

[ETUC newsletter]



Dear Readers,

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Figure of the month

1,019,000 jobs cut

In the third quarter of 2009, about 1,019,000 people lost their jobs in the European Union. In the Euro zone, more than 712,000 jobs were lost. (Source: Eurostat)

Note



The employment statistics at the end of 2009 make catastrophic reading. The latest Eurostat figures show that over one million jobs have been lost across the European Union over the third quarter of the year, and in addition, the very latest Eurobarometer survey reports that 54% of European citizens interviewed believe that the worst is yet to come in terms of the repercussions of the economic crisis on their own particular jobs.

The European Union must engage seriously with the problem of unemployment and develop a suitably large-scale response. We need to see urgent measures being taken, as we have already seen with the banks. This is a crucial issue on which the trade unions will be focusing their full energies over the months ahead.

Indeed, the European trade unions are shortly going to be staging a campaign for employment, particularly for youth employment. The other main issues on which we shall be mobilising will be to sound the alarm about the dangers of cutting public spending, in particular spending on social protection, and to call for the implementation of genuine financial regulation.

Neither shall we be ignoring the issues around climate change. The ETUC firmly believes that climate policies can and must seek to become an engine for sustainable growth and social progress, and they must combine the battle against climate change with the struggle against poverty and social inequalities. Investment in a green and sustainable economy represents a chance not to be missed to stimulate economic recovery in Europe while ensuring a just social transition for all those who have to adapt to new jobs.

I wish you all a happy and prosperous year in 2010.

John Monks
General Secretary





[ETUC in action]

Joël Decaillon new ETUC Deputy General Secretary

01/12/2009 – Following the departure of Maria Helena André, recently appointed Minister for Employment and Social Protection of Portugal, the ETUC Executive Committee elected **Joël Decaillon, Deputy General Secretary** of the organisation. Joël will be in charge of European Social Dialogue, among other issues.

[ETUC press release](#)



MAJOR MEETINGS – CONFERENCES – PROJECTS

ETUC Executive Committee

01-02/12/2009 – The ETUC Executive Committee met in Brussels. The Committee discussed and analysed the consequences of the Economic and Social crisis in Europe, as well as other major issues. The ETUC leaders decided to organise a **day of action on the eve of the Spring Summit on 24 March 2010** in Brussels and in other European cities. This day will be part of a campaign that the European trade union movement will organise throughout 2010, of which the main axes will be the employment, notably youth employment, financial regulation and a warning about public spending cuts affecting social protection.

[ETUC press release](#)

A second round of 'Trade Union Erasmus' project to start soon

The ETUC, in cooperation with the European Metalworkers' Federation submitted a 'Trade Union Erasmus' project to the European Commission. We have just received the information that **this project has been selected**. This project will follow up the [experience of 2008-2009](#) which allowed the transfer of 10 trainees with the help of 14 member organisations. By proposing the exchange of member organisations' staff for a month, **we expect to offer to 18 trainees a fulfilling individual and collective experience** to better understand European issues to defend daily in their trade union action. In January, we will report on the implementation of this major project.

[Trade Union agenda] December 2009 – January 2010

01/12/2009	ETUC Steering Committee (Brussels)	
01-02/12/2009	ETUC Executive Committee (Brussels)	
7-11/12/2009	General Confederation of Labour (CGT) Congress (Nantes)	Congress Programme
16/12/2009	Meeting of the Group II 'Workers' of the European Economic and Social Committee (Brussels)	
20/01/2010	Meeting of the Group II 'Workers' of the European Economic and Social Committee (Brussels)	



[EU Agenda]

December 2009 – January 2010

30/11–01/12/2009	Employment, Social Policy, Health and Consumer Affairs Council (Brussels)	Council Agenda
30/11–01/12/2009	Justice and Home Affairs Council (Brussels)	Council Agenda
01/12/2009	Eurogroup Meeting (Brussels)	Meeting Agenda
02/12/2009	ECOFIN Council (Brussels)	Council Agenda
03–04/12/2009	Competitiveness Council (Brussels)	Council Agenda
07/12/2009	Energy Council (Brussels)	Council Agenda
07–18/12/2009	United Nations Climate Change Conference, COP 15 (Copenhagen)	Conference Programme
07–08/12/2009	General Affairs and External Relations Council (Brussels)	Council Agenda
10–11/12/2009	European Council (Brussels)	Council Agenda
14–17/12/2009	Plenary Session at the European Parliament (Strasbourg)	
16–17/12/2009	Plenary Session at European Economic and Social Committee (Brussels)	
17–18/12/2009	Transport and Telecom Council (Brussels)	Council Agenda
22/12/2009	Environment Council (Brussels)	Council Agenda
09/01/2010	Joint working meeting European Commission – EU Spanish Presidency (Madrid)	
12–14/01/2010	Informal meeting of European Affairs Ministers (Segovia)	
14–17/01/2010	Informal meeting of Environment Ministers (Seville)	
18/01/2010	Eurogroup Meeting (Brussels)	
18–21/01/2010	Plenary Session at the European Parliament (Strasbourg)	
19/01/2010	ECOFIN Council (Brussels)	
20–21/01/2010	Plenary Session at European Economic and Social Committee (Brussels)	
20–22/01/2010	Informal Meeting of Ministers for Justice and Home Affairs (Toledo)	
24–25/01/2010	General Affairs and External Relations Council (Brussels)	
27–29/01/2010	Informal meeting of Ministers for Employment and Social Affairs (Barcelona)	



[Dossier]

The draft directive on patients' rights in cross-border healthcare: Bolkestein slipping in through the back door?

