



Access to financial products for persons with a history of cancer in EU Member States

An exploratory study
Executive summary

Europe's Beating Cancer Plan

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Luxembourg: Publications Office of the European Union, 2022

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Executive summary

Background

The European Commission's "Europe's Beating Cancer Plan" sets out a new approach for the European Union (EU) to beat cancer considering the entire disease pathway, from cancer prevention to survivorship, focusing on actions where the EU can add the most value. In support of this plan, the Commission seeks to examine practices in the area of financial services (including banking and insurance) from the point of view of fairness towards persons with a history of cancer in long-term remission. This examination includes looking into the principles behind personal history questionnaires that are required for accessing financial products. EU level legislation, including the Mortgage Credit Directive (MCD) and the new proposal for a Directive on consumer credits take the position that assessments of creditworthiness should be based on the appropriate legal basis and comply with the relevant data protection rules and principles, thereby meaning that health data, including cancer data, is not required when a creditor is processing personal data for the purposes of providing a loan.

Aim of this exploratory study

The Directorate-General for Health and Food Safety (DG SANTE) has tasked the EUHealthSupport consortium to conduct an exploratory study with the purpose to: 1) get a better understanding of the current situation regarding access to financial products for persons with a history of cancer in EU Member States, and 2) explore the perceptions of Member States and stakeholders regarding national and EU level action on this topic. These aims were addressed by conducting a quick scan of the (scientific and grey) literature, bilateral expert consultations, a consultation of the Member States through a survey (with a response from 23 Member States plus Norway and Iceland), and an open consultation among wider stakeholder audiences at EU and/or national level (with a response from 104 stakeholders). These four sources led to insights related to the two abovementioned aims, as summarised below.

Current situation within Member States regarding actions to support access to financial products

Findings show that fair access to financial products is a topic of attention in most Member States, with patient and consumer organisations having raised the topic. The study shows a variable regulatory landscape across the EU. Belgium, France, the Netherlands, Portugal (since January 2022) and Italy (since March 2022) currently have legislation adopted/implemented, while in Luxembourg the Ministry of Health and insurance companies agreed on a convention to support access to insurances for persons with a history of cancer. In seven Member States, self-regulatory actions have been or are being developed (BE, DK, FI, FR, EL, NL, and RO). Furthermore, some Member States report that fair access to financial products for persons with a history of cancer is addressed in other more general legislation, such as general anti-discrimination legislation (HU).

Views of Member States as well as stakeholders are mixed regarding the need for further governmental action. Some indicate that no further national policies are needed, considering, among others, that fair access to financial products for persons with a history of cancer is already

covered in existing legislation, that they do not have evidence of unequitable access for this group and/or that evidence of the effectiveness of policy measures is currently lacking. Other Member States and stakeholders do see the importance of addressing this topic on a national level.

Perceptions of Member States and stakeholders regarding EU level action

There is a good level of support among the responding Member States for initiating EU level policy to support fair access to financial products for persons with a history of cancer, either legislative or non-legislative. Support from the responding Member States is greatest when it comes to a role of the EU in increasing awareness about the importance of equitable access to financial products for persons with a history of cancer, in supporting the exchange of knowledge, experiences and practices across Member States and in establishing an EU level body that synthesises and regularly updates relevant (scientific) evidence. In addition, a number of Member States support the development of an EU level code of conduct or other non-legislative EU level policy on the topic and/or the development of EU level legislation. At the same time, some Member States currently do not support possible EU level policy actions, among others as they already have national legislation in place or because a better understanding of the scale and impact of the problem would be required first.

Among stakeholders it can be observed that representatives of persons with (a history of) cancer as well as healthcare professionals, academia and other groups, broadly express their support for EU level policy action to improve access to financial products for persons with a history of cancer. For each of the eight possible types of EU level action that were presented, a majority of these stakeholders express their (strong) support. E.g., 86% supports EU level legislation on the topic, while the same share also confirms that the EU should support Member States in the implementation of legislation. In comparison, representatives of the (re)insurance and financial sector show more reservations regarding EU level policy actions, with only two types of actions receiving support from a majority: 81% believe the EU should support the exchange of practices and experiences across Member States, while 75% support the notion that the EU should develop an EU level code of conduct (a set of common rules) on the topic, often with the extra clarification that such a Code is mostly intended to provide transparency about how the current rules should be interpreted. The same group is far less supportive towards EU level legislation, with two stakeholders providing to some degree support to the development of such legislation. Arguments for their reserved positions are among others that they believe a more in-depth analysis and potential initiation of actions at the national level are needed before addressing the issue at the EU level.

Conclusion

The outcomes of this exploratory study imply that access to financial products for persons with a history of cancer is a topic of attention in most European Member States. Furthermore, most Member States and key stakeholders are positive with respect to a further exploration of EU level action that would support access to financial products for persons with a history of cancer in all Member States. Specifically the exchange of practices and experiences across Member States and the development of an EU level Code of Conduct are supported by most Member States and stakeholders, although the exact interpretation on the scope and nature of such a code may still differ considerably between various parties involved.

The work conducted in the context of this study also implies that a number of issues need to be addressed. Main concerns are that EU level action might be difficult to achieve given the existing variation in regulatory arrangements between Member States and that EU level action may cross legislation or agreements that are currently in place in some Member States, the impact of which has not been well evaluated yet. Furthermore, there is considerable variation in stakeholder views which makes the identification of one common approach difficult, requiring a multifaceted approach to address the topic.

The exchange of experiences and practices between Member States and stakeholders and evaluating the current provisions that are in place in Belgium, France, Luxembourg, the Netherlands and Portugal, including their impact, will shed more light on potential actions that could be considered for implementation in other Member States or at EU level. These are therefore seen as important first steps in the development process of EU level action on the topic of access to financial products for persons with a history of cancer.

Regardless of the next steps that are chosen at EU level, it is clear that further co-operation and information sharing is crucial. Indeed, a common reflection, shared by both stakeholders and Member States delegates was that EU level actions to improve access to financial products for persons with a history of cancer, should involve policy makers, representatives of persons with (a history of) cancer, and representatives of the (re)insurance and financial sector from the start. Furthermore, equal rights for persons with a history of cancer across Europe as well as a level playing field for actors in the insurance and financial sector can be considered two important points of departure for any EU level action in this area.

