

**Question for written answer E-007562/2013
to the Commission**

Rule 117

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Subject: Commissarial Decree No 156/2012 and alleged violation of EU health protection rules

Under Decree No 156 of 31 December 2012, published in the Official Journal of the Region of Campania No 19 of 8 April 2013, the people of Campania must obtain permission from their local health unit before accessing certain health services provided in facilities or by practitioners located in neighbouring regions.

This provision appears to be in blatant violation of Article 32 of the Italian Constitution, in which health protection is enshrined as a fundamental right of the individual concerned, and of the principle of freedom of choice, which the Italian Constitutional Court deemed worthy of protection in its judgments Nos 416/1995 and 126/1994.

The EU's legally binding health protection principles are laid down in Article 35 of the Charter of Fundamental Rights of the European Union, which states that: 'Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities'; in Article 152 of the Treaty establishing the European Community, in accordance with which 'a high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities'; and in Directive 2011/24/EU, which provides rules for facilitating access to safe and high-quality cross-border health care and promotes cooperation on health care between Member States.

The Community legislature has always attached importance to the issue of health protection, as shown by Article 35 of the Charter of Fundamental Rights of the European Union and by Article 152 of the Treaty establishing the European Community, which stipulates that a high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities.

Such a protectionist measure may set a very dangerous legal precedent to which other regions or countries could refer in the future in violation of Article 114 TFEU, which aims to improve the functioning of the internal market and the free movement of goods, persons and services.

Does the Commission not believe that the restrictions on access to health services referred to in Commissarial Decree No 156/2012 are in blatant violation of national and EU health protection rules?

Does it not believe that steps should be taken to restore the 'status quo' that existed before the changes introduced by the decree?