

FREE MOVEMENT OF PATIENTS IN THE EU

FREE MOVEMENT OF PATIENTS IN THE EU

A Patient's Perspective

Gabriella BERKI



intersentia

Cambridge – Antwerp – Portland

Intersentia Ltd
Sheraton House | Castle Park
Cambridge | CB3 0AX | United Kingdom
Tel.: +44 1223 370 170 | Fax: +44 1223 370 169
Email: mail@intersentia.co.uk
www.intersentia.com | www.intersentia.co.uk

Distribution for the UK and Ireland:

NBN International
Airport Business Centre, 10 Thornbury Road
Plymouth, PL6 7PP
United Kingdom
Tel.: +44 1752 202 301 | Fax: +44 1752 202 331
Email: orders@nbninternational.com

Distribution for Europe and all other countries:

Intersentia Publishing nv
Groenstraat 31
2640 Mortsel
Belgium
Tel.: +32 3 680 15 50 | Fax: +32 3 658 71 21
Email: mail@intersentia.be

Distribution for the USA and Canada:

International Specialized Book Services
920 NE 58th Ave. Suite 300
Portland, OR 97213
USA
Tel.: +1 800 944 6190 (toll free) | Fax: +1 503 280 8832
Email: info@isbs.com

Free Movement of Patients in the EU. A Patient's Perspective

© Gabriella Berki 2018

The author has asserted the right under the Copyright, Designs and Patents Act 1988, to be identified as author of this work.

No part of this book may be reproduced, stored in a retrieval system, or transmitted, in any form, or by any means, without prior written permission from Intersentia, or as expressly permitted by law or under the terms agreed with the appropriate reprographic rights organisation. Enquiries concerning reproduction which may not be covered by the above should be addressed to Intersentia at the address above.

Cover image: © Chinnapong – Shutterstock

ISBN 978-1-78068-575-5

D/2018/7849/4

NUR 820

British Library Cataloguing in Publication Data. A catalogue record for this book is available from the British Library.

Édesanyának és Édesapának
To Mum and Dad

FOREWORD

The free movement of patients and the right to cross-border medical care is a topical issue that since the development of the case law of the Court of Justice of the EU at the end of the 1990s has gained considerable interest. Not only is it a right which affects European citizens, it also concerns a domain where there is a conflict of competence between the national Member States and the European Union. Notwithstanding that healthcare is still, as confirmed in the European Treaties, a domain of national competence, the European Union has had a growing indirect influence through its case law on free movement of services and goods. While for decades the European Coordination Regulations on the social security of migrant workers has been considered the natural and only instrument dealing with cross-border healthcare, the case law of the Court has opened a new path directly based on the Treaty provisions. As a result, and striving for more legal certainty, a Patient Mobility Directive was enacted. This has led to a situation where today the rights to cross-border medical care can be found in three European instruments: the Coordination Regulations, the Patient Mobility Directive and the Treaty provisions. Needless to say this creates a complex legal situation.

In this book, which is the result of a joint PhD awarded by Ghent University in Belgium and the University of Szeged in Hungary, Gabriella Berki describes the different provisions of cross-border healthcare in a detailed way, emphasising the still existing gaps, the discrepancies (persons covered, rights obtained, tariffs of reimbursement, etc), the not always very successful interrelation between these texts, as well as the legal complexity, often leaving the patient in an unclear position.

The topic has already gained a great deal of attention in literature and Ms Berki is not the first author to describe these problems. However, in her book she approaches these problems in an innovative way. The original, fresh perspective from which the topic is dealt with is to her credit. She focuses on the rights concerned from a patient's perspective and scrutinises all provisions by asking one question: can we say that these provisions allow the patient to look for the best medical treatment regardless where in the European Union this may be (if possible at a favourable price)? Are these provisions protecting the interests of the patients or rather the national healthcare systems and the social security institutions? When elaborating this approach, she also develops an extensive list of policy proposals. The issue of cross-border medical care is still evolving. Not least through the case law of the Court and the introduction

of the European citizenship, European citizens and patients have gained a new status of rights within the European Union that allows them to rely more and more directly on primary EU provisions. It may therefore not be excluded that some of the provisions of secondary EU legislation will be questioned from a patient's perspective. The author rightly points out that the optimistic view on cross-border healthcare, resulting from the first cases of the Court, has perhaps not always been completely translated into this secondary legislation, leading to a deterioration of the patient's situation. However, on the other hand, not least in these times of economic crisis, there is a fear that people will abuse their right to free movement to profit from more beneficial systems and thus abuse cross-border medical care, leading to medical tourism. Furthermore, other legal, political and financial barriers may complicate the optimisation of the patient's situation. The most important barrier is presumably the actual division of competence in healthcare between the national Member States and the European Union. It is doubtful whether these political situations will take place and it will be extremely difficult to circumvent such political barriers. For that reason, this book is also interesting beyond the academic world.

The author has made her voice heard in this topical issue of cross-border medical care and thus contributed to its further debates.

Professor Dr Yves Jorens
Ghent University

PREFACE

For, after all, the foundation of our whole nature, and, therefore, of our happiness, is our physique, and the most essential factor in happiness is health, and, next in importance after health, the ability to maintain ourselves in independence and freedom from care. There can be no competition or compensation between these essential factors on the one side, and honour, pomp, rank and reputation on the other, however much value we may set upon the latter. No one would hesitate to sacrifice the latter for the former, if it were necessary. We should add very much to our happiness by a timely recognition of the simple truth that every man's chief and real existence is in his own skin, and not in other people's opinions; and, consequently, that the actual conditions of our personal life, health, temperament, capacity, income, wife, children, friends, home, are a hundred times more important for our happiness than what other people are pleased to think of us: otherwise we shall be miserable.

(Schopenhauer)¹

Being a patient is possibly never easy. In the vast majority of cases, it is – at best – an inconvenient situation to be in. This unease might well be intensified if someone is seeing a doctor abroad in an unfamiliar setting. What are the obstacles a border-crossing patient faces and how can these barriers be overcome? These are the questions which particularly fascinated me during the years of my research. My ambition was to detect and to bring a better understanding of those legal issues which are potentially problematic when

¹ A. SCHOPENHAUER, *Wisdom of Life*, Cosimo Classics, New York 2007, p. 54.

