare
- *Information from the Commission*
(Any Other Business item)

Delegations will find in the Annex an information note on the above mentioned subject.

Directive 2011/24/EU on the application of patients' rights in cross-border healthcare entered into force in April 2011 and was due to be transposed by the Member States by 25 October 2013. This Directive codified and clarified many years of European Court of Justice jurisprudence on the rights of patients to claim reimbursement for healthcare received in another Member State. Member States were thus allowed a considerable amount of time to implement first the jurisprudence, and then the Directive.

During the transposition period, the Commission provided Member States with continuous support and assistance throughout the process. Bilateral visits have been carried out to every Member State to provide an opportunity for transposition to be discussed in depth. Several technical workshops have been arranged in response to the request of national officials to have a forum for exchanging experiences in implementation. A detailed analysis of the links between the Directive and Regulation 883/2004 on the coordination of social security systems – and recommendations for implementing the two instruments alongside each other – has been produced. Most recently, the Commission made available to Member States non-papers containing benchmarks for successful transposition.

At the EPSCO Council of 21 June, the Commission offered further assistance to Member States in the transposition process and urged national governments to adopt the necessary national laws by 25 October.

The Commission notes that, however, several Member States have not yet transposed the Directive. The Commission urges Member States who have not yet transposed the Directive to do so now.

In line with the procedure provided for in the Treaty for non-transposition of EU law, the Commission intends to issue Letters of Formal Notice in the following weeks to those Member States which have not at that point notified a complete transposition of the Directive.