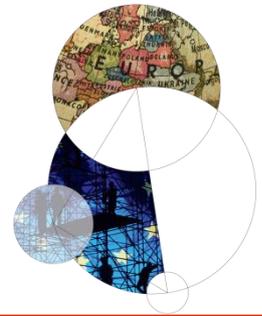
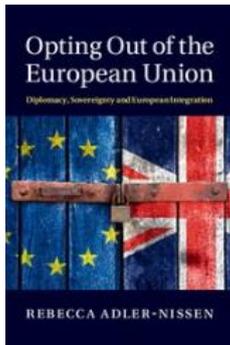


# CEP NEWSLETTER

NO. 3 OCTOBER 2014



## CEP Researcher Publishes Book about the Danish and British opt-outs



With her new book 'Opting Out of the European Union: Diplomacy, Sovereignty and European Integration' Associate Professor Rebecca Adler-Nissen provides the first in-depth account of how opt-outs work in practice. In the book she examines the most controversial cases of differentiated integration: the British and Danish opt-outs from the Economic and Monetary Union and European policies on border, asylum, migration, internal security and justice. For her cutting edge work and the novelty it adds to the field of IR, Rebecca has received the Swedish Political Science Association IR section's Rising Star Award in IR. The award is given every year to a scholar whose research advances the state of the art in the field of International Relations.

## Open Conference on Cross-Border Healthcare Law in the EU

In cooperation with WELMA and Centre for Health Economics and Policy, CEP is organising a conference on the latest developments in cross-border patients' rights in the EU.

The conference brings together scholars, experts, practitioners and politicians to discuss the implications of the highly disputed EU directive 2011/24/EU on patients' rights. The directive is an example of how healthcare is slowly moving away from its original status as a national matter to become a common concern to the EU.



The keynote speech "Patient Rights, Human Rights or Consumer Rights?: EU law on mobile patients" will be delivered by Professor Tamara Hervey, a leading expert on EU law and healthcare at University of Sheffield. Among the panelists is Member of the European Parliament Christel Schaldemose, who was closely involved in the negotiations on the patients' rights directive.

Time and place: 30 October 2014, 14.00-17.00 at Department of Political Science.

Please visit the [conference website](#) for more information and registration.

## CEP Researcher Co-editor of Special Issue of the Journal West European Politics

Professor Dorte Sindbjerg Martinsen has, in cooperation with Hans Vollaard from Leiden University, edited a special issue of West European Politics. The special issue, entitled '*Implementing Social Europe in Times of Crisis: Re-established Boundaries of Welfare?*', examines the state of social Europe at a time when EU suffers from a crisis of legitimacy and its member states are struggling with economic recession.



By analysing different cases of social policies, such as healthcare and pension reforms, the different contributions to the issue reveal how the bits and pieces of social policies in the EU are transposed, Europeanised, politicised, enforced and applied. The special issue thereby provides valuable insight into the processes of implementation and enforcement, where EU regulation meets the (national) boundaries of welfare, and thus where social Europe faces its ultimate test.

## LATEST RESEARCH

### Dorte Sindbjerg Martinsen (2014)

'Implementing Social Europe in Times of Crises: Re-established Boundaries of Welfare?' with Hans Vollaard, *West European Politics*, 37(4): pp. 677-693.

### Peter Nedergaard (2014)

'Representation. Who is Sitting in the EU's Chair at the UN? Member States, Presidencies and the Commission' with Mads Dagnis Jensen, in Amandine Orsini (red.) *The European Union with(in) International Organisations*. Farnham: Ashgate, pp. 55-71.

### Rebecca Adler-Nissen (2014)

*Opting Out of the European Union: Diplomacy, Sovereignty and European Integration*. UK: Cambridge University Press.

### Dorte Sindbjerg Martinsen (2014)

'Bounded Rationality in Transposition Processes: The Case of the European Patients' Rights Directive' with Hans Vollaard, *West European Politics*, 37(4): pp. 711-732.

## NEWS FROM CEP

Over the last few months, CEP has been pleased to host several international scholars.

One of Australia's leading political scientists and experts on European integration and EU-Asia relations, **Professor Philomena Murray** from University of Melbourne, visited CEP from the 15th to 19th of September. During her visit she gave an inspiring talk about: "The European Union's Pivot to Asia".

On September 10, **Professor in Political Science Lisa Conant** from University of Denver presented her paper "Stampede for Justice? Democracy, the Rule of Law, and Legal Mobilization in Europe" at a research seminar at CEP.

## RESEARCH COLUMN

### Patients' Rights in Cross Border Healthcare – Grand Expectations Unfulfilled?

-By Dorte Sindbjerg Martinsen, Professor, Department of Political Science, University of Copenhagen



In March 2011, the European Parliament and the Council finally adopted Directive 2011/24/EU on the application of patients' rights in cross-border healthcare. The directive

had been long under way and the final result mirrored intense disagreements and some downscaling compromises.