The original quote in German reads as follows: 'Denn überhaupt ist die Basis unseres Wesens und folglich auch unseres Glückes unsere animalische Natur. Daher ist für unsere Wohlfahrt Gesundheit das Wesentlichste, nächst dieser aber die Mittel zu unserer Erhaltung, also ein sorgenfreies Auskommen. Ehre, Glanz, Rang, Ruhm, soviel Wert auch mancher darauf legen mag, können mit jenen wesentlichen Gütern nicht kompetieren, noch sie ersetzen: vielmehr würden sie erforderlichenfalls unbedenklich für jene hingegeben werden. Dieserwegen wird es zu unserm Glücke beitragen, wenn wir beizeiten die simple Einsicht erlangen, daß jeder zunächst und wirklich in seiner eigenen Haut lebt, nicht aber in der Meinung anderer, und daß demnach unser realer und persönlicher Zustand, wie er durch Gesundheit, Temperament, Fähigkeiten, Einkommen, Weib, Kind, Freunde, Wohnort usw. bestimmt wird, für unser Glück hundertmal wichtiger ist, als was es andern beliebt aus uns zu machen. Der entgegengesetzte Wahn macht unglücklich.' A. SCHOPENHAUER, *Aphorismen zur Lebensweisheit (Separatausgabe aus 'Parerga und Paralipomena')*, F. A. Brockhaus, Leipzig 1886.

obtaining healthcare abroad and to examine whether these can be solved with the legal tools currently available on the European level. The main question behind this research was how the current landscape of European cross-border patient mobility legislation can be improved in a way that better serves patients' interests while respecting the responsibilities of the Member States in this field.

Principally, this book aims to analyse the European legal framework governing cross-border patient movements from a strictly patient-centred approach. I confess that as a social lawyer, my main interest is the social status of the individual. Thus, when I chose the rather well-researched topic of cross-border patient mobility, I set my focus on an aspect which seemed lacking: I approached the subject from the perspective of the patients. By doing this, I was led by Schopenhauer's thought who said that 'für unsere Wohlfahrt Gesundheit ist das Wesentlichste.'²

Admittedly this book is one-sided to a certain extent, implying a demand-side approach and setting aside the providers' market-based and the Member States financial interests. Since I observe each occurring problem through this filter, some observations or suggestions may be seen as provocative and hold potential for debate. As I see it, evoking an exchange of views and different opinions is one of the missions of academic writing, thus while I hereby act as an advocate of patients, I seek to bring on board arguments from the other sides involved in cross-border healthcare situations as well – especially in the last part of the book.

The legal framework under scrutiny in the book is far from simple. It is far from perfect too. It is complex on multiple levels: it both applies different rules to diverse scenarios and different legal tools to the same situation. When I think of the possibilities a patient might have when in need of healthcare, I imagine a maze with a mouse in it looking for the cheese. The mouse knows exactly what it wants, it just does not know how to get there. There are various paths to follow, but the dilemma is: which one leads to trouble and which one leads to fulfilment?

In order to reach my goal, I examined the legislation in its totality, paying special attention to the interrelations of the different legal tools, rather than studying the various legal paths separately. Furthermore, as a starting point of my research, I formulated an axiom with the aim to articulate patients' needs properly: *Patients wish to benefit from the most effective, highest quality healthcare provided as quickly as possible for the most favourable price.*³ The order of the different elements in this sentence does not necessarily indicate an order of preference. Whether it is the quality, the timeliness or the price which holds the highest importance for a patient, varies from person to person.

² It can be translated as 'the most essential factor in happiness is health.' SCHOPENHAUER, above n. 1.

³ The expression '*the most favourable price*' must be understood as the amount of money which is to be paid by the patient him/herself.

However, when obtaining healthcare, each of these factors is relevant. From the intriguing issues identified throughout this research, the present book details three key areas of patient mobility, namely legal complexity, financial affordability and information obstacles.⁴

This book is based on my doctoral dissertation which was defended in the summer of 2015 at the Ghent University in Belgium. Since then, my interest in the coordination of healthcare schemes and cross-border patient mobility has not diminished and I have continued to work in this domain. Recently, I participated in a reporting exercise whose aim was to revisit certain issues of access to healthcare in another Member State and to provide the European Commission with an in-depth analysis of different legal scenarios of cross-border healthcare.⁵ This exercise, besides the experience of numerous conferences and expert discussions inspired me to update and extend my manuscript and to write this book, which was completed on 30 April 2017. I hope it can serve as a compass in the maze.

⁴ Since issues related to quality and patient safety require specialised expertise in healthcare protocols and are not directly related to social security matters (not included into the Social Security Coordination Regulations either), and as they raise questions related to e.g. cross-border medical liability and cross-border remedy for medical malpractice, which are deserving as a subject of another book, they are beyond the scope of the present research. However, quality is an important concern for patients and a leading factor in the quest to obtain healthcare abroad, so the in-depth observation of legal problems related to that field holds great potential for future research.

On the issues related to quality and patient safety, see among others European Commission, *Special Eurobarometer 327: Patient safety and quality of healthcare*, 2010; H. LEGIDO-QUIGLEY, I.A. GLINOS, K. WALSHE, B. VAN BEEK, C. CUCIC and M. MCKEE, 'Quality and safety' in M. WISMAR, W. PALM, J. FIGUERAS, K. ERNST, E. VAN GINNEKEN, *Cross-border Health Care in the European Union – Mapping and analysing practices and policies*, European Observatory on Health Systems and Policies, Brussels 2011 and V. PASKALIA, 'Cross-border Healthcare in the EU: And What if Something Goes Wrong?' *European Journal of Health Law* 2016, <http://booksandjournals.brillonline.com/content/journals/10.1163/15718093-12341435> (accessed 22.04.2017).

⁵ G. STRBAN (ed.), G. BERKI, D. CARRASCOSA and F. VAN OVERMEIREN, *Access to healthcare in cross-border situations*, FreSsco Network, Ghent 2017.

ACKNOWLEDGEMENTS

I believe that most achievements do not belong to one single person. I certainly consider mine as team work. Each and every one of my team has carried out his/her job wonderfully: some did the cheering and supporting part, some did the pushing and criticising part and some were simply listening on the other side of the table when that was needed.

This book is the icing on the cake, the baking of which took me several years and I cannot possibly be grateful enough for having had all these amazing people around me. Without even attempting to enumerate everyone I owe my thanks, I would like to express my gratitude to my PhD-supervisors, Prof. Yves Jorens and Prof. József Hajdú and to the members of my doctoral defence committee, Prof. Saskia Klosse, Rob Cornelissen, Prof. Grega Strban and Filip Van Overmeiren, all of whom contributed to the betterment of my work. Similarly, special thanks go to my friends and colleagues both at the Ghent University and the University of Szeged.

The process which has led me to writing this book was one of the greatest personal and professional experiences of my life. It was not only an exciting task but a real adventure which challenged my skills. I feel lucky because of the unique opportunity this work has given me: I was inspired by the outstanding work experience I gained abroad, by the people I met and the joy I found in researching. What is more, it not only brought new relationships into my life but also put the old ones into new perspectives. My friends and family never ceased to stand by me during this – sometimes thorny – procedure and I love them for this as well. Thanks to all of you!

