

EN

P-004830/2025

Answer given by Mr McGrath
on behalf of the European Commission
(12.2.2026)

1. Directive 2011/24/EU¹ aims to facilitate access to cross-border healthcare within the EU, ensuring patients' rights to seek treatment in Member States other than their own while establishing rules for reimbursement. The principles of equal and non-discrimination access set out in the Directive are, therefore, applied in the context of cross-border healthcare. In addition, the organisation and delivery of health services and medical care are the responsibility of the Member States according to Article 168(7) of the Treaty on the Functioning of the European Union², according to which Member States are responsible for the organisation and delivery of their health services and medical care. This means that the Commission cannot intervene in decisions of healthcare providers concerning the delivery of health services or management of individual cases.

2. Article 19 of Directive (EU) 2019/1937³ prohibits any form of retaliation against reporting persons, including dismissals. However, it is for the national authorities, including courts, to analyse individual cases, taking into account the particular circumstances of each case, in light of the national legal framework providing for whistleblower protection.

3. The Commission would like to underline that issues related to access to healthcare are regularly discussed and addressed within the framework of the European Semester, where the Commission analyses national health systems, identifies challenges such as accessibility, effectiveness and resilience. The challenge of disparities in access to healthcare in Spain is stressed in the 2025 European Semester Country Report⁴.

¹ <https://eur-lex.europa.eu/eli/dir/2011/24/oj/eng>.

² <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=en>.

³ <https://eur-lex.europa.eu/eli/dir/2019/1937/oj/eng>.

⁴ https://economy-finance.ec.europa.eu/document/download/a712afe4-d94e-4333-8333-e8bc1ab63f1e_en?filename=ES_CR_SWD_2025_209_1_EN_autre_document_travail_service_part1_v4.pdf.