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des Services publics européens et internationaux

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*NOTE to Mr Günther Oettinger,
Member of the Commission
Responsible for budget & human resources*

The health insurance system for EU staff has been for many years a priority for the USF. Having a good and reliable health insurance is an important part of the working conditions of our colleagues and their families and even more important for pensioners. USF would like to draw your attention to two issues faced by many colleagues:

1. Our health insurance system (Joint sickness insurance scheme, JSIS) is public and obligatory. However, in many Member States it is regarded as a private insurance, allowing medical service providers to freely charge for their treatments. Whereas citizens affiliated to a national scheme of another Member State can benefit from the negotiated tariffs within the national security scheme of each of the Member States (see Regulation 883/2004), our colleagues are on a daily basis confronted with higher prices for similar services.

Overcharging those who are covered by JSIS is not only in breach of the principle of equal treatment (article 3 TEU) and of non-discrimination (article 18 of TFEU), but also in breach of the general principles contained in Regulation 883/2004 (see case *De Lobkowicz*, C-690/15). This has been explicitly confirmed by the Court of Justice in the case *Ferlini* C-411/98. So in theory every official could take their medical service provider to court in case of overcharging.

Given that it cannot be asked from the individual patients to sue their medical service provider in order to enforce equal treatment, we call upon the Commission to live up to its role as a guardian of the Treaty. We are therefore asking you to address a formal notification to all Member States reminding them that persons insured through the JSIS cannot be charged prices higher than those applied in the national social security health insurance schemes.

2. It should formally be recognised that the JSIS, being a public social security scheme, should carry the same effects and enjoy the same treatment as public social security schemes at a national level. In order to be able to prove their insurance through the JSIS and therefore be able to enjoy the principle of equal treatment, those who are covered by the JSIS should receive an identity card proving their affiliation to the JSIS. For this card to have practical value, it must be established by a formal legal act, which has to be duly communicated to all Member States, which are in turn obliged to duly inform all national medical service providers. The European Health Insurance Card could serve as an example.

We are asking you to start as soon as possible the process of establishing a legally valid identity document proving the affiliation to JSIS, which should be valid in all Member States as well as those third States to which Regulation 883/2004 applies. Such a document should also be available and applicable to the identification of members of the European institutions (e.g. ECB) who use their own insurance schemes.

A handwritten signature in black ink, appearing to read 'Niels Bracke', with a stylized flourish at the end.

p/o
the President of USF

Niels BRACKE
Vice-President of USF