Szeged, 30 April 2017
Gabriella

CONTENTS

<i>Foreword</i>	vii
<i>Preface</i>	ix
<i>Acknowledgements</i>	xiii
<i>Table of Cases</i>	xix
<i>Table of Treaties, Instruments and Legislation</i>	xxiii
<i>List of Tables and Figures</i>	xxxii
<i>List of Abbreviations</i>	xxxiii

Chapter 1. Setting the Scene

1. Exploring the Research Problem	1
2. Conceptual Basics	5
2.1. The Mobility Element: Directions and Determinants	7
2.2. The Healthcare Element: Content and Actors	13
2.3. The Definition of Cross-Border Patient Mobility	18
3. The Right to Access to Healthcare across Borders	24
3.1. The Right to Move Freely across Borders	25
3.2. The Right to Health(care)	27
3.3. The Right to Cross-Border Healthcare	30
3.4. Legislation on Healthcare within the European Union	33
3.5. Legislation on Social Security and Public Health	36
3.6. Legislation on the Protection of Migrants' Social Rights	38
3.7. Evolution of the Legislation on European Cross-Border Patient Mobility	42
4. Conclusion	56

Chapter 2. Legal Complexity

1. Access to Healthcare in the Competent Member State when Residing Outside that Member State	60
1.1. The Coordination Regulations' Route	60
1.1.1. Determination of the Place of Residence	61
1.1.2. General Rules	64
1.1.3. Special Rules on Frontier Workers	66
1.1.4. Special Rules on Pensioners	69

1.2.	The Directive's Route	73
1.3.	Administrative Formalities when Accessing Healthcare in the Competent Member State and Residing Outside of that Member State	75
2.	Access to Necessary Healthcare During a Temporary Stay Outside of the Member State of Residence	76
2.1.	The Coordination Regulations' Route	76
2.1.1.	Distinction between Unplanned and Planned Care	77
2.1.2.	General Rules	79
2.1.3.	The Scope of Necessary Care	80
2.2.	The Directive's Route	87
2.3.	Administrative Formalities when Obtaining Necessary Healthcare	90
3.	Access to Planned Healthcare Outside of the Member State of Residence	100
3.1.	The Coordination Regulations' Route	100
3.1.1.	General Rules	100
3.1.2.	Determination of the Applicable Benefit Basket	102
3.1.3.	Medically Justifiable Time Limit	108
3.2.	The Directive's Route	116
3.2.1.	Planning Requirement	119
3.2.2.	Protection of Public Health	122
3.3.	Administrative Formalities when Obtaining Planned Healthcare	125
4.	Simultaneous Application of Legal Tools on European Cross-Border Patient Mobility	138
4.1.	Objective and Legal Basis	138
4.2.	Scope	142
4.3.	Approach towards Authorisation Schemes	143
4.4.	Administrative Procedures	144
4.5.	Reimbursement Regimes	148
4.6.	The Legislative Puzzle	149
5.	Conclusion	152
Chapter 3. Financial Affordability		155
1.	The Financial Regime of the Coordination Regulations	158
1.1.	Necessary Care	161
1.2.	Planned Care	162
1.2.1.	<i>Vanbraekel</i> Supplement	162
1.2.2.	Ancillary Costs	164
2.	The Financial Regime of the Patient Mobility Directive	165
2.1.	Ancillary Costs	167

2.2. Chargeable Healthcare Fees	169
2.3. Eligibility Criteria and Administrative Formalities	171
3. European Reimbursement Regimes as an Obstacle to Cross-Border Patient Mobility	172
3.1. Level of Reimbursement	172
3.2. Mechanism of Reimbursement	173
4. Conclusion	176
Chapter 4. Information Obstacles	179
1. Linguistic Barriers	180
1.1. The Language Barrier	180
1.2. Right to Medical Interpretation	183
1.3. Overcoming the Language Barrier	186
2. Lack of Reliable Information on Cross-Border Patient Mobility	188
2.1. Information Duties under the Regulations	188
2.2. Information Duties under the Directive	190
2.3. Information Flows	191
2.4. Online Information in Cross-Border Patient Mobility	196
2.5. Tackling the Information Obstacle	197
3. Conclusion	199
Chapter 5. Conclusions and Suggestions	201
1. Revamping European Patient Mobility Legislation	202
1.1. The Prior Authorisation Requirement	204
1.1.1. Abolition of Prior Authorisation	204
1.1.2. Arguments against the Abolition of Prior Authorisation	206
1.2. The Distinction between Planned and Unplanned Care	209
1.3. The Circle of Available Providers	211
2. Financing Cross-Border Treatment in the European Union	212
3. Tackling Obstacles of a Non-Legal Nature: Creating a Solid Institutional Background	216
4. The Legal, Political and Economic Feasibility of the <i>de Lege Ferenda</i> Suggestions	218
4.1. Legal Feasibility	222
4.2. Political Feasibility	223
4.3. Economic Feasibility	226
5. Policy Options	228
5.1. Policy Option No 0: Soft Measures	229
5.2. Policy Option No 1: No Radical Changes in Legislation	230

