

EC draft communication on state aid on the basis of article 107 paragraph (1) of the TFEU

2014

The text below is an excerpt of the approach on medical assistance within the EC draft communication outlined:

Medical assistance

Within the EU, the medical assistance systems differ from one Member State to the other. The competition degree, which exists in the market among various medical services suppliers, depends on the national specificities.

In some Member States, public hospitals are an integral part of the national health system are almost entirely based on the solidarity principle. Such hospitals are directly financed from social security contributions and from other state resources and they supply the respective services freely, on the basis of the universal coverage system. The Court of Justice and the Court confirmed that, where such a structure is in place, the respective organizations do not act as undertakings.

In many other Member States, hospitals and other medical service suppliers render their services freely against a fee received either directly from patients or from the insurance company they belong to. Within such systems, there is a certain degree of competition among hospitals regarding the supply of medical services. Where such a thing happens, the fact that a service is provided by a public hospital is not sufficient for the respective activity to be classified as being non economic.

The Court of Justice and the Court clarified also that the medical services that the independent physicians and other private practitioners render against a fee and at their own risk must be regarded as an economic activity. The same principles apply also for independent pharmacies.

Additional details and integral text to be found at the following link:

http://www.renascce.eu/documente/draft%20guidance%20ro%20state%20aid_920ro.pdf