



«If You're in a Hurry at Home, Take a Detour to Brussels»

Webinar Public Affairs Council, Brussels

June 16, 2016 - 3-4pm CET / 9-10am EST

Lukas Pfister

«If You're in a Hurry at Home, Take a Detour to Brussels»

Overview

- What can EU institutions do to resolve a national legal or political challenge? – *Who's in charge of what?*
- Which arguments resonate with MEPs, Commission officials to act? – *Who becomes engaged for what reason?*
- Case studies - *What tends to work and what to avoid?*

EU vs. Member State competencies:

Treaty on the Functioning of the European Union

Exclusive competence	Shared competence		Supporting competence
<p><i>"The Union has exclusive competence to make directives and conclude international agreements when provided for in a Union legislative act."</i></p> <ul style="list-style-type: none"> the customs union the establishing of the competition rules necessary for the functioning of the internal market monetary policy for the Member States whose currency is the euro the conservation of marine biological resources under the common fisheries policy common commercial policy conclusion of certain international agreements 	<p><i>"Member States cannot exercise competence in areas where the Union has done so."</i></p> <ul style="list-style-type: none"> the internal market social policy, for the aspects defined in this Treaty economic, social and territorial cohesion agriculture and fisheries, excluding the conservation of marine biological resources environment consumer protection transport trans-European networks energy the area of freedom, security and justice common safety concerns in public health matters, for the aspects defined in this Treaty 	<p><i>"Union exercise of competence shall not result in Member States being prevented from exercising theirs in" ...</i></p> <ul style="list-style-type: none"> research, technological development and (outer) space development cooperation, humanitarian aid <p><i>"The Union coordinates Member States policies or implements supplemental to theirs common policies, not covered elsewhere"</i></p> <ul style="list-style-type: none"> coordination of economic, employment and social policies common foreign, security and defence policies 	<p><i>"The Union can carry out actions to support, coordinate or supplement Member States' actions in" ...</i></p> <ul style="list-style-type: none"> the protection and improvement of human health industry culture tourism education, youth, sport and vocational training civil protection (disaster prevention) administrative cooperation

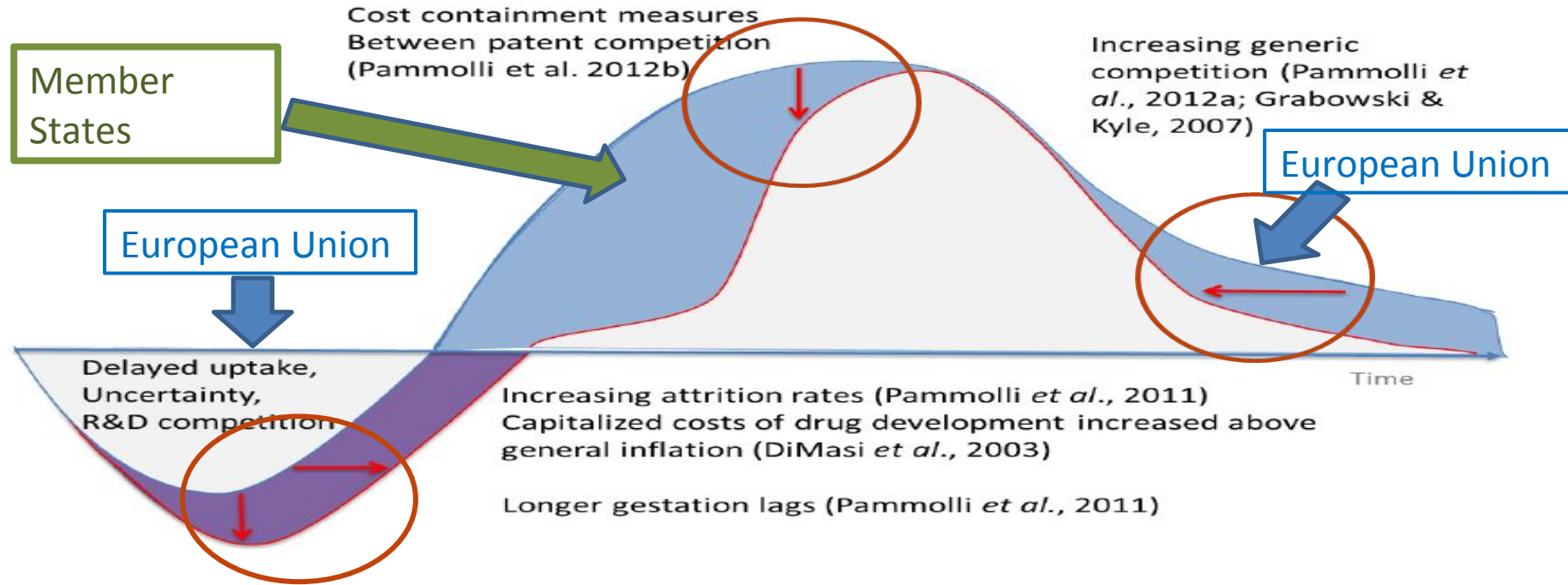
Source: Wikipedia ; http://europa.eu/legislation_summaries/institutional_affairs/treaties/lisbon_treaty/ai0020_en.htm;

