



28.2.2017

## NOTICE TO MEMBERS

**Subject: Petition No 0692/2016 by S. K. (German) on the disproportionate administrative costs of health insurance when buying medication abroad**

### 1. Summary of petition

The petitioner's health insurance scheme has 12% administrative costs, as the petitioner purchases medication abroad; this is in spite of the fact that the medication is cheaper abroad than in Germany and the insurer therefore makes savings when reimbursing costs. The petitioner expects to be able to choose the place where he buys his medication freely, without the purchases having administrative costs.

### 2. Admissibility

Declared admissible on 7 December 2016. Information requested from Commission under Rule 216(6).

### 3. Commission reply, received on 28 February 2017

The petitioner describes a situation where a reduction of the reimbursement rate by 12% to cover administrative costs is made on the reimbursement from her insurer in Germany for medication she has bought in France. The Commission understands that such a reduction is only made by her insurer when medication is bought in another Member State than Germany, which is the Member State of affiliation in this case.

The petitioner suggests that there should be no fees imposed penalizing those citizens who choose to buy their medication in another Member State.

### The Commission's observations

Pursuant to Article 7(4) of the Cross Border Healthcare Directive<sup>1</sup> (the Directive), insured persons are entitled to receive reimbursement for medicines bought in another Member State up to the level of costs that would have been assumed by the Member State of affiliation, had this healthcare been provided in its territory without exceeding the actual costs of healthcare received.

Article 7(6) of the Directive provides that this level of cost must be calculated in a transparent, non-discriminatory way known in advance.

All Member States are obliged to implement the provisions of the Directive. Reduced reimbursement rates is, as stated in the report to the European Parliament on the functioning of the Directive of September 2015, one of the Commission's main concerns that will be assessed in the ongoing compliance check.

### Conclusion

The petition is covered by the provisions of the Cross Border Healthcare Directive. For further information on the implementation of the Directive in Germany, the petitioner could contact the German National Contact Point<sup>2</sup>. The National Contact Point can also provide information on complaint procedures in Germany.

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<sup>1</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0024&rid=1>

<sup>2</sup> [http://www.eu-patienten.de/en/behandlung\\_deutschland/behandlung\\_in\\_deutschland.jsp](http://www.eu-patienten.de/en/behandlung_deutschland/behandlung_in_deutschland.jsp)