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EUROPEAN COMMISSION

Brussels, 24.2.2011  
COM(2011) 90 final

[2008/0142 \(COD\)](#)

**OPINION OF THE COMMISSION**

**pursuant to Article 294 (7), point (c) of the Treaty on the Functioning of the European Union on the European Parliament's amendments to the position of the Council at first reading regarding the proposal for a**

**[DIRECTIVE](#) OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL**

**concerning the application of patients' rights in cross-border healthcare**

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#### **1. INTRODUCTION**

Article 294 (7), point (c) of the Treaty on the Functioning of the European Union (TFEU) provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the amendments proposed by the Parliament.

#### **2. BACKGROUND**

Date of transmission of the proposal to the EP and the Council (document COM(2008)414 final – 2008/0142(COD)):	2 <sup>nd</sup> July 2008
Date of the opinion of the European Economic and Social Committee:	4 December 2008
Date of the opinion of the Committee of the Regions:	12 February 2009
Date of the opinion of the European Parliament, first reading:	23 April 2009
Date of transmission of the amended proposal:	none
Date of political agreement:	8 June 2010
Date of adoption of the Council position:	13 September 2010
Date of the opinion of the European Parliament, second reading:	19 January 2011

#### **3. PURPOSE OF THE PROPOSAL**

The overall aim of the proposed Directive is to establish a clear and coherent framework for the reimbursement of healthcare within the EU, where the care is provided in a Member State other than the country of affiliation (cross-border healthcare). This followed the Court of Justice jurisprudence confirming that independently of the rights to scheduled treatment in another Member State as

granted by Regulations (EC) No 883/2004 and 987/2009, insured patients benefit from the freedom to receive medical treatment in another Member State, under Article 56 TFEU.

In order to achieve this objective, the proposal is structured around three main areas: (1) guarantees enabling patients to receive safe and high quality healthcare, (2) rules clarifying the rights to reimbursement of cross-border healthcare, and (3) EU cooperation on healthcare in the area of recognition of prescriptions, European reference networks, health technology assessment and eHealth.

#### **4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT**

The European Parliament voted in second reading a consolidated text which contains a number of amendments to the text of the Council Position at first reading. The text is the result of negotiations between the Parliament, the Council and the Commission. Most amendments are in line with the initial proposal of the Commission and thus acceptable in the light of an overall compromise.

The Commission therefore accepts all the amendments voted by the Parliament.