TFEU art. 3, 4, 6 et al.; TEU art. 13-20

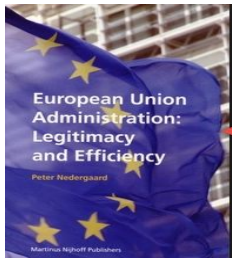
EU vs. Member State competencies in health care

Competency	Art. 168 TFEU	Tools	EU influence on national approach
EU exclusive	quality & safety standards	Regulations Directives Decisions	EU COM: enforcement and issue visibility Triggered by: EU COM, MEPs, MS, NGOs, private sector, media, etc.
Shared	Cross-border health threats:	incentive measures	EU COM: Triggered by: EU COM, MS (Council of Ministers, Perm reps, Presidencies), MEPs
Supplementary	Cooperation in Public health; Foster research	open method of coordination / Joint Actions	Participating MS, MS institutions Triggered by: MS, EU COM Collaboration – best practices
MS exclusive	Health policy Health care services:	national law	Benchmarking of MS performance Blended competencies – substitute debates MEPs network – local constituencies and policy priorities Peer pressure – collaboration

Example: Policy issues in the life cycle of pharmaceuticals



Various sources, including Pammolli *et al.* 2012.; Grabowski & Kyle, 2007; DiMasi *et al.* 2003; Pammolli *et al.* 2011;



The European Union Welcomes Input

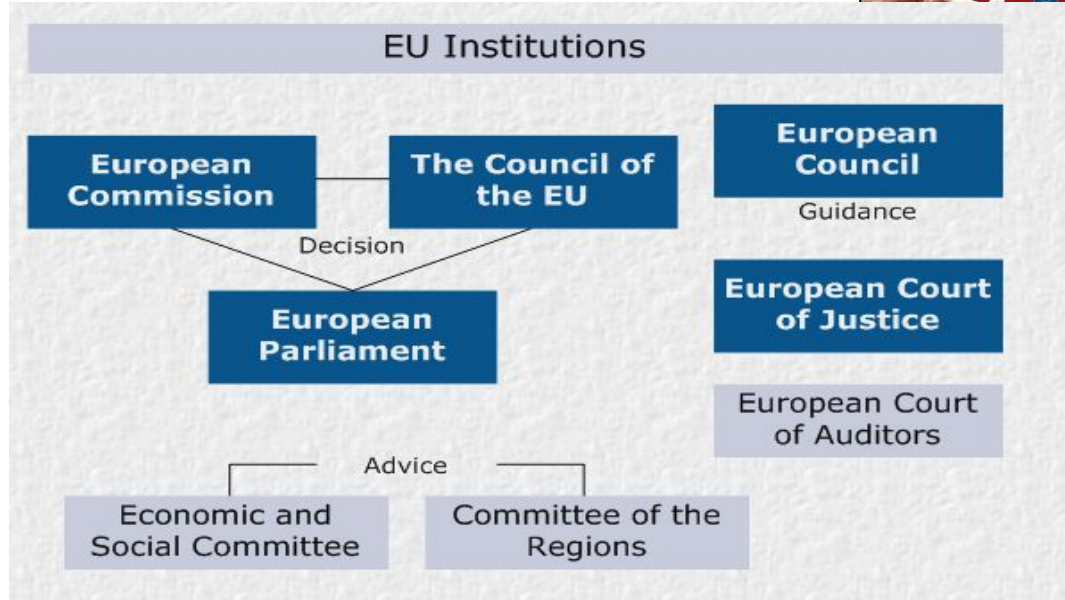
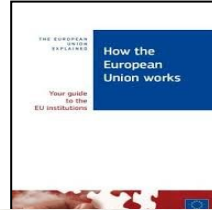
Treaty on European Union (Lisbon Treaty, 2009)

