



*The Social Insurers of Europe*

## **Broadening the scope: Importance of a European perspective**

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## **The European challenge for health systems**

- **Preserving high-profile health care for European citizens (universal access to affordable quality services)**
- **Reinforcing solidarity-based social insurance systems (‘Non-profit-making-orientation’)**
- **Shaping a European Social (Protection) Model in a world of growing globalisation**

## European influence on social security and healthcare systems

- **Supranational legislation (and the principle of subsidiarity)**
  1. Health and safety at work: 100 %
  2. Single Market / economic affairs: 80 %
  3. Social protection / healthcare: 20 %
- **“Open method of co-ordination” (benchmarking)**

Implementing a *process-driven convergence* of policies on the basis of commonly agreed strategic goals and guidelines (increasingly applied where legislation competences are missing): EUROSTAT as a “soft-law-maker”?
- **Jurisdiction (legal interpretation and development)**

Examining the legal compatibility of systems with the EU treaties (competition law, free movement and free services in the Internal Market): the ECJ as a “substitute legislator”?

## Legal consequences and constraints

- Basic EU freedoms create a creeping erosion of the traditional “territoriality principle” in healthcare
- Increased price transparency (as a result of the Internal Market and the Euro) sharpens competition in all sectors of healthcare provision
- Supranational competition law applies wherever social insurance transactions have a clear market dimension and a “business” approach
- Medical goods and services offered by statutory healthcare systems are tradable products
- New directive on “services in the Internal Market” leads to increased harmonisation of professional and quality standards
- “Social services of general interest” need a specific legal framework in the interest of European citizens and patients

## **New challenges for national policy makers**

- Economic, financial and employment goals of the Lisbon strategy entail cuts in the public expenditure and a creeping convergence of the healthcare systems towards a more-less “standardised” service package
- Growing comparability of national systems (regarding sustainability, quality and price) involves public debates about the performance of each system and thus creates a “transnational justification constraint” for national legislators
- Transnational dialogue and co-operation must be extended in order to achieve better political participation at EU level and workable solutions for all involved stakeholders