



October 2008

Citizens Information Board
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EU Supplement

Published quarterly with *Relate*, the journal of developments in social services, policy and legislation in Ireland

This supplement covers the significant EU developments during June-August 2008 in the broad areas of social policy, consumer policy and citizens' rights.

There is further information about almost all the issues mentioned on the Europa website: <http://www.europa.eu>. In some cases, we give the extended website address. The Official Journal of the EU may be accessed via <http://eur-lex.europa.eu>.

Employment and social policy

Renewed social agenda

The Commission has published a document entitled *Renewed social agenda: opportunities, access and solidarity in 21st century Europe*. This renewed social agenda is in the form of a Communication from the Commission and includes a plan to introduce a range of social measures, including legislation to deal with discrimination, healthcare and works councils. It also outlines a greater co-ordinating role for the EU in the social area.

The Communication also includes an overview of existing social measures and a number of papers on social issues.

The Commission has set up a new portal on social affairs:

<http://ec.europa.eu/social>

Equal treatment outside the workplace

The Commission has published a proposal for a directive implementing the principle of equal treatment between people irrespective of religion or belief, disability, age or sexual orientation in areas outside the workplace.

The aim is to ensure equal treatment in areas such as social protection, social security and healthcare, education and access to goods and services. The proposed directive aims to prohibit direct and indirect discrimination as well as harassment and victimisation. It is broadly similar to the equal status legislation in Ireland.

<http://ec.europa.eu/social/BlobServlet?docId=477&langId=en>

Working time directive

The Council has reached agreement on the proposed directive on working time. The proposed directive amends the Working Time Directive (2003/88/EC) and is mainly concerned with on-call time and the right to opt out of the 48-hour maximum working week.

The new directive provides that on-call time can be split into active and inactive on-call time. Active on-call time will be counted as working time. Inactive on-call time may not be counted as rest time and can be counted as working time if national laws or social partners agree.

The standard maximum limit remains at 48 working hours a week unless an individual worker chooses otherwise – that is, exercises an opt-out. If individuals do opt out, they will be subject to a maximum of 60 hours working time a week unless the social partners agree otherwise. There are restrictions on opting out: you may not do so in the first month of employment and you may not be victimised for not opting out.

Temporary agency work directive

The Council has reached agreement on the proposed directive on temporary agency workers (TAWs). The proposed directive provides that TAWs, from their first day at work, must have equal treatment with regular workers in respect of pay, leave and maternity leave. It will be possible to derogate from this by agreements between the social partners. TAWs must also have equal access to facilities such as childcare and must be informed of permanent employment opportunities.

There are about 8 million temporary agency workers in the EU.

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Employment policies

The Council reached political agreement on a decision establishing the guidelines for the employment policies of the member states for the year 2008.

Social services of general interest

The Commission has issued a report on social services of general interest. In addition to health and social security services, social services of general interest include social assistance services, employment and training services, social housing, childcare and long-term care services. The report focuses on services delivered directly to individuals and gives an overall picture of these services in the EU.

http://ec.europa.eu/employment_social/spsi/ssgi_en.htm

Open Method of Coordination

The Open Method of Coordination (OMC) was explained in the August 2007 issue of EU Supplement. The OMC is the name used to describe the process whereby the EU and the member states agree common objectives and the EU monitors the achievement of those objectives. The Commission has now issued a Communication on *A renewed commitment to social Europe: Reinforcing the Open Method of Coordination for Social Protection and Social Inclusion*.

Works Council

The Commission has published a proposal for a directive on the establishment of a European Works Council (EWC) or a procedure in community-scale undertakings and community-scale groups of undertakings for the purposes of informing and consulting employees.

EWCs are bodies which represent the European employees of a company. Through them, workers are informed and consulted by management on the progress of the business and any significant decision at European level that could affect their employment or working conditions.

At present, there are EWCs in operation in 820 companies across the EU. They cover approximately 14.5 million employees. Directive 94/45/EC sets out the rules at present. It provides that member states must provide the right to establish a works council in companies or groups of companies employing at least 1,000 people in the EU and the other countries of the EEA, with at least 150 employees in each of two member states. A request of 100 employees from two states or an initiative of the employer triggers the process of creating a new works council.