5.3. Policy Option No 2: Essential Changes in Secondary Law 231

5.4. Policy Option No 3: Reforming the Whole Legal Landscape 232

6. Closing Thoughts 233

Bibliography 235

Index 253

TABLE OF CASES

COURT OF JUSTICE OF THE EUROPEAN UNION

C-166/73 <i>Rheinmühlen-Düsseldorf v Einfuhr- und Vorratsstelle für Getreide und Futtermittel</i> [ECLI:EU:C:1974:3]	106
C-33/74 <i>Johannes Henricus Maria van Binsbergen v Bestuur van de Bedrijfsvereniging voor de Metaalnijverheid</i> [ECLI:EU:C:1974:131]	46, 116, 132
C-24/75 <i>Teresa et Silvana Petroni v Office national des pensions pour travailleurs salariés</i> [ECLI:EU:C:1975:129]	68
C-76/76 <i>Silvana di Paolo v Office national de l'emploi</i> [ECLI:EU:C:1977:32]	62
C-117/77 <i>Bestuur van het Algemeen Ziekenfonds Drenthe-Platteland v G. Pierik (I)</i> [ECLI:EU:C:1978:72]	45, 101, 204
C-182/78 <i>Bestuur van het Algemeen Ziekenfonds Drenthe-Platteland v G. Pierik (II)</i> [ECLI:EU:C:1979:142]	45, 101, 204
C-110/79 <i>Una Coonan v Insurance Officer</i> [ECLI:EU:C:1980:112]	36
C-279/80 <i>Criminal proceedings against Alfred John Webb</i> [ECLI:EU:C:1981:314]	46, 116
Joined Cases C-286/82 and C-26/83 <i>Graziana Luisi and Guiseppe Carbone v Ministero del Tesoro</i> [ECLI:EU:C:1984:35]	45–47, 51, 116, 127, 134, 139
C-238/82 <i>Duphar BV and others v The Netherlands State</i> [ECLI:EU:C:1984:45]	36, 47, 103–104
C-229/83 <i>Association des Centres distributeurs Édouard Leclerc and others v SARL “Au blé vert” and others</i> [ECLI:EU:C:1985:1]	132
C-18/84 <i>Commission of the European Communities v French Republic</i> [ECLI:EU:C:1985:175]	47, 116, 134, 139
C-41/84 <i>Pietro Pinna v Caisse d'allocations familiales de la Savoie</i> [ECLI:EU:C:1986:1]	35
C-205/84 <i>Commission of the European Communities v Federal Republic of Germany</i> [ECLI:EU:C:1986:463]	135
C-22/86 <i>Giuseppe Rindone v Allgemeine Ortskrankenkasse Bad Urach-Münsingen</i> [ECLI:EU:C:1987:130]	131–132
C-39/86 <i>Sylvie Lair v Universität Hannover</i> [ECLI:EU:C:1988:322]	132
C-263/86 <i>Belgian State v René Humbel and Marie-Thérèse Edel</i> [ECLI:EU:C:1988:451]	140
C-215/87 <i>Heinz Schumacher v Hauptzollamt Frankfurt am Main-Ost</i> [ECLI:EU:C:1989:111]	48, 208
C-349/87 <i>Elissavet Paraschi v Landesversicherungsanstalt Württemberg</i> [ECLI:EU:C:1991:372]	36
C-180/89 <i>Commission of the European Communities v Italian Republic</i> [ECLI:EU:C:1991:78]	135
C-45/90 <i>Alberto Paletta (I) and others v Brennet AG</i> [ECLI:EU:C:1992:236]	131–132
C-62/90 <i>Commission of the European Communities v Federal Republic of Germany</i> [ECLI:EU:C:1992:169]	48, 208

C-159/90 <i>The Society for the Protection of Unborn Children Ireland Ltd v Stephen Grogan and others</i> [ECLI:EU:C:1991:378]	45–46, 116
C-204/90 <i>Hanns-Martin Bachmann v Belgian State</i> [ECLI:EU:C:1992:35]	47, 116, 134, 139
C-102/91 <i>Doris Knoch v Bundesanstalt für Arbeit</i> [ECLI:EU:C:1992:303]	62
C-106/91 <i>Claus Ramrath v Ministre de la Justice, and l'Institut des réviseurs d'entreprises</i> [ECLI:EU:C:1992:230]	135
Joined Cases C-159/91 <i>Christian Poucet v Assurances Générales de France and Caisse Mutuelle Régionale du Languedoc-Roussillon</i> and C-160/91 <i>Daniel Pistre v Caisse Autonome Nationale de Compensation de l' Assurance Vieillesse des Artisans</i> [ECLI:EU:C:1993:63]	36
C-8/92 <i>General Milk Products v Hauptzollamt Hamburg-Jonas</i> [ECLI:EU:C:1993:82]	132
C-23/93 <i>TV10 SA v Commissariaat voor de Media</i> [ECLI:EU:C:1994:362]	132
Joined Cases C-358/93 and C-416/93 <i>Criminal proceedings against Aldo Bordessa, Vicente Marí Mellado and Concepción Barbero Maestre</i> [ECLI:EU:C:1995:54]	127
C-381/93 <i>Commission of the European Communities v French Republic</i> [ECLI:EU:C:1994:370]	44, 204
C-384/93 <i>Alpine Investments BV v Minister van Financiën</i> [ECLI:EU:C:1995:126]	24
C-451/93 <i>Claudine Delavant v Allgemeine Ortskrankenkasse für das Saarland</i> [ECLI:EU:C:1995:176]	65
Opinion of AG Jacobs in C-451/93 <i>Claudine Delavant v Allgemeine Ortskrankenkasse für das Saarland</i> [ECLI:EU:C:1995:28]	65
Joined Cases C-163/94, C-165/94 and C-250/94 <i>Criminal proceedings against Lucas Emilio Sanz de Lera, Raimundo Díaz Jiménez and Figen Kapanoglu</i> [ECLI:EU:C:1995:451]	127
C-206/94 <i>Brennet AG v Vittorio Paletta (II)</i> [ECLI:EU:C:1996:182]	131–132
C-340/94 <i>E.J.M. de Jaeck v Staatssecretaris van Financiën</i> [ECLI:EU:C:1997:43]	35
Joined Cases C-4/95 <i>Fritz Stöber</i> and C-5/95 <i>José Manuel Piosa Pereira v Bundesanstalt für Arbeit</i> [ECLI:EU:C:1997:44]	36
C-70/95 <i>Sodemare SA, Anni Azzurri Holding SpA and Anni Azzurri Rezzato Srl v Regione Lombardia</i> [ECLI:EU:C:1997:301]	36
Joined Opinion of AG Tesouro in C-120/95 <i>Nicolas Decker v Caisse de maladie des employés privés</i> and C-158/96 <i>Raymond Kohll v Union des caisses de maladie</i> [ECLI:EU:C:1997:399]	36
C-120/95 <i>Nicolas Decker v Caisse de maladie des employés privés</i> [ECLI:EU:C:1998:167]	3, 36, 44–48, 51, 86, 116–117, 134, 139–140, 143, 157, 166, 173, 192, 202, 205, 215
C-221/95 <i>Institut National d'Assurances Sociales pour Travailleurs Indépendants (Inasti) v Claude Hervein (I) and Hervillier SA</i> [ECLI:EU:C:1997:47]	35
C-398/95 <i>Syndesmos ton en Elladi Touristikon kai Taxidiotikon Grafeion (SETTG) v Ypourgos Ergasias</i> [ECLI:EU:C:1997:282]	46
C-158/96 <i>Raymond Kohll v Union des caisses de maladie</i> [ECLI:EU:C:1998:171]	3, 5, 36, 44–48, 50–51, 86, 116–117, 134, 139–140, 143, 157, 166, 173, 192, 202, 204–205, 215
C-160/96 <i>Manfred Molenaar and Barbara Fath-Molenaar v Allgemeine Ortskrankenkasse Baden-Württemberg</i> [ECLI:EU:C:1998:84]	14
C-90/97 <i>Robin Swaddling v Adjudication Officer</i> [ECLI:EU:C:1999:96]	62
C-294/97 <i>Eurowings Luftverkehrs AG v Finanzamt Dortmund-Unna</i> [ECLI:EU:C:1999:524]	46
C-55/98 <i>Skatteministeriet v Bent Vestergaard</i> [ECLI:EU:C:1999:533]	46

