Final Minutes
Cross-border Healthcare Expert Group meeting
24 October 2016 (09:00 – 10:45)

PARTICIPANTS:

- Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Netherlands, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom and Norway.

- Excused: Austria, Bulgaria, Croatia, Greece, Poland, Portugal and Iceland.

1. WELCOME AND INTRODUCTORY REMARKS

The Chair Dr A. Rys (DG SANTE, Director for health systems, medical products and innovation) welcomed all delegates and presented the agenda which was adopted without modification. The Chair outlined the main objectives of the meeting *i.e.* to adopt the rules of procedure of the Cross-Border Healthcare Expert Group and to exchange views on key implementation issues.

2. ADOPTION OF THE MINUTES OF 11 MARCH 2016 EXPERT GROUP MEETING

The Expert Group adopted the minutes of 11 March 2016 Expert Group meeting without modification.

3. ADOPTION OF RULES OF PROCEDURE OF THE CROSS-BORDER HEALTHCARE EXPERT GROUP

The Chair underlined that the draft rules of procedure were circulated on 23 September 2016. These rules are based on the Commission decision C(2016) 3301 of 30 May 2016 establishing horizontal rules on the creation and operation of Commission Expert Groups and its annex 3.

The rules of procedure of the Cross-border Healthcare Expert Group were adopted at unanimity.

4. EXCHANGE OF VIEWS ON KEY IMPLEMENTATION ISSUES

4.1. State of play of compliance check

Mr B. Lengyel (DG SANTE B3) summarised the Commission work on the transposition check of the Directive 2011/24/EU which consists of two steps:

1) The completeness check *i.e.* checking whether the measures notified to the Commission to transpose the Directive cover all the provisions of the Directive;

2) The compliance check *i.e.* checking the correctness of the transposition of the Directive by national measures.

Regarding the completeness check, infringement proceedings were launched against 26 Member States on the grounds of late or incomplete notification of national transposition measures. Currently, only one infringement case for the main Directive remains open.

Mr B. Lengyel stressed that some Member States had made a satisfactory transposition of the Directive. However, the Commission found critical issues in other Member States' legislation. He explained the main issues *i.e.* (i) unfavourable reimbursement tariffs, (ii) no transparent prior authorisation system or an extended list for prior authorisation, (iii) restrictions on reimbursement, (iv) unreasonable administrative requirements, (v) systematic overcharging of incoming patients, as well as burdensome procedural steps.

So far, the Commission started seven EU Pilot procedures. One infringement is in the reasoned opinion stage. Mr B. Lengyel reiterated DG SANTE readiness for bilateral meetings with the Member States. Member States supported the usefulness of organising such bilateral meetings to discuss more deeply the implementation related to Member States unique health systems.

This was followed by a discussion where several topics came up:

- One particular issue which had been highlighted by several Member States concerned ongoing case-law related to the Directive; an exchange of information could be envisaged to help Member States share experiences on the process; delegates were recommended, *inter alia*, to provide information to the Commission on National Administrative Court jurisprudence or other ongoing case-law going forward;
- In the past, the potential for standardised invoicing/ e-invoicing was discussed (which some Member States thought useful but others rejected categorically); the idea of identifying similar initiatives in other services of the European Commission on e-invoicing was explored, not least for good examples in how to overcome issues related to administrative burden, cooperation and nomenclature.
- Several Member States expressed their commitment for further scrutiny of the Directive's implementation on the ground.

To conclude, the Chair outlined that the Commission services will continue to co-operate with the Expert Group to pursue its efforts in allowing the Directive to deliver its full potential for the benefit of all EU citizens.

4.2. Outcome of data collection exercise

Mr J. Olsson (Jonathan Olsson Consulting) presented the outcome of the data collection exercise for the year 2015 and proposed some amendments to the questionnaire for next

year. The Chair highlighted that the Commission intends to follow the same procedural approach as for 2015. A revised questionnaire will be sent out to the Members of the Expert Group for comments. He stressed the importance to obtain yearly data from all Member States in order to prepare the next report on the operation of the Directive due by October 2018. Therefore, the Commission will contact Member States who have not yet sent their data for the year 2015 to enable the consolidation of a complete dataset for the year 2015. The Chair announced that the data collection report for 2015 would be published immediately after the Expert Group meeting, accompanied by a press release from the Commission. Updates to this version would follow, depending on further input from Member States.

5. ANY OTHER BUSINESS

The Chair closed the meeting and thanked the participants and the colleagues who organised the meeting for the excellent work that is being carried out.