



ASTRA- Central and Eastern European Women’s Network for Sexual and Reproductive Health and Rights’ Statement on Proposal for Directive of the European Parliament and of the Council on the application of patients’ rights in cross-border health care

ASTRA welcomes the proposal for new directive that will work to strengthen patients' rights and provide greater clarity on access to health services in Europe. We support the concept of the directive clarifying the rights of patients to seek health care in another EU country while being reimbursed by their national system and helping patients to exercise their rights to access cross-border care. It does, however include provisions that are alarming from the point of view of reproductive health services’ accessibility.

Accordingly with the directive in its present shape, equal access to care abroad will be compromised by the need for a patient to pay for the care first from his own pocket before being able to seek reimbursement. The risk arises that the directive in this form will create an opportunity for wealthy to opt for care abroad, while the poor’s, therefore especially women’s, access to the services will remain limited.

The directive’s effectiveness is further limited due to the clause reading that the directive “*would allow patients to seek any healthcare in another Member State that they would have been provided at home and be reimbursed up to the amount that would have been paid had they obtained that treatment at home, but they bear the financial risk of any additional costs arising*” or further “*does not change the right of Member States to define the healthcare benefits that they choose to provide to their citizens. If a Member State does not include a particular treatment as part of the entitlement of their citizens at home, this mechanism does not create any new entitlement for patients to have such treatment abroad and be reimbursed.*” As reproductive health services are not fully accessible in some of the countries, the risk arises that persons unable to access services they are entitled to in their respective countries, will be forced to pay for these services while accessing them abroad.

Furthermore, although the proposal’s 6. chapter reads that: “*Moreover, according to the general principles of equity and non discrimination, patients should in no way be discriminated against on the basis of their sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, , political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation*” there is a specific clause on the proposal’s coherence with other community policies, stating the proposal’s conformity with the Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, there is no mention about the planned directive’s conformity with the directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services.

Overall, although ASTRA welcomes the concept of the new Directive, we would be concerned if the above mentioned reservations were not taken into consideration.

The text of the directive is accessible at: http://ec.europa.eu/health/ph_overview/co_operation/healthcare/docs/COM_en.pdf

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