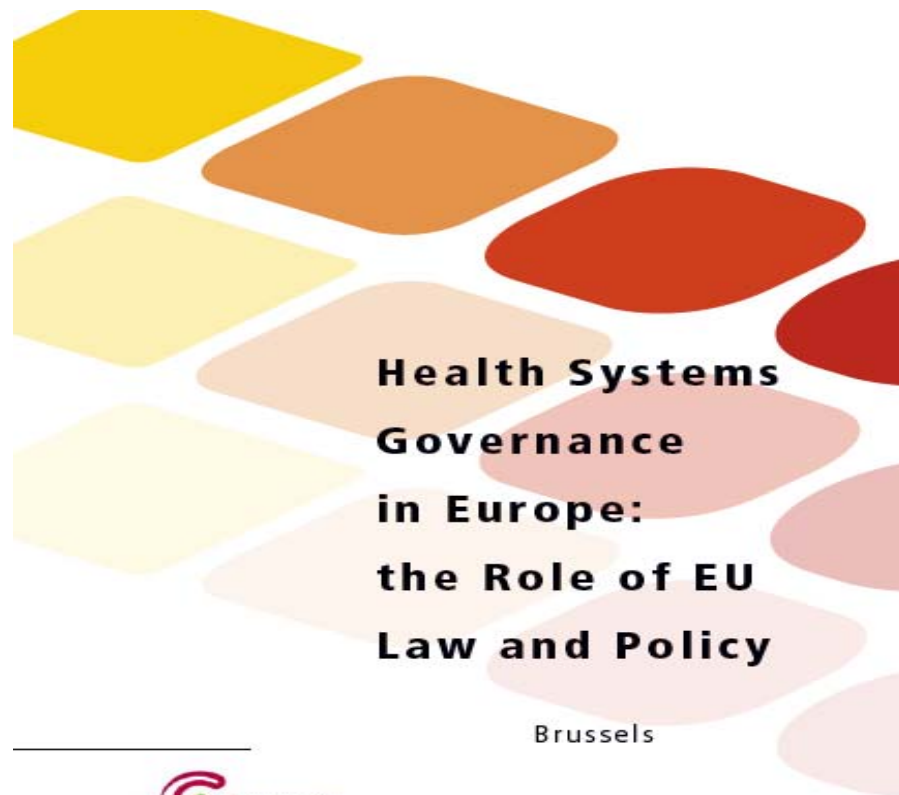




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Health care and the EU: a legal and policy- making perspective

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Health Systems Governance in Europe: the Role of EU Law and Policy

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T Hervey and B Vanhercke, “Healthcare and the EU: the law and policy patchwork”, chapter 2 of Mossialos, Permanand, Baeten and Hervey (eds) *Health Systems Governance in Europe: the Role of EU Law and Policy* (forthcoming CUP)

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Overview

- Introduction
- Areas of EU Law Affecting Healthcare
- EU Healthcare Governance
- Conclusions and Looking Forward

Introduction

- No EU competence but ‘patchwork’ of effects on healthcare
- ‘Patchwork’ of governance responses
- ‘New’ modes of governance for the EU, outside traditional binary competence models (eg OMC)



Why does EU law affect healthcare?

- Supremacy and direct effect of EU law
- No general exemption for healthcare as a field from EU law
- Mechanism is litigation – highly unpredictable and destabilizing; not sure all interests taken into account

Areas of EU law affecting healthcare

- EU free movement law
- EU competition law
- EU social and employment law

The five sets of actors shaping EU healthcare governance

- social affairs
- economic
- internal market
- enterprise
- public health

- Hybrid legal instruments
- Embed new relationship between social security and economic activity in EU law
- Develop exceptions to / exclusions from IM law
- Internal market defined in Treaty as including protection for the European Social Model
- Have the right people at the table – probably means an EU healthcare policy

