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OPINION OF THE LEGAL SERVICE*

to : Working Party on Public Health

No. Cion prop. : Doc. 11307/08 SAN 136 SOC 389 MI 234 CODEC 904

Subject : Proposal for a Directive of the European Parliament and of the Council on the application of patients' rights in cross-border healthcare
- Private care

1. The Council Legal Service was asked to intervene in the Working Party on Public Health at its meeting on 14 October 2008, on whether or not Member States may refuse, on the basis of the case law of the Court of Justice, the reimbursement of health care provided in another Member State on the basis that the service was provided by a private establishment. The present opinion reproduces and further develops the oral intervention made by the Legal Service in this respect.

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