Participative Democracy: *Interest representation prescribed by law*

- **Horizontal civil dialogue** (Art. 11(1) TEU, directly to EU institutions)
e.g. «Europe for Citizens» 2014-2020
- **Vertical civil dialogue** (Art. 11(2) TEU) (via national entities)
- **Commission`s consultation practices** (Art. 11(3) TEU)
frequent public consultations prior to legislative proposal or int`t treaties
- **European Citizen`s Initiative** (Art. 11(4) TEU)
since 4/2012: 1m citizens from at least 7 member states

EU Institutions and decision making

EU Institutions



Source: http://www.dadalos-europe.org/int/grundkurs4/eu-struktur_1.htm;
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>

- **European Commission**
 - Directorate Generals
e.g. DG Internal Market,
DG Trade, etc.
- **European Parliament**
 - Committees
e.g. ENVI, INTA, etc.
- **Council of the EU** (= Council of Ministers)
 - Permanent representations
e.g. COREPER I and II

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Health policy; Health care services	MS exclusive	National priority; National law; National decision	Benchmarking of MS performance Blended competencies – substitute debates MEPs network – local constituencies and policy priorities Collaboration - peer pressure

EU and country competencies intertwined

EU



- **Transparency Directive:**
(only) procedural guarantees for reimbursement decisions.
(Council Directive 89/105/EEC)
- **Health:**
"A high level of human health protection shall be ensured..."
(Art. 168 para. 1 TFEU).
- **Market Access**

MS



- **Reimbursement:**
"...health services and medical care and the allocation of the resources assigned to them. ..." (Art. 168 para. 7 TFEU)
- **Health:**
"... responsibilities of the member states for the definition of their health policy and for the organisation and delivery of health services and medical care. ..." (Art. 168 para. 7 TFEU)
- **WTO, Free Trade Agreements**
 - Market Access;
 - Non-Discrimination;
 - Intellectual Property Protection



