

New study looks at the broader impact of EU integration on health systems' governance

In a new study, commissioned by the Belgian health authorities and conducted by the European Observatory on Health Systems and Policies and the 'Observatoire social européen', attention is drawn to the wide application of EU law and policy on the regulatory framework of national health systems. Whereas for many years the debate has been concentrating on aspects such as the reimbursement of health services provided in another Member State and the free movement of health professionals, the authors demonstrate that also more fundamentally the steering capacity of Member States to govern their health system may be at stake.

Especially since the exclusion of health services from the Directive on services in the internal market (the so-called Bolkestein Directive), authorities have been alerted by the increased scrutiny of various regulatory fields relating to health systems, even if there is no direct cross-border aspect involved. The European Commission has been questioning ever more EU compatibility of national measures on issues such as retail pharmacies ownership, territorial planning of medical facilities and equipment, public funding of private providers etc. Not only compliance with the principles of free establishment or free provision of services is investigated, health system regulation is also increasingly analysed in the light of the rules on fair competition, public procurement and state aid.

At a moment where Member States are required to preserve health system values and pressed to ensure value for money in health care, concerns raise as to the '*constitutional asymmetry*' between EU policies to promote market efficiency and those to promote social protection and solidarity. The study calls for a greater EU policy mandate with respect to health to include areas falling outside the mere objective of creating a well-functioning single market. In a way, this is also reflected in the policy debate around the proposed directive on the application of patients' rights in cross-border healthcare, which was adopted beginning of July by the European Commission and is currently under discussion in the European Parliament and the Council. This proposal sets out a broader agenda of coordination and cooperation on issues such as quality and safety of health care, information to patients, recognition of prescriptions, innovation in medical science and health technologies as well as its assessment.

The main findings of this study, which will be published early next year, are discussed at an international conference on Health systems governance in Europe: the role of EU law and policy. This conference, jointly organised by the Belgian National Institute of Health and Disability Insurance and Federal Public Service for Health as well as the Observatoire social européen and the European

Observatory on Health Systems and Policies, is to be held in Brussels on 11 December. Besides the Belgian Health Minister, also the European Commissioner for Health, the Health Ministers of Germany, Luxembourg, Spain and the Hungarian State Secretary for health have confirmed their participation.

For more information please contact:

Willy Palm
Dissemination Development Officer
European Observatory for Health Systems and
Policies
Rue de l'Autonomie 4,
1070 Brussels, Belgium
Tel.: +32 2 525 09 26
Fax: + 32 2 525 09 36/27
wpa@obs.euro.who.int
www.euro.who.int/observatory

Rita Baeten
Policy analyst
Observatoire social européen a.s.b.l.
Paul Emile Janson straat 13
1050 Brussels
Tel: +32-2-537.19.71
Fax: +32-2-539.28.08
baeten@ose.be
www.ose.be

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