

WRITTEN QUESTION E-2168/09
by Malcolm Harbour (PPE-DE)
to the Commission

Subject: State aid and health care

According to Article 153 of the European Treaty, Member States maintain responsibility to organise and finance SGIs, including SGEIs, involved in public health as long as compensations to providers comply with the ECJ case-law, in particular the Altmark Case C280/00, judgment of 24 July 2003.

In order to ensure that such compensations comply with the EC Treaty, the Commission has fixed conditions in its Decision 2005/842/EC¹.

Further still, the Commission has also issued a *Community framework for State Aid in the form of public service compensation* to facilitate correct implementation of case-law in this area. The deadline for Member States to confirm whether or not they would accept such a framework was 29 May 2007 and the Commission has committed to report to the Parliament before 29 November 2009.

Can the Commission confirm:

1. that all Member States have now submitted a detailed report of compensations in the hospital sector, in accordance with Article 8 of the Commission decision 2005/842/EC?
2. whether there are some Member States that are failing to apply the *Community framework for State Aid in the form of public service compensation*, maintaining unnotified compensations and measures in favour of public hospitals, which may not comply with European case-law?
3. if the same obligations, as stipulated by the Altmark Package, to notify and return illegal state aid, also apply to the health-care sector?
4. whether public financing or other measures granted either to public or to private SGEIs, which serve to obstruct the internal market and distort competition, entitle injured private players to claim compensatory damages?

¹ OJ L 312, 29.11.2005, p. 67.