Introduction

The European Commission's proposal for a directive on patients' rights in cross-border healthcare, published on 2 July 2008, is still one of the most controversial subjects on the European political agenda. Under the codecision procedure, after the vote at first reading in the European Parliament (EP) on 23 April 2009, the Council of Health Ministers, meeting on 1 December, failed to work out a political compromise on this text. In the absence of consensus, the issue remains open and the future Spanish and Belgian Presidencies of the European Union are supposed to put it back on the drawing board.

This dossier is very important due to the impact this directive could have on the healthcare systems¹ of the 27 EU Member States and on European workers. Basically, the European Commission's proposal was meant to harmonise and clarify rules on patients' mobility in the European area.

In this context, the European Commission's initiative would have significant consequences on both the financing of healthcare systems and the quality of care provided. In short, many political and social problems would result.

We will first look at how the perception of these healthcare issues has evolved to date, leading to the European Commission's draft directive. Then we will review the demands of the European trade union movement and the corrections the European

Parliament was able to make at its first reading. To conclude, we will focus on the questions still open, particularly in debate by the Council of Ministers.

The EU and healthcare: a significant political evolution

The draft directive on cross-border healthcare is the result of a significant political evolution in the European Union. Prior to this proposal, in accordance with regulations on social security coordination, any European Union citizen could obtain healthcare in another Member State after obtaining prior authorisation from his/her national healthcare system², which agreed to reimburse the costs. In practice, however, the limits of this principle were such that it resulted in several cases being brought before the European Court of Justice (ECJ). In 1998 with the [Kohll and Decker judgments](#), and in 2006 with the [Watts ruling](#), on reimbursement of medical treatment and hospital care within the EU, the ECJ settled the disputes on the basis of the principle of free movement of goods and services. In short, the Court's "judicialisation" of health prompted the European Commission to reconsider this matter solely from the internal market angle. This ten-

dency found expression in the initial proposal for the services directive, known as the "Bolkestein" directive, where health was reduced to an economic activity like other services. The proposal thus gave priority to satisfaction of the individual interest over the promotion of public health policies and the general interest.

After intense debates and a very strong and effective mobilisation by European trade unions, the services directive was considerably modified to exclude healthcare and social services from its scope.

The return of "Bolkestein"?

The European Commission proposed, on 2 July 2008, a draft directive on patients' rights in cross-border healthcare based on the same logic as the Bolkestein directive, i.e. treating health as a commodity. According to the proposal, patients become consumers of healthcare and healthcare professionals are mere service providers. The objectives of this text were to spell out how patients can exercise their rights to seek cross-border healthcare, to guarantee the quality and safety of such care and to promote cooperation among the different national healthcare systems. In practice, the draft directive did away with prior authorisation for out-patient healthcare and provided for freedom of establishment for healthcare providers in the EU. It also set up a system of advance payment of healthcare by patients, who could then apply for reimbursement from their national system within the limits of the rates set by the coun-

1 For reference, in 2006, social security expenditure in the European Union accounted for 26.9% of GDP, of which 46% for pensions and 29% for healthcare.

2 These provisions do not apply to emergency treatment or illnesses occurring during a visit to another country. For these cases, using form E111 – which has now become the European Health Insurance Card –, EU nationals could receive treatment and be reimbursed subsequently by their own national healthcare system.



[Dossier]

try of origin. The directive provided for the creation of national contact points to inform patients of their right to cross-border care and guaranteed equal treatment of nationals and non-nationals in terms of access to healthcare and systematic recognition of medical prescriptions issued in another Member State.

The ETUC's demands and the intervention of the European Parliament

The ETUC wasted no time reacting³ to this proposal, which raised a number of political and social problems. In particular, the ETUC saw a major risk of disorganisation of national healthcare systems: patients' mobility would have quickly evolved into massive migrations towards the less costly systems, and on the other hand, healthcare professionals would have chosen to practice in countries where remuneration is highest. Likewise, there would be major consequences on workers in the sector, namely extra work for some or job losses for those employed in the deserted sectors, and problems of forward-looking needs management and language training.

The consumerist approach adopted by the Commission had real chances of undermining the solidarity that governs existing social protection systems by heightening inequalities in terms of access to care and calling into question all public policies focused on investments in quality care. Without significant corrections, the directive would have granted rights only to patients whose finances enabled them to exercise such rights.

