



Council of the  
European Union

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FIN 754  
SAN 471  
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## OUTCOME OF PROCEEDINGS

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From: General Secretariat of the Council

To: Delegations

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No. prev. doc.: 12913/19 FIN 636 SAN 423 SOC 662

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Subject: European Court of Auditors' Special Report No 07/2019: "EU actions for cross-border healthcare: significant ambitions but improved management required"

- *Council conclusions (24 October 2019)*

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Delegations will find in Annex the Council conclusions on the above-mentioned subject adopted by the Council on 24 October 2019.

**Council conclusions on the European Court of Auditors' Special Report No 7/2019:  
"EU actions for cross-border healthcare:  
significant ambitions but improved management required"**

THE COUNCIL OF THE EUROPEAN UNION:

1. WELCOMES the Special Report of the European Court of Auditors No 7/2019: "EU actions for cross-border healthcare: significant ambitions but improved management required";
2. RECALLS that Directive 2011/24/EU on the application of patients' rights in cross-border healthcare ("the Cross-border Healthcare Directive")<sup>1</sup> ensures the rights for EU citizens to the access to safe, high-quality healthcare across national borders within the EU and facilitates closer cooperation in a number of actions including, *inter alia*, treatment of rare diseases and the cross-border exchange of patients' data;
3. FURTHER RECALLS that the Cross-border Healthcare Directive lays down rules for EU patients to be reimbursed for treatments received in cross-border healthcare, establishes National Contact Points responsible for providing the EU citizens with information on their rights to cross-border healthcare and facilitates access to healthcare for patients with rare diseases, *inter alia* through the development of the European Reference Networks (ERNs);
4. NOTES that according to the Special Report annually approximately 200 000 patients take advantage of the systems put in place under the Cross-border Healthcare Directive to receive treatment abroad and that the majority of patient mobility occurs between neighbouring Member States;

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<sup>1</sup> OJ L 88, 04.04.2011, p. 45

5. UNDERLINES that the Member States have the main responsibility for public health policies and that EU action in this area should be designed to complement and support Member States' activities;
6. TAKES NOTE of the main findings of the Court presented in the Special Report and of its recommendations to the Commission, in particular those that concern the need to provide further support and guidance for National Contact Points towards better communication on cross-border healthcare to EU citizens, better preparation for cross-border exchanges of patients' health data and improved support to Member States to facilitate patients' access to treatment for rare diseases;
7. WELCOMES the Commission's intention to further facilitate and expand the cross-border exchange of electronic health records, as stated in its Communication of 25 April 2018<sup>2</sup> on enabling the digital transformation of health and care in the Digital Single Market, empowering citizens and building a healthier society;
8. DRAWS ATTENTION TO the complexity of the legal framework providing for cross-border healthcare for patients consisting of the Cross-border Healthcare Directive and of Regulation (EC) No 883/2004 on the coordination of social security systems<sup>3</sup>, in view of the competences of the EU and the Member States, the multitude of actors and the complex structures in place within Member States;
9. WELCOMES the Commission's reply to the findings of the Court and the initiatives already taken to implement those recommendations, in particular, providing comprehensive guidance to the National Contact Points, supporting the deployment of cross-border exchanges of patients' health data and also addressing different challenges faced by the ERNs;

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<sup>2</sup> Doc. 6451/18 (COM/2018/233 final)

<sup>3</sup> *OJL 166, 30.4.2004, p. 1*

10. ENCOURAGES the Commission and Member States to continue to cooperate closely towards the full implementation of the Cross-border Healthcare Directive through:
- further development of an EU-wide eHealth Digital Service Infrastructure (eHDSI), which enables the voluntary cross-border exchanges of patients health data such as e-prescriptions and patient summaries and, in particular, the establishment of connections between national eHealth systems and the eHDSI through dedicated National Contact Points for eHealth (NCPeH);
  - further support to the development of the ERNs;
11. ENCOURAGES the Commission to:
- further support the work of National Contact Points established by the Directive to improve the information provided to patients on their right to cross-border healthcare, including a comprehensive and systematic information on the ERNs;
  - simplify the financial and administrative procedures for the ERNs and reduce their administrative burden;
  - assess the results of the 2008 strategy on rare diseases and consider whether it needs to be updated, adapted or replaced;
  - further develop the ERNs' platforms providing guidelines, sharing knowledge and best practices, including the European Platform for Rare Diseases Registries, aimed to connect registries in the EU and thus facilitate *inter alia* epidemiological and clinical research on rare diseases;
  - continue monitoring and assessing the results achieved by the 2012 eHealth Action Plan and implementation of the 2018 eHealth strategy in terms of cost-effectiveness of the taken actions and their sustainability;

12. WELCOMES the regular reporting by the Commission to the Council on progress in the implementation of Cross-border Healthcare Directive, in particular on patient flows and on the functioning of the ERNs and National Contact Points, and ENCOURAGES Member States to assist the Commission by providing information that is relevant for the preparation of those reports.
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