The Directive 24/2011 concerning patients' rights to cross-border Health care

Directiva 24/2011, relativa a los derechos de los pacientes en la asistencia sanitaria transfronteriza

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Resumen

Over the last decades, the European Court of Justice (ECJ) has confirmed Member States’ responsibilities in the health care sector, while at the same time it has emphasized patients’ rights to move freely “cross-border” so as to access health care (both medical and thermal) services.

Not only has the relevant ECJ case-law (starting with Kohl and Decker in 1998 until Femarbel in 2013) been codified in this aforementioned directive, it has also brought additional clarity concerning responsibilities of the Member States and set the basis for (voluntary) cooperation between them in this field.

Against this background the presentation highlights the potential of the Directive as to Health SPAs services.

In particular the presentation refers to experience and potential future role of the EGTC (European grouping of territorial cooperation) named “EuropaRegion – Euregio”, established and formed by the Land Tyrol (Austria), South Tyrol and Trentino (Italy), as a tool to foster cross-border access to health care services.

In this respect, a strategic partnership between tourism and health needs to be pursued.

From a more general perspective, the author’s aim is also to underline any possible limitations on the right to access such services that – due to financial restrictions – the single Member States may introduce in the implementation process.

Key words: patients’ rights; UE directive 24/2011; euregio; health care services

Palabras clave: derechos de los pacientes; Directiva UE 24/2011; euroregión; servicios de atención médica