Opinion of AG Saggio in C-368/98 <i>Abdon Vanbraekel and Others v Alliance nationale des mutualités chrétiennes</i> [ECLI:EU:C:2000:271]	140
C-368/98 <i>Abdon Vanbraekel and Others v Alliance nationale des mutualités chrétiennes</i> [ECLI:EU:C:2001:400]	3, 5, 44, 46–49, 51, 54, 116, 126, 133–134, 139–140, 157, 158, 162–163, 166, 192, 204, 215
C-411/98 <i>Angelo Ferlini v Centre hospitalier de Luxembourg</i> [ECLI:EU:C:2000:530] . . .	169
Opinion of AG Ruiz-Jarabo Colomer in C-157/99 <i>B.S.M. Geraets-Smits v Stichting Ziekenfonds VGZ and H.T.M. Peerbooms v Stichting CZ Groep Zorgverzekeringen</i> [ECLI:EU:C:2000:274]	36, 44
C-157/99 <i>B.S.M. Geraets-Smits v Stichting Ziekenfonds VGZ and H.T.M. Peerbooms v Stichting CZ Groep Zorgverzekeringen</i> [ECLI:EU:C:2001:404]	3, 6, 46–50, 52, 103–104, 109–110, 116–118, 121, 127, 134–135, 139–140, 157, 192, 202, 204–205, 215
C-205/99 <i>Asociación Profesional de Empresas Navieras de Líneas Regulares (Analir) and Others v Administración General del Estado</i> [ECLI:EU:C:2001:107]	127, 135
C-385/99 <i>V.G. Müller-Fauré v Onderlinge Waarborgmaatschappij OZ Zorgverzekeringen UA and E.E.M. van Riet v Onderlinge Waarborgmaatschappij ZAO Zorgverzekeringen</i> [ECLI:EU:C:2003:270]	3, 15, 36, 46–52, 104, 109–110, 112–113, 116–118, 127, 134–135, 139, 157, 179, 192, 204–205, 215
Joined Cases C-393/99 and C-394/99 <i>Institut national d'assurances sociales pour travailleurs indépendants (Inasti) v Claude Hervein (II) and Hervillier SA (C-393/99) and Guy Lorthiois and Comtexbel SA (C-394/99)</i> [ECLI:EU:C:2002:182]	35
C-326/00 <i>Idryma Koinonikon Asfaliseon (IKA) v Vasileios Ioannidis</i> [ECLI:EU:C:2003:101]	3, 6, 77, 84, 133, 158
C-56/01 <i>Patricia Inizan v Caisse primaire d'assurance maladie des Hauts-de-Seine</i> [ECLI:EU:C:2003:578]	3, 36–37, 46–47, 50, 103, 108–109, 112, 116–117, 126–127, 134–135, 139, 158, 166, 204–205
C-243/01 <i>Criminal proceedings against Piergiorgio Gambelli and Others</i> [ECLI:EU:C:2003:597]	24, 46
C-8/02 <i>Ludwig Leichtle v Bundesanstalt für Arbeit</i> [ECLI:EU:C:2004:161]	3, 36, 44–47, 54, 116, 133–135, 165, 204
C-200/02 <i>Kunqian Catherine Zhu and Man Lavette Chen v Secretary of State for the Home Department</i> [ECLI:EU:C:2004:639]	207
C-145/03 <i>Heirs of Annette Keller v Instituto Nacional de la Seguridad Social (INSS)</i> [ECLI:EU:C:2005:211]	3, 6, 47–48, 50, 54, 117, 127, 130–131, 133, 157, 192, 205, 215
Joined Cases C-151/04 and C-152/04 <i>Criminal proceedings against Claude Nadin, Nadin-Lux SA (C-151/04) and Jean-Pascal Durré (C-152/04)</i> [ECLI:EU:C:2005:775]	221
C-372/04 <i>The Queen, on the application of Yvonne Watts v Bedford Primary Care Trust and Secretary of State for Health</i> [ECLI:EU:C:2006:325]	3, 6, 14, 36–37, 44, 46–51, 86, 103, 108–109, 112–114, 116–118, 127, 134–135, 139, 143, 157–158, 165, 192, 204–205, 215–216
C-466/04 <i>Manuel Acereda Herrera v Servicio Cántabro de Salud</i> [ECLI:EU:C:2006:405]	3, 14, 54, 165–166
C-444/05 <i>Aikaterini Stamatelaki v NPDD Organismos Asfaliseos Eleftheron Epangelmation (OAE)</i> [ECLI:EU:C:2007:231]	3, 36–37, 44, 46–49, 116, 135, 157, 192, 204–205, 215