The main proposals for amending the current arrangements are concerned with clarifying information and consultation, defining the EWC's competence, adapting the EWC if company structure changes significantly, and providing training and setting obligations for employee representatives..

http://ec.europa.eu/employment_social/labour_law/

Health and consumer affairs

Cross-border healthcare

The circumstances in which you may get hospital treatment in another EU/EEA member state were described in the July 2008 issue of *Relate*. The Commission has published a proposal for a directive on patients' rights in cross-border healthcare. This deals with all healthcare, not just hospital care. It aims to clarify rights in this area and to set responsibilities for quality and safety. It also provides for national contact points to provide information about cross-border healthcare, and to provide help if something goes wrong. It also deals with the transfer of patient records, protection of personal data and dealing with prescriptions issued abroad.

Briefly, under current rules you may not be refused authorisation to go to a hospital:

- The treatment in question is among the benefits provided for in Irish legislation and
- You cannot be given this treatment within the time normally necessary for getting it in Ireland taking account of your current state of health and the probable course of the disease

If you are unjustifiably refused authorisation for such treatment, and you go ahead and get the treatment, you must be reimbursed directly for the amount which the Health Service Executive (HSE) would have had to pay if the authorisation had been granted. These rules are not changed by the proposed directive.

The general principle underlying the proposed directive is that you have the right to access healthcare in another member state and be reimbursed up to the level you would have received at home (which may or may not be less than the costs involved). Each member state is entitled to decide on how its own health services are organised, delivered and paid for. The EU has no role in deciding, for example, who is entitled to a medical card or to in-patient public hospital treatment, other than in the case of certain migrant workers. So, your rights to have treatment abroad reimbursed will be directly related to your rights to have such treatment at home. If you are not entitled to a particular treatment at home, then you will not be entitled to reimbursement if you get that treatment abroad.

You will not generally need prior authorisation. However, member states may require you to have prior authorisation in the case of hospital care but not in the case of other treatment. In general, you will be expected to pay the healthcare provider directly and then be reimbursed but member states may choose to provide the money in advance or may pay the healthcare provider directly.

So, for example, if you go to another member state for dental treatment (without a hospital stay) you would be entitled to

be reimbursed up to the level of reimbursement for the same or similar treatment at home. This means that a medical card holder could claim the cost that would have been incurred by the HSE if the treatment had been provided here. As there is no defined system of reimbursement in this case, the HSE will have to set up a system for calculating the costs involved. This means that a medical card holder could claim the cost that would have been incurred by the HSE if the treatment had been provided here. As there is not a defined system of reimbursement in this case, the HSE will have to establish a system for calculating the costs involved. It may also mean that people entitled to Treatment Benefit could claim a contribution towards the cost in the same way as they claim for treatment in Ireland.

Each member state will be able to impose the same conditions on care abroad as they do at home. So, for example, you can be required to have a letter of referral from a GP before going to a consultant and a letter of referral from a consultant for a hospital stay.

In the case of hospital care, member states will be able to impose a system of prior authorisation if the movement of patients abroad is likely to undermine their health system. This depends on matters such as the financing and planning of hospitals.

The proposal provides that member states may not discriminate against patients from the different member states, for example, by effectively providing incentives for foreign patients to avail of services or by having different waiting times. Patients going to another member state must have the same access to redress and compensation if something goes wrong.

The safety and quality standards to be applied will be those of the member state where the care is provided.

The proposed directive also deals with what is called *e-health*. This involves the application of information and communication technologies to health. The Commission supports existing e-health projects covering areas such as remote provision of specialist support from large hospitals to smaller local facilities. The directive aims to put further e-health projects in place in order to facilitate shared formats and standards that can be used between different systems and different states.

The proposal provides for the transfer of health records so that patients can get continuing care in their home state.

