



8TH EHEALTH NETWORK 23 NOVEMBER 2015
COVER NOTE BY SECRETARIAT

Topic 1c : Report from the eHealth Network legal subgroup

Issue at stake

The 6th eHealth Network meeting on 18 November 2014 created the legal subgroup (LSG) of legal and functional experts to work on legal issues of cross-border transfer of health information, in particular Patient Summary and ePrescription. The drafting team of the Group consists of legal experts from Sweden, Finland, Spain, Hungary and Austria.

The LSG was given the task to come up with a proposal for a multilateral agreement. The LSG has prepared a status update and a draft.

The draft MLA has a large scope and addresses complicated issues, linking national and EU law, in particular Directive 95/46 on data protection, Directive 2011/24 on cross-border healthcare, and the choice-of-law rules in case of damage claims (the Brussels and Rome Regulations on the competent court and applicable jurisdiction).

It should be noted that after the eHealth Network meeting, the sub-group will become a part of the JAseHN Work Package 6.

The purpose of this topic is to inform the eHealth Network members about the state-of-play of the work done by the LSG and about the draft agreement.

Summary of document

The draft agreement has three main parts: the preamble, the body and the annexes. The body consists of Section I (definitions), Section II (General objectives and scope), Section III (General obligations), Section IV (Relationship between the Contracting parties), and Section V (Requirements for participation).

Format of procedure in the eHN

The Member State co-chair will introduce the topic and give the floor to Aneta Siskovic (SE), the leader of the legal subgroup, who will briefly present the state-of-play of the work of the subgroup and outline the main questions in the draft MLA.

The eHealth Network Members are requested to take note of the state-of-play, give any comments on the draft agreement, and advise the Group on its future work and ask the group report back to the 9th meeting in June 2016 in Amsterdam, with a view of having the final product at the 11th meeting in 2017.