European Commission

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

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Vytienis Andriukaitis Commissioner Health and Food Safety Arūnas Virdžinskas Head of Cabinet +32 2 29 57745 Admin, Personnel Nathalie Chasse Deputy Head of Cabinet +32 2 29 64016 Botulin, Plant health, Chemicals, Nutrition, Innovation, Planning and Impact Assessments	Dimitris Avramopoulos Commissioner Migration, Home Affairs and Citizenship Daniel Schmitt Head of Cabinet +32 2 29 60736 Polykarpou Adamidis Deputy Head of Cabinet +32 2 29 54632	Marianne Thyssen Commissioner Employment, Social Affairs, Skills and Labour Mobility Stefan Hermans Head of Cabinet +32 2 29 69258 Ruth Passerman Deputy Head of Cabinet +32 2 29 93636 Budget and Investment, Social Impact, Coordination of EU Semester	Pierre Moscovici Commissioner Economic and Financial Affairs, Taxation and Customs Olivier Bailly Head of Cabinet +32 2 29 68717 Coordination of portfolio activity Reinhold Felke Deputy Head of Cabinet +32 2 29 94582 Coordination of ECFIN, relations with EU	Christos Stylianides Commissioner Humanitarian Aid and Crisis Management Theodor Christodidou Head of Cabinet +32 2 29 93575 Strategy, Policy Coordination Kim Eling Deputy Head of Cabinet +32 2 29 64349 EU Crisis Coordination, Disaster Outreach	Phil Hogan Commissioner Agriculture and Development Peter Power Head of Cabinet +32 2 29 64035 Elisabeth Griecus Deputy Head of Cabinet +32 2 29 54256 GAP, Markets and External Relations, Direct payments	Jonathan Hill Commissioner Financial Stability, Financial Services and Capital Markets Union Matthew Baldwin Head of Cabinet +32 2 29 61304 Strategy, Management, Coordination Nathalie de Rosaldie Deputy Head of Cabinet +32 2 29 54256 Banking Union, Capital Markets,
Violeta Bulc Commissioner Transport Marjete Jager Head of Cabinet +32 2 29 60322 Strategy and Policy Senior Personnel Désirée Oen Deputy Head of +32 2 29 63164 Work Programme Logistics, TEN-T	President + Cabinet					

- Directorate General (Vice-Presidents, Commissioners) + Cabinets
- Directorates General (Commissioners) + Cabinets
- Directors (A, B, C, ...)
- Heads of Unit (A1, A2, ..., B1, B2, ...)
- Desk Officers



Private Sector Driven

- European industry umbrella associations:



- European sector specific umbrella associations

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EU and country competencies intertwined

EU



- **Transparency Directive:**
(only) procedural guarantees for reimbursement decisions.
(Council Directive 89/105/EEC)
- **Health:**
"A high level of human health protection shall be ensured..." "...support cooperation between Member States in the area of public health through open method of cooperation"
(Art. 168 para. 1 and 2 TFEU).
- **Market Access**

MS



- **Reimbursement:**
"...health services and medical care and the allocation of the resources assigned to them. ..." (Art. 168 para. 7 TFEU)
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- **WTO, Free Trade Agreements**
 - *Market Access;*
 - *Non-Discrimination;*
 - *Intellectual Property Protection*



EUROPE 2020

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European Commission > Europe 2020 > Europe 2020 in a nutshell > Flagship initiatives

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Europa 2020.

Public consultation

Europe 2020 in a nutshell

Priorities

Targets

Flagship initiatives

Other tools for growth and jobs

Who does what

European institutions and bodies

EU Member States

Regional and local authorities

Civil society

Making it happen: the European Semester

Priorities at EU level: the Annual Growth Survey

Country-specific Recommendations

Key areas: comparing Member States' performances

Flagship initiatives



Europe has identified new engines to boost growth and jobs. These areas are addressed by **7 flagship initiatives**.

Within each initiative, both the EU and national authorities have to coordinate their efforts so they are mutually reinforcing. Most of these initiatives have been presented by the Commission in 2010.

Smart growth

- [Digital agenda for Europe](#)
- [Innovation Union](#)
- [Youth on the move](#)

Sustainable growth

- [Resource efficient Europe](#)
- [An industrial policy for the globalisation era](#)

Inclusive growth

- [An agenda for new skills and jobs](#)
- [European platform against poverty](#)

Popular links

- [Digital Agenda for Europe – background documents](#) [de](#) [fr](#)
- [Innovation Union - Key initiatives](#) [en](#)
- [Youth on the Move - Background](#) [en](#)

Useful downloads

- [A resource-efficient Europe](#) [...](#)
- [European Platform against Poverty and Social Exclusion](#) [...](#)
- [An Agenda for new skills and jobs](#) [...](#)
- [Policy paper – An Integrated Industrial Policy for the Globalisation Era](#) [...](#)
- [Policy paper – A digital agenda for Europe](#) [...](#)
- [Policy paper – Innovation Union](#) [...](#)
- [Policy paper – Youth on the Move](#) [...](#)

[Top](#)

+ See also

- [EU – climate action](#) [...](#)
- [New skills for new jobs](#) [...](#)

