



EUROPEAN COMMISSION

Brussels, 12/05/2009
C/2009/3794

Ms Verbeet
President of the House of Representatives
of the States-General
(The Netherlands)

Dear President,

Thank you for your letter of 24 February 2009 setting out additional comments of the House of Representatives of the States General of the Kingdom of the Netherlands on the Proposal for a directive on the application of patients' rights in cross-border healthcare, {COM(2008) 414}.

The Commission welcomes the interest of the House of Representatives on the issues of patients' rights in cross-border healthcare. We have noted your additional comments regarding the principles of subsidiarity and proportionality. The proposal for a directive aims to establish a general framework for safe, high quality and efficient cross-border healthcare and to ensure a high level of protection of health. At the same time, it fully respects the responsibilities of the Member States for the definition of social security benefits related to health and the organisation and delivery of healthcare and medical care. The legal uncertainty as regards patient's rights in cross-border healthcare has not been eliminated despite ten years of jurisprudence from the European Court of Justice. It is clear therefore that only a directive can achieve legal clarity in this area throughout the Union and also ensure that developments in this area result from political consensus and not solely from case-law, which was requested by Health ministers in the June 2006 Council conclusions on common values and principles in European Union health systems.

We have also noted and welcome your conclusions to continue to closely follow this subject. The Commission remains available to provide any further information on these issues if needed for your further work.

I look forward to developing our policy dialogue further in the future.

Yours sincerely

Margot WALLSTRÖM
Vice-President of the European Commission