

EPSU reaction to European Court of Justice WATTS case

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SUBJECT: EPSU reaction to European Court of Justice WATTS case

"European Court of Justice health ruling for UK National Health Service (NHS) makes need for European Framework on health and other public services a necessity".

(16 May, Brussels) The European Court of Justice today ruled that National Health Care Systems couldn't refuse to reimburse patients for medical care received abroad if it is a question of an undue medical delay. The significance of this ruling is that the ECJ stated that the health authorities right to refuse reimbursement could not be granted even if the authority was within nationally identified waiting periods, if there was a case for undue delay on the basis of clinical need.

EPSU General Secretary, **Ms. Carola Fischbach-Pyttel** stated that, **“EPSU is in favour of ALL patients having the right to high quality healthcare, not simply those who can afford to pay travel and accommodation prior to reimbursement”**. She added that; **“This ruling is yet another example of the vital issue of Healthcare systems being inadequately addressed at the EU level. This incremental case-by-case approach to healthcare is extremely unhelpful. What we need is a coherent legislative framework at EU level that puts universal access to quality healthcare at the core”**.

EPSU is currently engaged in a campaign, which calls for a framework directive for public services based on the principles of universality, solidarity, accessibility and affordability. For more information please go to www.epsu.org

The European Commission has stated that it will launch a consultation on healthcare. However EPSU has major concerns that the departure point of the consultation, in legal terms, will be the Internal Market, and particularly the freedom to provide services, rather than the principle of universal right for ALL EU residents to high-quality healthcare.

EPSU concerns on the WATTS case ruling:

- The European Court of justice is not the right place to define healthcare provision in the EU. We need an open, democratic debate on how healthcare is considered at EU level based on the principle of universality and solidarity
- The ECJ does not include travel and accommodation in the health authorities' reimbursement obligations (unless this exists already). EPSU is in favour of ALL patients having the right to the highest quality healthcare, and not only those who can afford to pay travel and accommodation prior to reimbursement.
- There is increased risk that national health authorities will reduce the services they provide due to concerns about possible obligations to fund medical procedures abroad
- There is a risk that private health operators will attempt to fill the gap of any reduction in services offered by national authorities thus further undermining the principle of healthcare being provided on the grounds of medical need rather than ability to pay.

Karen Jennings, (President of the EPSU health section, and UK trade Union UNISON National Officer for health) stated that; **“This is no way to develop health policy. Health care priorities will end up skewed if the NHS has to reimburse those who are prepared to travel abroad for what may be less**

urgent operations. The EU needs to be more strategic about health policy because you cannot rely on the courts to develop it in a way that is in the best interests of all. Surely the answer has to be to build up capacity in our own NHS, so that people don't have to wait in pain for too long and be forced to go abroad to seek treatment".

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EPSU is the European Federation of Public Service Unions. It is the largest federation of the ETUC. 8 million public service workers and their 213 trade unions are members. They organise workers in health and social services, local and national administration, energy, water, waste.

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