EU and country competencies intertwined

Third Health Programme 2016

EU



- Goal: *“boost economic growth, job creation, stimulate innovation, contribute to connected digital single market”*
- Focus areas:
 - Health Technology Assessment
 - E-health
 - European Reference Networks

MS+



- Participation open to:
 - *Member States*
 - *EFTA/EEA*
 - *Candidate countries*
 - *Potential candidates*
 - *European neighborhood policy countries*

Example: Joint Action on Chronic Diseases

Opportunity to promote best practices across Europe

- EU Strategy 2020 – Active and Healthy Aging – Innovation Union Strategy
- Joint Action:
 - funding instrument under third EU Health Programme 2014-2020
 - Designed and financed by MS authorities and the EU to address specific priorities
 - On average 25 partners involved
- Example CHRODIS:
 - reducing burden of chronic disease like diabetes, cancer and mental disorders
 - 70 associated and collaborating partners
 - Work packages such as “knowledge”; “health promotion”; “multimorbidity”, „Type II diabetes“
- **DG Sante:**
 - Supports MS by providing comprehensive approach
 - EU Platform
- **Associated partners:**
 - Health Ministries
 - National institutes of public health and thought leaders
 - ...
- **Collaborating Partners – expertise and through leadership:**
 - Academic institutes



WPO4 | KNOWLEDGE PLATFORM



WPO5 | HEALTH PROMOTION



WPO6 | MULTIMORBIDITY



WPO7 | DIABETES TYPE II

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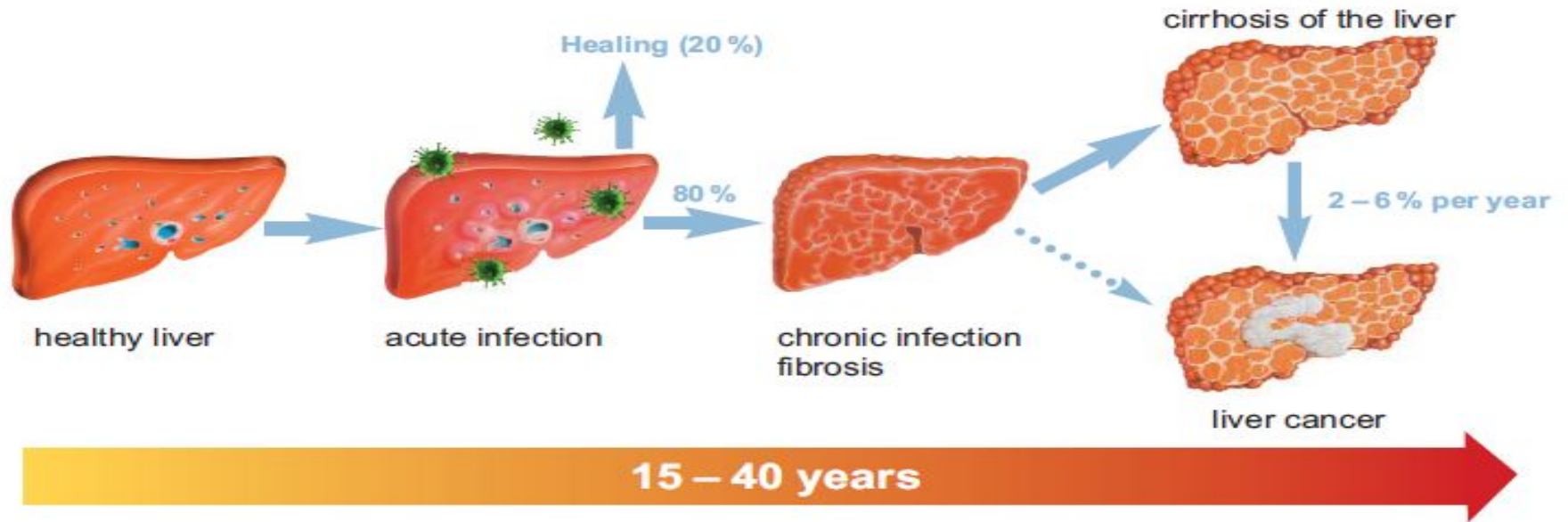
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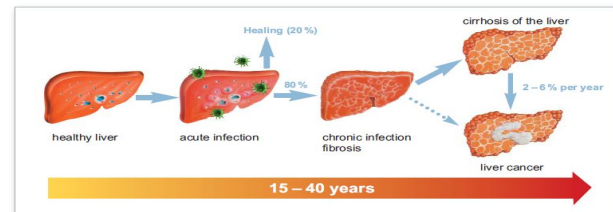