C-531/06 <i>Commission of the European Communities v Italian Republic</i> [ECLI:EU:C:2009:315]	36–37
C-141/07 <i>Commission of the European Communities v Federal Republic of Germany</i> [ECLI:EU:C:2008:492]	36–37
C-169/07 <i>Hartlauer Handelsgesellschaft mbH v Wiener Landesregierung and Oberösterreichische Landesregierung</i> [ECLI:EU:C:2009:141]	36–37
Joined Cases C-171/07 and C-172/07 <i>Apothekerkammer des Saarlandes and Others and Helga Neumann-Seiwert v Saarland and Ministerium für Justiz, Gesundheit und Soziales</i> [ECLI:EU:C:2009:316]	36–37
Joined Cases C-570/07 and C-571/07 <i>José Manuel Blanco Pérez and María del Pilar Chao Gómez v Consejería de Salud y Servicios Sanitarios and Principado de Asturias</i> [ECLI:EU:C:2010:300]	36–37
Opinion of AG Mergozzi in C-211/08 <i>European Commission v Kingdom of Spain</i> [ECLI:EU:C:2010:88]	37, 51, 158, 161
C-211/08 <i>European Commission v Kingdom of Spain</i> [ECLI:EU:C:2010:340] . . .	24, 35–36, 44, 46, 49, 86, 108, 116, 143, 164, 204
C-512/08 <i>European Commission v French Republic</i> [ECLI:EU:C:2010:579]	36–37, 46–47, 50, 102, 116–118, 127, 134–135, 139, 163, 204–205
Opinion of AG Cruz Villalón in C-173/09 <i>Georgi Ivanov Elchinov v Natsionalna zdravnoosiguritelna kasa</i> [ECLI:EU:C:2010:336]	37, 106
C-173/09 <i>Georgi Ivanov Elchinov v Natsionalna zdravnoosiguritelna kasa</i> [ECLI:EU:C:2010:581]	6, 36, 46–48, 50, 102–104, 106–109, 113, 116–117, 126–127, 133–135, 139, 143, 157, 163, 192, 204–205, 211, 215
C-345/09 <i>J. A. van Delft and Others v College voor zorgverzekeringen</i> [ECLI:EU:C:2010:610]	69
C-490/09 <i>European Commission v Grand Duchy of Luxemburg</i> [ECLI:EU:C:2011:34]	35–37, 44, 46–49, 116, 134, 139, 157, 192, 204, 215
C-577/10 <i>European Commission v Kingdom of Belgium</i> [ECLI:EU:C:2012:814]	207
C-443/11 <i>F.P. Jeltens, M.A. Peeters, J.G.J. Arnold v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen</i> [ECLI:EU:C:2013:224]	66
C-430/12 <i>Elena Luca v Casa de Asigurări de Sănătate Bacău</i> [ECLI:EU:C:2013:467] . . .	117
C-255/13 <i>I v Health Service Executive</i> [ECLI:EU:C:2014:1291]	62–63
C-268/13 <i>Elena Petru v Casa Județeană de Asigurări de Sănătate Sibiu and Casa Națională de Asigurări de Sănătate</i> [ECLI:EU:C:2014:2271]	109–112
Opinion of AG Cruz Villalón in C-268/13 <i>Elena Petru v Casa Județeană de Asigurări de Sănătate Sibiu and Casa Națională de Asigurări de Sănătate</i> [ECLI:EU:C:2014:2023]	111

EFTA COURT

Joined Cases E-11/07 and E-1/08 <i>Olga Rindal</i> (Case E-11/07); <i>Therese Slinning</i> , <i>represented by legal guardian Olav Slinning</i> (Case E-1/08) and <i>The Norwegian State</i> , <i>represented by the Board of Exemptions and Appeals for Treatment Abroad</i>	103
---	-----

TABLE OF TREATIES, INSTRUMENTS AND LEGISLATION

TREATIES AND ANALOGOUS INSTRUMENTS

Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded	206
Charter of Fundamental Rights of the European Union, OJ C 83 of 30 March 2010	28, 183
Charter of the United Nations	27
Constitution of the World Health Organization	27
Convention concerning Minimum Standards of Social Security (ILO 102)	14
Convention for the Protection of Human Rights and Fundamental Freedoms	28
European Convention on Human Rights and Biomedicine	28
European Social Charter	28
International Covenant on Civil and Political Rights	25
International Covenant on Economic, Social and Cultural Rights	28
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	26
Treaty establishing the European Community	3, 151
Treaty on the European Union, OJ C 83 of 30 March 2010	32, 34, 219, 222
Treaty on the Functioning of the European Union, OJ C 83 of 30 March 2010	3, 151, 222, 229–232
Treaty of Rome establishing the European Economic Community	26
Universal Declaration on Bioethics and Human Rights	28
Universal Declaration of Human Rights	25, 28

EU LEGISLATION AND POLICY DOCUMENTS

Administrative Commission for the Coordination of Social Security Services, <i>Minutes of the Working Party of the Administrative Commission on Patients' mobility</i> , AC 332/11, 4 October 2011	89
Administrative Commission for the Coordination of Social Security Services, <i>Guidance note of the Commission services on the relationship between Regulations (EC) Nos 883/2004 and 987/2009 on the coordination of social security systems and Directive 2011/24/EU on the application of patients' rights in cross border healthcare</i> , AC 246/12, 21 May 2012	43

Administrative Commission for the Coordination of Social Security Services, <i>Appendix to the interpretative note of the Commission on the relationship between Regulations (EC) Nos 883/2004 and 987/2009 on the coordination of social security systems and Directive 2011/24/EU on the application of patients' rights in cross-border healthcare</i> , AC 270/13, 28 May 2013	73
Commission Implementing Directive 2012/52/EU of 20 December 2012 laying down measures to facilitate the recognition of medical prescriptions issued in another Member State. OJ L 356 of 22 December 2012	141
Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices. OJ L 189 of 20 July 1990	209
Council Directive 93/42/EEC of 14 June 1993 concerning medical devices. OJ L 169 of 12 July 1993	209
Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality. OJ L 124 of 20 May 2003	41–42
Decision No 135 of the Administrative Commission of 1 July 1987 concerning the granting of benefits in kind provided for in Article 17(7) and Article 60(6) of Regulation (EEC) No 574/72 and the concepts of urgency within the meaning of Article 20 of Regulation (EEC) No 1408/71 and of extreme urgency within the meaning of Articles 17(7) and 60(6) of Regulation (EEC) No 574/72. OJ C 281 of 4 November 1988	209
Decision No 189 of the Administrative Commission of 18 June 2003 aimed at introducing a European health insurance card to replace the forms necessary for the application of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 as regards access to health care during a temporary stay in a Member State other than the competent State or the State of residence. OJ L 276 of 27 October 2003.	91
Decision No 190 of the Administrative Commission of 18 June 2003 concerning the technical specifications of the European health insurance card. OJ L 276 of 27 October 2003.	91
Decision No 191 of the Administrative Commission of 18 June 2003 concerning the replacement of forms E 111 and E 111 B by the European health insurance card. OJ L 276 of 27 October 2003	91
Decision No 194 of the Administrative Commission of 17 December 2003 concerning the uniform application of Article 22(1)(a)(i) of Council Regulation (EEC) No 1408/71 in the Member State of stay. OJ L 104 of 8 April 2004.	82
Decision No 195 of the Administrative Commission of 23 March 2004 on the uniform application of Article 22(1)(a)(i) of Council Regulation (EEC) No 1408/71 as regards healthcare in conjunction with pregnancy and childbirth. OJ L 160 of 30 April 2004	80
Decision No S1 of the Administrative Commission of 12 June 2009 concerning the European Health Insurance Card. OJ C 106 of 24 April 2010.	91
Decision No S2 of the Administrative Commission of 12 June 2009 concerning the technical specifications of the European Health Insurance Card. OJ C 106 of 24 April 2010	91
Decision of No S3 the Administrative Commission of 12 June 2009 defining the benefits covered by Articles 19(1) and 27(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council and Article 25(A)(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council. OJ C 106 of 24 April 2010.	82