At its first reading, the European

Parliament made corrections to the Commission's draft text. Most of these corrections followed very closely the positions of the European trade union movement. In particular, the European Parliament limited the principle of mobility to that of patients alone, re-established equality of treatment between foreign patients and nationals and restricted prior authorisation to hospital care alone. The European Parliament also introduced clarifications on the continuity of care and the reimbursement of healthcare provided in another Member State. Other improvements made at this first reading included the creation of a sort of European ombudsman with competence in these areas and clarification of how this directive ties in with existing regulations.

Outstanding questions and clarifications proposed

Pending the Council's adoption of a position, several questions are still open and are sparking intense debate. The two most important questions are the legal basis of the directive and prior authorisation in case of hospitalisation. On the first, the ETUC would like to see Treaty Art. 152 on public health added to Article 95 on the internal market, which is currently the only legal basis for the directive. On the second question, the European trade union movement is calling for the Member States to retain sole responsibility for prior authorisation in case of hospitalisation. Other points are still being debated in Council. In particular, some States would like to exclude from the directive organ transplants and long-term healthcare. There is also still debate on whether or not to exclude non-fund healthcare providers from the directive, which is the main stumbling block for the Council's work.

Furthermore, the Council has proposed several clarifications, in particular the definition of a timeframe for putting in place a system of Community pharmaceutical prescriptions and ensuring that this system does not interfere with national reimbursement rules. Better information for patients on the effects of medicines, the non-refusal of prior authorisation in cases where the patient could not receive treatment in the home country within a reasonable period, and the principle whereby healthcare costs borne by the patient must not be higher than those charged to national patients are among the proposed clarifications.

The ETUC remains mobilised

Considering the huge political, economic and social stakes of this issue, and the discussions under way in the Council, the ETUC remains strongly mobilised. It totally rejects the European Commission's approach of treating healthcare as a commodity and points out that free movement of patients must not be confused with free movement of healthcare services, because the latter would constitute a very substantial risk of privatisation of healthcare systems in Europe.

For the European trade union movement, it is essential for the directive on cross-border healthcare to guarantee equal treatment, geographical and financial accessibility and quality care for all.

FOR MORE INFORMATION:

Henri Lourdelle, ETUC Adviser in charge of the cross-border healthcare issue, among others:
hlourdelle@etuc.org

3 Resolution "ETUC Position on the proposal for a directive on patients' rights in cross-border healthcare", adopted by the ETUC Executive Committee on 3-4 December 2008: <http://www.etuc.org/a/5755>



[Focus on the EU and trade union positions]

We need regulation of Hedge Funds and Private Equity

02/12/2009 – At the occasion of the first debate on a **draft European regulation of alternative investment fund managers**, ETUC called the European Parliament to **include more specific regulation of leveraged buy-outs by Private Equity funds**. For the ETUC, the provisions put forward by the European Commission **must not be watered down**. *‘Now is the time for Europe to act*

and put some order in the financial mess that costs jobs and income for millions of workers. There is unprecedented pressure from big finance on European policy makers to leave the casino open and get back to business as usual’ declared John Monks.

[ETUC press release](#)

Copenhagen Summit: climate policies must be a driver of social progress



15/12/2009 – On the occasion, of the United Nations Summit on climate change, ETUC organised in Copenhagen a **conference on low-carbon industrial policies**. Climate policies can and must aim to **become a driver of sustainable growth and social progress**, this was the key message that ETUC addressed to the political leaders. For the European trade union movement, **the fact that climate change is exacerbating inequalities between and within different parts of the world has to be taken into account**. The time has come to speak out for a **just social transition**, a huge sustainable development challenge for every region of the world.

[ETUC press release](#)

European Commission publications

The following reports are now available:

- [Joint Employment Report](#) (15/12);
- [Autumn 2009 Eurobarometer](#) (14/12)

Editorial Team

MANAGING EDITOR: **John Monks**

EDITOR-IN-CHIEF: **Patricia Grillo**

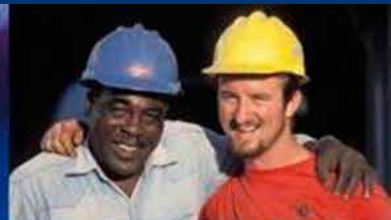
EDITOR: **Daniele Melli**

Please pass this newsletter on to your colleagues and contacts

New year message to Europe's leaders
from Europe's people



You've rescued
the bankers,
now what about us?



Happy new year
2010

STOP
Casino Capitalism!

SUPPORT
the real economy!

MORE
and better jobs!

Trillions have been spent to stabilise the banks after their orgy of speculation. Now the bill has to be paid – and so far it is workers, and especially the innocent and blameless young, who are paying the price through rising unemployment and increasing homelessness.

Join our campaign for a Europe-wide Youth undertaking in 2010, a guarantee of quality jobs, work experience, training and education. And support the ETUC campaign for a fair burden-sharing to pay for the crisis, with progressive taxation on the rich and comfortable and a new global transaction tax.



European Trade Union Confederation (ETUC) www.etuc.org