The proposed directive provides for the establishment of European reference networks. These would bring together specialised centres in different member states. They could help to provide healthcare to patients who have conditions requiring a particular concentration of resources or expertise. They would also be focal points for medical training and research, information dissemination and evaluation.

http://ec.europa.eu/health/ph_overview/co_operation/healthcare/proposal_directive_en.htm

Electronic health records

The Commission has issued a recommendation on cross-border interoperability of electronic health record (EHR) systems. This aims to provide member states with basic principles and guidelines for ensuring that information on patients is accessible, wherever patients or doctors are based. The Commission is currently funding several initiatives which aim to show the benefits of such interoperability.

http://ec.europa.eu/information_society/activities/health/policy/index_en.htm

Single European Sky

The Commission has published the second package of legislation for a Single European Sky (SES II). These proposals aim to improve safety, cut costs and reduce delays.

http://ec.europa.eu/transport/air_portal/traffic_management/index_en.htm

Roaming prices

Mobile phone roaming charges while travelling in the EU were reduced from the end of August 2008. The price ceiling for roaming calls (the Eurotariff) introduced by the EU in 2007 was reduced from €0.49 to €0.46 a minute (excluding VAT) for making a call and from €0.24 to €0.22 a minute (excluding VAT) for receiving a call while in another EU country.

<http://ec.europa.eu/roaming>

Justice and home affairs

Rights of EU nationals in Ireland

The European Court of Justice has ruled that an aspect of Irish legislation implementing the EU rules on free movement of people is incompatible with EU Directive 2004/38/EC. The ruling affects the non-EEA national family members of EU citizens living in Ireland and is described in this month's *Relate*.

Green Paper on education of migrant children

The Commission has published a Green Paper *Migration & mobility: challenges and opportunities for EU education systems*. The Paper examines the issues relating to segregated schooling and how to accommodate diversity.

Immigration and asylum

The Commission has published a Communication on *A Common immigration policy for Europe: principles, actions and tools and a Policy Plan Asylum – an integrated approach to protection across the EU*.

http://ec.europa.eu/dgs/justice_home/evaluation/dg_coordination_evaluation_annexe_en.htm

The Citizens Information Board is the statutory body which supports the provision of information, advice and advocacy on the broad range of social and civil services to the public. It provides the Citizens Information website and supports the voluntary network of Citizens Information Services and the Citizens Information Phone Service.

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Environment

Environmental liability

The Commission is taking legal action against a number of countries, including Ireland, for failing to transpose the EU Directive on liability for damage to the environment into their domestic law. The deadline was 30 April 2007.

Water quality standards

The European Parliament has approved the agreement reached with the Council on the proposed directive on environmental quality standards in the field of water. This completes the legislation required to fully implement the Water Framework Directive which aims to prevent and control the chemical pollution of water.

Waste directive

The European Parliament has approved the agreement reached with the Council on the revision of the waste framework directive. Among other things, the revised directive sets new recycling targets to be achieved by the member states by 2020 and requires member states to develop national waste prevention programmes.

<http://ec.europa.eu/environment/waste/index.htm>

General

Code of conduct for interest representatives

The Commission has established a register of interest representatives, that is, people and organisations working on behalf of the various interest groups in order to influence the EU's policies and decision-making. The register is for people and groups who do this work informally as well as those who are represented on formal consultation groups. It is voluntary at present. The information on the register is publicly available.

In order to be on the register, the interest representatives must agree to the Commission's code of conduct. This code sets out general principles, such as openness, honesty and integrity, which should guide the activities of interest representatives when they are dealing with the Commission.

<http://www.ec.europa.eu/transparency>.

European Years

2008 has been designated as the European Year of Intercultural Dialogue; it is proposed to designate 2009 as the European Year of Creativity and Innovation and 2010 as the European Year for Combating Poverty and Social Exclusion.

Access to EU documents

The European Data Protection Supervisor (EDPS) has issued an opinion on the Commission's proposal to review the rules on public access to documents held by EU institutions. The Supervisor is not satisfied with the proposed provisions dealing with the relation between public access to documents and the protection of personal data.

www.edps.europa.eu

The European Ombudsman has also criticised the Commission's proposals as, in his view, it would mean access to fewer, not more, documents.

<http://www.ombudsman.europa.eu/letters/en/20080526-1.htm>

Set-aside

The EU has decided to abolish compulsory set-aside of agricultural land from 2009. Set-aside was originally introduced to limit production of cereals in the EU and applied on a voluntary basis from 1988/89. It became obligatory in 1992.

Lisbon Treaty

The Lisbon Treaty has been ratified by 24 member states. It has not yet been ratified in the Czech Republic, Sweden or Ireland. The proposal to ratify it was, of course, defeated in the June 2008 referendum in Ireland. The Treaty cannot come into effect unless it is ratified by all 27 member states. The original plan was that the Treaty would come into effect in January 2009.

Citizens Information 

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