



10TH EHEALTH NETWORK 21 NOVEMBER 2016
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Topic 4: Agreement between National Authorities responsible for eHealth National Contact Points on participation in Cross-Border eHealth Information Services

Issue at stake

The eHealth Network has several times underlined the need for an agreement to clarify the underlying legal issues. A subgroup of the eHealth Network worked on the topic from November 2014 until it was integrated in the JAseHN in November 2015. Since the last meeting of the eHealth Network, a first full draft for an agreement has been drawn up by the drafting team and is presented to the eHealth Network Members for discussion.

In order to start the exchange of patient summaries and ePrescriptions in early 2018, it is imperative that the eHealth Network adopts the agreement at its 11th meeting in May 2017.

Summary of document

The draft agreement provides guidance on relevant EU legislation regarding data protection, applicable law and jurisdiction. It explains what rules will be relevant in case of liability questions arising. It refers to a model patient information notice that the drafting team intends to provide and that can be used to ensure fulfilment of information obligations to patients.

Furthermore it refers to the technical criteria that need to be fulfilled by contracting parties in order to facilitate the exchange of data between eHealth National Contact Points. It provides rules for joining, exiting and governance of the agreement.

Further, two other documents are provided for the eHealth Network Members: an explanatory note provided by the drafting team, and a document on the legal framework and guidance on data protection under the cross-border eHealth Information Services.

Format of procedure in the eHN

The Member State co-chair introduces the topic and gives the floor to the chair of the legal team that prepared the first full draft for an agreement.

After the presentation, the eHealth Network members are asked to discuss the draft and in particular possible major problems, "show stoppers", for a legal agreement. Active input from the eHealth Network Members is necessary for the drafting team to continue its work.

Two issues need also attention by the eHealth Network Members: whether changes to the agreement should require (qualified) majority or unanimity, and sustainable governance after the end of CEF funding for the agreement.