

Luxembourg, 14 September 2016

Towards an end to medical overcharging in Luxembourg?

For a long time now, EU staff are called to pay disgracefully and unfairly overcharged medical fees to a large part of the medical profession and health system. As if that were natural, most doctors and dentists sometimes apply more than the 15% rate of the officially allowed overcharging, on the pretext that European officials do not pay direct taxes to Luxembourg.

A Council and Parliament Directive which changes everything

Member States shall ensure that healthcare providers on their territory apply the same scale of fees for healthcare for '*patients*' from other Member States, as for national patients in a comparable medical situation.

This rule does not affect national legislation which allows healthcare providers to set their own prices, provided that they do not discriminate against patients from other Member States.

In Belgium, for reasons unknown, the PMO obtained equal rates in 2013 ([Law of 19 March 2013](#)). In fact, if Belgium adapted its rules, ensuring equality in medical fees, it did not do so to comply with the [Ferlini judgment](#), but to transpose [Directive 2011/24/EU](#).

According to this Directive, Member States were obliged, no later than 25 October 2013, to adopt the necessary laws, regulations and administrative provisions to bring them in line with the Directive.

We still have a long way to go!

Union Syndicale Fédérale, and in particular its Court of Justice, Parliament and Commission affiliate organisations, are addressing the Luxembourg Prime Minister and the Minister of Health requesting full transposition of the Directive, beyond what is provided for in the [Luxembourg Law of 1 July 2014](#) which refers to '*insured persons*' rather than '*patients*' from other Member States.

It will be necessary to engage in talks with the Luxembourg authorities. Moreover, at this stage, it is already possible to lodge a complaint / petition to the Parliament and the Commission, or legal proceedings before the national courts, which could then address to the Court of Justice a reference for a preliminary ruling.

We are all concerned!

Whether you are an official or other staff member, regardless of grade, in active employment or retired, without forgetting the beneficiary family members covered by the Sickness Insurance Scheme of the European Union.



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