

WRITTEN QUESTION P-1151/04
by Elizabeth Lynne (ELDR)
to the Commission

Subject: Commissioning medical treatment abroad

Does the Commission regard medical practitioners' assessments of a patient's clinical need (and thus the determination of reasonable waiting time before a patient can seek treatment abroad) to be potentially compromised by their position in health institutions with limited resources and competing demands on those resources?

According to the ruling by the European Court of Justice in the case of Geraets-Smits v. Stichting Ziekenfonds (Case C-157/99), a patient can be denied medical treatment abroad only if 'the patient can receive the same or equally effective treatment without undue delay from an establishment with which his sickness insurance has contractual arrangements.'

Considering that 'undue delay' is determined by a patient's clinical need, what steps has the Commission taken to ensure that the assessment of a patient's need is not compromised by the financial considerations of the competent institutions?