



24.10.2012

NOTICE TO MEMBERS

Subject: Petition 0729/2009 by Marc Stahl (German), on different fixed rates of remuneration for physiotherapy in West and East Berlin

1. Summary of petition

The petitioner, who is a physiotherapist, complains that as a practising physiotherapist based in East Berlin he receives fixed rates of remuneration from the German RVO sickness insurance fund for treatments performed throughout the Berlin area that are lower than those given to physiotherapists in West Berlin. The petitioner points out that this difference applies only to physiotherapists and neither to doctors nor paramedical professions such as speech therapists and occupational therapists. The petitioner considers this to be a case of blatant discrimination and asks the European Parliament to intervene.

2. Admissibility

Declared admissible on 5 October 2009. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 24 October 2012

Member States have the power to organise their health system in particular as regards the way it is financed. However, in exercising their competence Member States should respect the law of the Union.

On the basis of the information available, it appears that the same level of remuneration is applied by the RVO to all physiotherapists established in the east part of Berlin irrespective of their nationality or the place where they qualified. It therefore appears that the petitioner receives the same treatment as nationals in the same situation.

In consequence, as indicated by the Commission in one of its communications on petition

930/2005 introduced by the same petitioner as regards this issue, no discrimination on grounds of nationality¹ (Article 25 of the Treaty on European Union) or violation of Article 49 of 56 of the Treaty on the functioning of the European Union² may be identified.

¹ ex Article 12 of the EC Treaty

² ex Articles 43 and 49 of EC Treaty