

Reportage

1 February 2008



Update

EU policy and legislation are having an increasing impact on the NHS as a provider of services, as a large business and as the largest employer in the EU. Recent European Court rulings have clarified how EU internal market rules apply to health services, which will have wide-reaching implications for the NHS. In addition, with forthcoming EU legislation on cross-border healthcare, it is extremely important that the NHS is positioned at the heart of EU developments.

It is in this context that the NHS European Office was launched in September 2007. The Office, which is part of the NHS Confederation and funded by the Strategic Health Authorities, has the following main aims:

- monitoring EU policy and legislative developments which are important to the NHS
- keeping NHS organisations abreast of EU developments
- carrying out impact assessments of key EU proposals and influencing them in the interest of the NHS
- informing NHS organisations of EU funding opportunities.

During the first months since the launch of the European Office, work has concentrated on the setting up of the Brussels office and on staff recruitment. The office's lease was signed in October and the works to fit out the office started in November and are expected to finish early February. Staff recruitment has taken place and all staff should be in post by mid February. As stated in the business case for its setting-up, the European Office will monitor and engage with EU policy and legislative developments which have an impact on the NHS as:

- a provider and commissioner of services
- an employer
- a business.

The first meeting of the EU Steering Group, which is responsible for setting the Office's agenda and priorities and reviewing progress against planned objectives, took place on 29 November. During the meeting, the Office's work plan for 2008 was agreed.

The forthcoming EU Directive on health services has been identified as the main priority for the EU Office. This proposal, which is expected shortly, will clarify the rights of patients to travel to other member states of the EU to receive medical treatment, and the responsibilities of health organisations to facilitate and fund this. The proposal has potentially large impacts on both NHS commissioning and providing organisations, especially in terms of administrative burdens and the ability to plan finances and capacity. Working closely with the DH and with NHS organisations, the European Office will therefore be seeking to introduce changes when the legislation is considered by the European Parliament and the Council of EU Ministers over the coming months.

Other forthcoming EU developments identified as priorities for the Office include:

Healthcare associated infections

With three million people across Europe contracting an HCAI each year, the European Commission will prioritise work in this area in 2008. EU Recommendations on HCAI will propose a number of specific measures to be implemented by member states in order to prevent the spread of infections: control and preventive measures, active surveillance systems, education and training, research and information exchange. Whilst the EU proposals will not be binding, with HCAI on top of the NHS agenda we may seek to influence the recommendations in the interest of the NHS.

Climate Change

The Government has taken a leading role in Europe and globally to tackle climate change and reduce carbon emissions. This commitment involves "leading by example" and has already translated into carbon reduction targets for the NHS (i.e. 0.15 by 2010 from the current approximate 1 million tons of carbon produced annually). This year the European Commission will present proposals to review the EU Emissions Trading Scheme and publish a White Paper on climate change adaptation, which will include a section on the effects of climate change on health and explore how health systems can adapt. With over 80 NHS trusts with installations subject to the EU Emissions Trading Scheme currently and the NHS being increasingly affected by climate change policies, the European Office will engage with these developments to ensure that these policies work for public service organisations like the NHS.

Patient safety and quality of health services

The European Commission is due to issue a Communication on patient safety and quality of health services to provide member states and stakeholders with the necessary practical and legal tools and mechanisms to improve safety and quality of care and to improve citizens' confidence that they have sufficient information on the safety of EU health systems, including healthcare providers in their own country and in other member states. This Communication will not be binding but the NHS may seek to influence it, given possible links with safety and quality principles in the proposed Directive on cross-border healthcare.

Organ donation and transplantation

The European Commission intends to respond to the major policy challenges in respect to organ donation and transplantation across the EU (e.g. ensuring quality and safety for human organs, increasing organ availability, and enhancing the efficiency and accessibility of transplantation systems in the EU member states) through a legislative proposal on quality and safety of organ donation and transplantation. As this

Directive may propose harmonisation of standards of safety and quality in the practice and processes surrounding transplant and donation across the EU it is of importance to the NHS. The Commission is also due to propose an Action Plan to strengthen coordination between member states in this area.

Energy performance of buildings

The Energy Performance in Buildings Directive makes certificates for energy performance of buildings mandatory. It also requires minimum energy performance requirements for new buildings and buildings which undergo major renovation. It demands regular inspections of boilers and air-conditioning systems to guarantee their energy efficient operation. This Directive will be reviewed next year, and there is a possibility that some of its requirements will be strengthened and its scope extended to more buildings with potentially significant impact of the NHS as a major energy consumer.

Mobility of health professionals

The European Commission will launch a high level reflection process on issues related to the mobility of health professionals through the publication of a Green Paper. Specific proposals in this area might emerge as a result, and the European Office, working closely with the NHS Employers European team, would seek involvement.

Public procurement

The Government is placing a lot of emphasis on Green Public Procurement and in March 2007 launched an ambitious Sustainable Procurement Action Plan. The NHS has significant annual procurement expenditure and so has a key role to play in realising the objectives of the Government and EU's sustainable development policies. This is experience we can use to influence and contribute to the green public procurement policies which are being developed in Europe (as part of the announced EU sustainability package) and which may affect the NHS in the future.

Information on pharmaceutical drugs

An EU Directive on pharmaceuticals information to patients is expected this year. The issue of patient information versus direct advertising of pharmaceutical drugs will be extremely controversial. The distinction which is made between patient information and advertising could have implications for the NHS in terms of patient demand for access to certain treatments and drugs.

Working time

Since 2004 Member States have not managed to reach agreement on the proposed Directive for the amendment of the 1993 Working Time Directive mainly because of their

different views on the opt-out provision and the question on whether the maximum weekly working time is calculated per contract or per worker. As a result, the Commission has asserted that the 23 member states (including the UK) failing to meet the requirements of the 1993 directive will soon face infringement proceedings. An agreement on EU working time rules might be expected in the second half of the year.

Temporary agency workers

The draft Directive on working conditions for temporary workers (proposed in 2002) aims to improve working conditions for temporary work by ensuring that the principle of non-discrimination is applied to these workers. The proposal has been blocked in Council for several years but, as for the WTD, an agreement might be reached before the end of the year with potentially significant implications for the NHS.

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