Decision No S4 of the Administrative Commission for the Coordination of Social Security Systems of 2 October 2009 concerning refund procedures for the implementation of Articles 35 and 41 of Regulation (EC) No 883/2004 of the European Parliament and of the Council. OJ C 106 of 24 April 2010	158
Decision of the EEA Joint Committee No 76/2011 of 1 July 2011 amending Annex VI (Social security) and Protocol 37 to the EEA Agreement. OJ L 262 of 6 October 2011.	42
Decision No 1/2012 of the Joint Committee established under the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons of 31 March 2012 replacing Annex II to that Agreement on the coordination of social security schemes. OJ L 103 of 13 April 2012.	42
Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices. OJ L 331 of 7 December 1998	209
Directive 2001/20/EC of the European Parliament and of the Council of 4 April 2001 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practice in the conduct of clinical trials on medicinal products for human use. OJ L 121 of 1 May 2001	209
Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use. OJ L 311 of 28 November 2001.	209
Directive 2002/98/EC of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components. OJ L 33 of 8 February 2003.	209
Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells. OJ L 102 of 7 April 2004	209
Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. OJ L 158 of 30 April 2004.	63
Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications. OJ L 255 of 30 September 2005	209
Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market. OJ L 376 of 27 December 2006.	4, 55, 152
Directive 2010/53/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation. OJ L 207 of 6 August 2010	209
Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings. OJ L 280 of 26 October 2010	185
Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare. OJ L 88 of 4 April 2011	2, 4–5, 16, 18–19, 43, 54–56, 59, 73–74, 87, 98–99, 122–125, 134, 136, 138, 140–141, 143–144, 151–153, 156, 166–168, 172–174, 176, 184, 188, 190–191

Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers. OJ L 128 of 30 April 2014.	203
European Council, <i>Presidency Conclusions</i> , Barcelona, 15–16 March 2002.	80
European Council, <i>Council Conclusions on Common values and principles in European Union Health Systems</i> , OJ C 146 of 22 June 2006.	4
European Commission, <i>Commission Recommendation of 7 December 2001 on principles for using ‘SOLVIT’ – the Internal Market Problem Solving Network</i> , C (2001) 3901, OJ L 331 of 15 December 2001	217
European Commission, <i>Commission Recommendation of 17 September 2013 on the principles governing SOLVIT</i> , C (2013) 5869 final, 17.09.2013	217
European Commission, <i>Commission Staff Working Document. Accompanying document to the Proposal for a Directive of the European Parliament and of the Council on the application of patients’ rights in cross-border healthcare. Impact Assessment</i> , SEC (2008) 2163, 02.07.2008	222
European Commission, <i>Commission Staff Working Document. Language competences for employability, mobility and growth</i> , SWD (2012) 372 final, 20.11.2012.	182
European Commission, <i>Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions – Effective Problem Solving in the Internal Market (“SOLVIT”)</i> , COM (2001) 0702 final, 27.11.2001	217
European Commission, <i>Communication from the Commission concerning the introduction of a European health insurance card</i> , COM (2003) 73 final, 17.02.2003.	91
European Commission, <i>Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: Promoting Language Learning and Linguistic Diversity: An Action Plan 2004 – 2006</i> , COM (2003) 449 final, 24.07.2003.	182
European Commission, <i>Communication from the Commission. Follow-up to high level reflection process on patient mobility and healthcare developments in the European Union</i> , COM (2004) 301 final, 20.04.2004	33
European Commission, <i>Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. A New Framework Strategy for Multilingualism</i> , COM (2005) 596 final, 22.11.2005.	181
European Commission, <i>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Accompanying the Communication on “A single market for 21st century Europe.” Services of general interest, including social services of general interest: a new European commitment</i> , COM (2007) 725 final, 20.11.2007	46
European Commission, <i>Communication from the Commission: A Community framework on the application of patients’ rights in cross-border healthcare</i> , COM (2008) 415 final, 02.07.2008.	2
European Commission, <i>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on telemedicine for the benefit of patients, healthcare systems and society</i> , COM (2008) 689 final, 04.11.2008	20
European Commission, <i>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Rare Diseases: Europe’s challenges</i> , COM (2008) 679 final, 11.11.2008	137

European Commission, <i>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Solidarity in health: Reducing health inequalities in the EU</i> , COM (2009) 567 final, 20.10.2009.	179
European Commission, <i>Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A Quality Framework for Services of General Interest in Europe</i> , COM (2011) 900 final, 20.12.2011.	46
European Commission, DG Employment, Social Affairs and Inclusion, <i>Explanatory notes on modernised social security coordination – Necessary care</i> , 2011.	81
European Commission, DG Employment, Social Affairs and Inclusion, <i>Explanatory notes on modernised social security coordination – Relationship between Regulation (EC) No 883/2004 and Directive No 2004/38/EC</i> , 2011.	63
European Commission, Directorate General for Translation, <i>Lingua Franca: Chimera or Reality?</i> 2011.	181
European Commission, <i>Eurobarometer: European Union citizens and sources of information about health</i> , 2003.	194
European Commission, <i>Eurobarometer: Europeans and their languages</i> , 2012.	180
European Commission, <i>Eurobarometer: Geographical and labour market mobility</i> , 2010.	8
European Commission, <i>Eurobarometer Qualitative Study: Patient involvement. Aggregate Report</i> , 2012.	180
European Commission, <i>High level process of reflection on patient mobility and healthcare developments in the European Union</i> , 2003.	4
European Commission, <i>Patient mobility: Commission to launch public consultation on EU framework for health services</i> , IP-06-1267, 2006.	1
European Commission, <i>Practical guide on the applicable legislation in the European Union (EU), the European Economic Area (EEA) and Switzerland</i> , 2014.	61
European Commission, <i>Proposal for a Council Regulation (EC) on coordination of social security systems</i> , COM (1998) 779 final, 21.12.1998.	39
European Commission, <i>Proposal for a Directive of the European Parliament and of the Council on services in the internal market</i> , COM (2004) 2 final, 05.03.2004.	55
European Commission, <i>Proposal for a Directive of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare</i> , COM (2008) 414 final, 02.07.2008.	55
European Commission, <i>Proposal for a Regulation of the European parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems</i> , COM (2006) 16 final, 31.01.2006.	160
European Commission, <i>Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004</i> , COM (2016) 815 final, 13.12.2016.	70
European Commission, <i>Report from the Commission to the European Parliament and the Council, Commission report on the operation of Directive 2011/24/EU on the application of patients' rights in cross-border healthcare</i> , COM (2015) 421 final, 04.09.2015.	120
European Commission, <i>Special Eurobarometer 327: Patient safety and quality of healthcare</i> , 2010.xi