It all started back in the late 1990s with controversial rulings of the Court of Justice of the European Union, laying down that also healthcare is a service within the meaning of the Treaty. On a case-by-case basis, judicial decisions clarified that as a service in the internal market, healthcare should circulate freely across borders - under certain conditions. Back then politicians found jurisprudence 'revolutionary' challenging the very sustainability of national healthcare systems. Patients, on the other hand, raised great expectations to this turn in European integration, seeing new opportunities in exiting national healthcare systems and accessing better treatments in other member states.

The Commission was requested to come up with a proposal clarifying the state of Union law within this area. In 2004, the Commission first tried to codify the case-law of the Court in the service directive, but the European legislators refused to insert healthcare as part of an internal market directive. After this failed attempt, the Commission prepared its initiative for another four years and was not ready to present its proposal before July 2008. Two and a half year of political negotiations followed. The Commission's proposal was changed considerably and much more national control on how to access healthcare in another member state was ensured. The final result of political negotiations stipulate that patients can only receive healthcare treatment in another member state, if such treatment is also part of the national healthcare package and will only be reimbursed the costs of what a similar treatment cost back home. Most cross-border non-hospital care can be accessed without prior authorization from the relevant domestic authority. Highly specialized and cost-intensive non-hospital care as well as hospital care, however, require prior authorization. Member states also have the possibility to limit the inflow of foreign patients if necessary for 'overriding reasons'.

During negotiations, the Commission criticized the legislators for departing from the case-law of the Court, by allowing member states an extended use of prior authorization. Whereas the final result may not have met the healthcare aspiration of the European executive, it nevertheless manifests that healthcare is within the scope of EU competences.

The member states have had to transpose the directive by 25 October 2013. On that day, the European Commissioner for health Tonio Borg declared that the Directive empowered European patients to a greater choice of healthcare, more information, easier recognition of prescriptions across borders, etc. The Commissioner, however, also urged 'all Member States to deliver on their obligations and fully transpose this Directive'. The Commissioner's appeal to the member states suggests that national implementation in some member states may be disputed and criticized for not fulfilling the aim of the Directive.

On 30. October 2014, Centre for European Politics is the co-organizer of a public conference where the content and implementation of the Patients' Rights directive will be examined. This Copenhagen conference on cross border healthcare seeks answers to questions such as: Which balance does the directive strike between the patients' rights in cross-border health care and member states' competences to organize their national health care systems? How has the directive been implemented so far in various Member States? Which lessons can be learned from the implementation processes? Does the directive really strengthen patients' rights in the European Union?

EU patients' rights has come to stay. It allows for exit from national healthcare supplies, under certain conditions. If patients increasingly make use of their right to exit, national healthcare systems will face new challenges and governance dilemmas. The Copenhagen conference aims to initiate a debate on the current and future state of cross-border healthcare as well as the national responses hereto.

*The researcher column is written in turn by the researchers at the Centre for European Politics. The column does not represent a common CEP-position*

In September researchers who integrate **Political Psychology in European Studies** met and shared their work and experiences at a workshop sponsored by CEP organised by Julie Hassing Nielsen and Ian Manners. The workshop focused on integrating the insights of political psychology into the study of EU attitudes. One of the cases discussed at the workshop was the impact of psychology on the outcome of the recent European Parliament Elections and the Danish referendum on the Patent Court. If you are interested in more information about the workshop visit [CEP's website](#).

**EURECO** is once again running the annual **Distinguished Lecture Series**, and this year **Professor Jan Zielonka** from University of Oxford will address the question "Is the EU Doomed?" at the Final Honorary Lecture 27 November. For more information and registration visit: [www.eureco.ku.dk](http://www.eureco.ku.dk).

---

#### CEP BOARD

**Marlene Wind**, Director and Professor  
**Ben Rosamond**, Deputy Director and Professor  
**Ian Manners**, Professor and Research Coordinator  
**Dorte Sindbjerg Martinsen**, Professor  
**Martin Marcussen**, Professor  
**Peter Nedergaard**, Professor  
**Anne Rasmussen**, Professor  
**Jens Ladefoged Mortensen**, Associate Professor  
**Rebecca Adler-Nissen**, Associate Professor  
**Caroline Grøn**, Assistant Professor  
**Julie Hassing Nielsen**, Postdoc  
**Holly Snaith**, Postdoc  
**Ayca Uygur**, PhD fellow  
**Nikolay Vasev**, PhD fellow  
**Ruxandra Lupu Dinesen**, PhD fellow  
**Christine Søby**, PhD fellow  
**Majka Holm**, Research Assistant and Coordinator at CEP, EURECO and EuroChallenge

For more information visit CEP's website: [www.cep.polsci.ku.dk](http://www.cep.polsci.ku.dk)

#### ABOUT THE NEWSLETTER

**Editor:** Marlene Wind ([mwi@ifs.ku.dk](mailto:mwi@ifs.ku.dk))

#### Contributors to this edition:

Dorte Sindbjerg Martinsen, Deniz Pedersen, Line Bachmann, Jens Larsen and Majka Holm.

The newsletter is published four times a year and includes the latest updates on activities and research at the Centre for European Politics. To subscribe or unsubscribe to the newsletter send an email to: [student.cep@gmail.com](mailto:student.cep@gmail.com)