

Representing the NHS in Europe

European policy and legislation are having an increasing impact on the NHS. By the time European legislation becomes UK law, the window of opportunity in which to debate and, if necessary, amend it has already passed.

The NHS European Office represents the NHS to EU decision-makers throughout the European legislative process, highlighting the potential impact of EU proposals on the NHS and influencing the development of EU policy to support NHS interests.

Alongside this, we play an essential role in providing NHS organisations with information and advice on agreed EU law and assistance in preparing for its implementation.

We also provide a vital link between domestic and EU policies. As the Coalition Government's programme of reforms across health and social care is developed, NHS organisations will need to adhere to relevant EU laws, and be aware of the potential repercussions if they fail to do so.

For example, increased competition through the 'Any Qualified Provider' model could further open up England's healthcare system to market principles in line with and regulated by EU competition law. In addition, failure to

implement correctly EU law could lead single NHS organisations to be exposed to significant European fines under proposals in the Localism Bill.

What we do

We contribute to NHS service improvement, leadership and innovation through a broad range of activities, including:

- **influencing** EU developments in the interest of the NHS
- **informing and advising** NHS organisations on EU affairs
- **assisting with EU funding programmes** and other initiatives which can help deliver NHS priorities
- **organising study visits** to learn about experience and good practice in other European countries
- **facilitating European peer links** between groups of healthcare professionals or providers across Europe.

'The NHS European Office extends the reach and influence of the NHS Confederation and its members beyond the UK, by contributing NHS frontline expertise to EU-level decision-making.'

Mike Farrar, Chief Executive, NHS Confederation

Examples of our achievements in 2010/11

- **saving the NHS money**, with up to £130 million per annum saved by abolishing a proposed penalty fee due on payments by public sector organisations unpaid after 30 days from EU rules on commercial transactions.
- **amending EU law on cross-border healthcare**, enabling the NHS to maintain control over which healthcare it provides and the decision-making process to determine it (see below).
- **exempting NHS hospitals** from EU rules on industrial emissions, which would have inadvertently covered hospitals due to the stand-by capacity they require to operate in case of technical failure and therefore their potential to emit rather than actual emissions.
- **improving the quality of healthcare** by engaging with European initiatives aiming to improve the quality and safety of organ donation and transplantation processes and to increase the availability of organs for transplants.
- **importing and exporting expertise** by facilitating NHS involvement in European study visits and funding projects, bringing knowledge to the NHS and arranging for senior NHS managers to visit healthcare organisations in Europe to share experiences.

Looking ahead: priorities in 2011/12

- **working time** – we are heavily involved in the revision of the European Working Time Directive, pressing for a more flexible application of the rules, notably on ‘compensatory rest’, for the benefit of NHS trusts, their workforce and patients.
- **information to patients** – we will engage with EU proposals governing information on prescription medicines, to ensure that patients only receive accurate and unbiased information.
- **mobility of health professionals** – we are leading NHS input into the revision of the EU Directive that enables health professionals to register and practise in countries other than the one in which they qualified.
- **public procurement** – at a time when procurement has been highlighted as a key means for the NHS to achieve significant savings, we will influence the revision of the EU Public Procurement Directives, pressing for simpler and more flexible rules.
- **research and clinical trials** – we will continue to work with NHS researchers to ensure that the EU’s Clinical Trials Directive encourages rather than discourages clinical research, as well as press for NHS research priorities to be reflected in EU funding programmes.

The NHS European Office in action: The European Directive on patients’ rights in cross-border healthcare

Issue

Following a succession of European Court rulings, including the “Watts” case which directly concerned the NHS, the European Commission put forward proposals to clarify the rights of patients to receive medical treatment in another EU country. The NHS European Office heavily engaged with EU decision-makers to influence the draft Directive.

Outcome

Thanks to our extensive lobbying, the agreed Directive is a good outcome for both the NHS and its patients. The rules will help patients to make informed decisions about cross-border healthcare, by providing clarity on matters such as what reimbursements patients will be eligible for and what costs they will have to meet themselves, what quality and safety standards will apply, and what to do if anything goes wrong.

They will also end the uncertainty commissioners currently face over decisions about what care patients can receive abroad, while allowing the NHS to maintain control on patients’ entitlements. On the provider side, the rules will offer opportunities to increase income by providing services to EU patients when capacity allows.

Next steps

The implementation of the Directive into UK law will take place by October 2013, in parallel to the current programme of NHS reforms, leaving many questions open on how the rules will be implemented in practice. We will provide information and advice to the NHS on the new rules throughout their implementation.

For further information, visit www.nhsconfed.org/europe or contact european.office@nhsconfed.org