European Commission, <i>Special Eurobarometer 425: Patients' rights in cross-border healthcare in the European Union</i> , 2015	3
European Parliament, <i>European Parliament legislative resolution on the proposal for a European Parliament and Council regulation on coordination of social security systems</i> , P5_TA (2003) 0365, 03.09.2003	53
European Parliament, <i>European Parliament legislative resolution on the proposal for a directive of the European Parliament and of the Council on services in the internal market</i> , P6_TA (2006) 0061, 16.2.2006.	55
European Parliament, <i>European Parliament resolution of 23 May 2007 on the impact and consequences of the exclusion of health services from the Directive on services in the internal market</i> , P6_TA (2007) 0201, 23.05.2007	5
European Parliament, <i>European Parliament legislative resolution of 23 April 2009 on the proposal for a directive of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare</i> , P6_TA (2009) 0286, 23.04.2009	167
European Parliament, <i>European Parliament legislative resolution of 19 January 2011 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare</i> . P7_TA (2011) 0007, 19. 01. 2011	1
European Parliament – Committee on the Environment, Public Health and Food Safety, <i>Report on the proposal for a directive of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare</i> , 3 April 2009, A6-0233/2009	175
European Parliament – Committee on the Internal Market and Consumer Protection, <i>Report on the impact and consequences of the exclusion of health services from the Directive on services in the internal market</i> , 10 May 2007, A6-0173/2007	5, 19, 94
European Parliament – Directorate General for Research, ' <i>Health Care Systems in the EU: A Comparative Study</i> ', 1998.	15
Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning. OJL 394 of 30 December 2006	182
Regulation No 1 determining the languages to be used by the European Economic Community. OJ 17 of 6 October 1958.	180
Regulation No 3 of the Council concerning social security for migrant workers. OJ 30 of 16 December 1958	40
Regulation No 4 of the Council laying down detailed rules for implementing and supplementing the provisions of Regulation No 3 concerning social security for migrant workers. OJ 30 of 16 December 1958.	40
Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community. OJ L 257 of 19 October 1968.	26
Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community. OJ L 149 of 5 July 1971	40, 43, 52–53, 64, 79, 102, 108
Regulation (EEC) No 574/72 of the Council of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community. OJ L 74 of 27 March 1972	40, 52
Regulation (EC) No 141/2000 of the European Parliament and of the Council of 16 December 1999 on orphan medicinal products. OJ L 18 of 22 January 2000	137

Regulation (EC) No 631/2004 of the European Parliament and of the Council of 31 March 2004 amending Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, and Council Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71, in respect of the alignment of rights and the simplification of procedures. OJ L 100 of 6 April 2004	79
Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency. OJ L 136 of 30 April 2004.	209
Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems. OJ L 166 of 30 April 2004	3, 54, 61, 65, 71, 74, 81, 84, 114–115, 126
Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems. OJ L 284 of 30 October 2009.	3, 16, 54, 62, 70, 81, 132, 162–163, 165, 167, 188–189
Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality. OJ L 344 of 29 December 2010.	41
Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union. OJ L 141 of 27 May 2011.	26

NATIONAL LEGISLATION AND POLICY DOCUMENTS

Act LXXXIII of 1997 on Compulsory Health Insurance (1997. évi LXXXIII. törvény a kötelező egészségbiztosítás ellátásairól)	157, 168
Governmental Decree No 35/2011 (III. 21.) on the Rules, Conditions and Excluding Reasons of Childbirth Outside of Hospital Environment [35/2011. (III. 21.) Korm. rendelet az intézeten kívüli szülés szakmai szabályairól, feltételeiről és kizáró okairól]	123
Governmental Decree No 340/2013 (IX. 25.) on Detailed Rules of Medical Treatment Abroad [340/2013. (IX. 25.) Korm. rendelet a külföldön történő gyógykezelések részletes szabályairól]	145–147, 168

LIST OF TABLES AND FIGURES

TABLES

Table 1:	Types of mobility according to the geographical area involved	8
Table 2:	The concept of patient mobility	24
Table 3:	The distinction between harmonisation and coordination	35
Table 4:	The evolution of CJEU case law on patient mobility	51
Table 5:	Entitlement to sickness benefits in kind for people residing outside the competent MS.	71
Table 6:	Access to healthcare when residing outside the competent MS.	74
Table 7:	Ill-application of the European Health Insurance Card.	96
Table 8:	Administrative formalities related to unplanned care	99
Table 9:	Assessment under Article 20(2) BR	114
Table 10:	Requirements concerning a prior administrative authorisation scheme in accordance with the case law of the CJEU	129
Table 11:	Requirements concerning a prior administrative authorisation scheme in accordance with the Patient Mobility Directive	136
Table 12:	Hungarian administrative procedures in relation to planned healthcare abroad	147
Table 13:	Discrepancies between the simultaneously existing mechanisms of European cross-border patient mobility.	151
Table 14:	Differences in financing of cross-border medical treatments.	174
Table 15:	The Member States' responsibilities in relation to information provision under the PMD	190
Table 16:	Information flows in cross-border patient mobility.	195

FIGURES

Figure 1:	The coexistence of legal instruments in the field of European cross-border patient mobility	55
Figure 2:	Solutions for the language barrier	182
Figure 3:	Policy options	228

LIST OF ABBREVIATIONS

AC	Administrative Commission
AG	Advocate General
BR	Basic Regulation, Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems
CFREU	Charter of Fundamental Rights of the European Union
CJEU	Court of Justice of the European Union
COE	Council of Europe
DG	Directorate General
DG EMPL	Directorate General Employment, Social Affairs and Inclusion
DG SANTE	Directorate General Health and Food Safety
ECJ	European Court of Justice
ECLI	European Case Law Identifier
EEA	European Economic Area
EEC	European Economic Community
EESSI	Electronic Exchange of Social Security Information
EFTA	European Free Trade Association
EHIC	European Health Insurance Card
EP	European Parliament
EPF	European Patients' Forum
EU	European Union
ICT	Information and Communication Technology
ILO	International Labour Organization
IR	Implementing Regulation, Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems
MPT	Maximum Processing Time
MS	Member State
MWT	Maximum Waiting Time
NEAK	Nemzeti Egészségbiztosítási Alapkezelő (Hungarian Healthcare Fund)
NCP	National Contact Point
NHS	National Health Service
OECD	Organisation for Economic Co-operation and Development
OJ	Official Journal

OMC	Open Method of Coordination
PA	Prior Authorisation
PD	Portable Document
PMD	Patient Mobility Directive, Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare
PRC	Provisional Replacement Certificate
SED	Structured Electronic Document
SSGI	Social Services of General Interest
TCN	Third Country National
TEC	Treaty Establishing the European Community
TEEC	Treaty of Rome establishing the European Economic Community
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
UK	United Kingdom
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
WHO	World Health Organization