



## **EFN POSITION STATEMENT ON THE PATIENTS' RIGHTS IN CROSS-BORDER HEALTHCARE DIRECTIVE**

The EFN welcomes the European Commission proposed Directive on Patients' Rights in Cross-border Healthcare. Taking into account [EFN Position Statement on the Services Directive](#) and the [input EFN provided to the consultation](#) on the topic, EFN believes that the [proposed Directive](#) is a major step forward to improve "Patients Rights", "Quality and Safety" and "Cooperation".

Nevertheless, improvements are needed to implement the Council Conclusions on Common Values and Principles: "solidarity", "accessibility" and "sustainability".

1. As the Directive addresses mainly the reimbursement issue to bring clarity to and codify the case laws from the European Court of Justice, the option is taken that patients have to pay for the treatment FIRST and then being reimbursed up to the sum they would have received had the treatment been provided in their home country. The EFN believes this leads to a system where services are primarily based on the ability to pay, leading to a two-tier health system in which those who can afford to pay are served first.
2. Furthermore, due to the diversity in cost of treatment within and between Member States, there is the reality that patients from high cost Member States will travel for treatment to lower cost Member States. Those patients coming from the lower cost Member States are exposed to top-up payments given that the home Member State is only required to reimburse the cost of the home country which increases the inequalities in the European Union.
3. In order to ensure continuity in patient care, it is essential that there is a clear line of responsibility. Each Member State must have services that monitor and supervise the healthcare. The EFN believes that an independent point of contact is needed. We recommend an EU patient's Ombudsman, as a mechanism to address complaints and to act as an advocate for the patient.
4. Taking into account the existing differences concerning access to and quality of healthcare, both in and between Member States, the Directive is the first framework to identify a common set of indicators to gather information on the quality of the services. Therefore, the EFN believes a system should be in place taking into account patient sensitive quality indicators.

The EFN welcomes the recognition of prescriptions, the creation of European Reference Networks in case of rare disease or specialised care requirements, the clarity regarding liability of the "Member State of Treatment" and the creation of a national committee that provides guidance to develop and implement EU health care standards.

Finally, the Directive can not be implemented in isolation. Therefore, the EFN finds it important progress is to be made on the implementation of the Council Recommendations on Patient Safety and Healthcare Associated Infections, the Green Paper on the European Workforce for Health, and the Commission initiative on Health Services Standards.

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