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Example: Hepatitis C Epidemic - National Priority



Benchmarking Example: Hepatitis C



Awareness

- European Benchmarking: Hepatitis Index
- Benchmarking: Patients / Medical community
- Sponsors: MEPs/Friends of the Liver (MEPs)

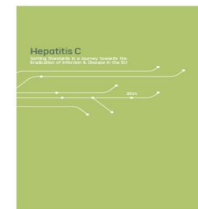
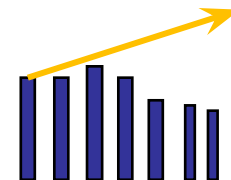
Rationale

- Scottish model - cost projection and policy
- Messengers: Academia and medical experts
- EU Platforms: EP, ECDC, Perm Reps, Media

Solution

- Model national plan
- Local alliance and platforms: patient driven, medical experts, MPs, government, media

The table is a heatmap titled 'Euro Hepatitis Care Index 2012'. It displays performance scores for various countries across multiple categories, with colors ranging from green (high performance) to red (low performance).



Pan-European NGOs' Agenda

European umbrella associations

EU Professional Associations – „*innovation*“

EU Consumer/Patient Organisations – „*health*“

EU Trade Union Organisations – „*jobs*“

EU ... Organisations – „*investment*“

**EU Commission
MEPs**

MS Government

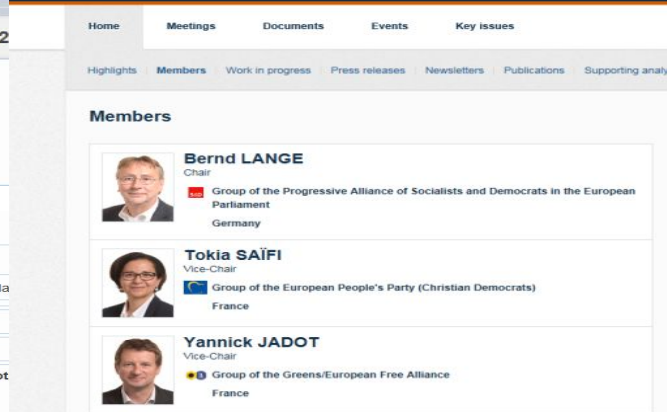
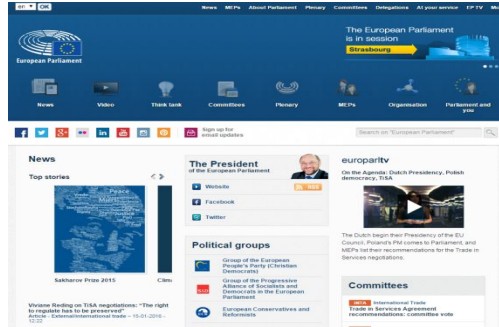
Local member associations

National associations

Local member

European Parliament

<http://www.europarl.europa.eu/>



Local Political Constituencies as Drivers

MEP: national affiliation:

- National political party
- Professional affiliation
- Territorial affiliation
- Linguistic affiliation
- Career path network
- ...

EU Commission
EU institutions

National
Government

Regional
Government

EU agenda	Regional (national) interest
Economic growth	Local production site, investment, industrial policy
Job creation	Local (unemployment situation, labor laws
Foster innovation	Local innovation cluster, research center
Global competitiveness	Local tax regime
...	...

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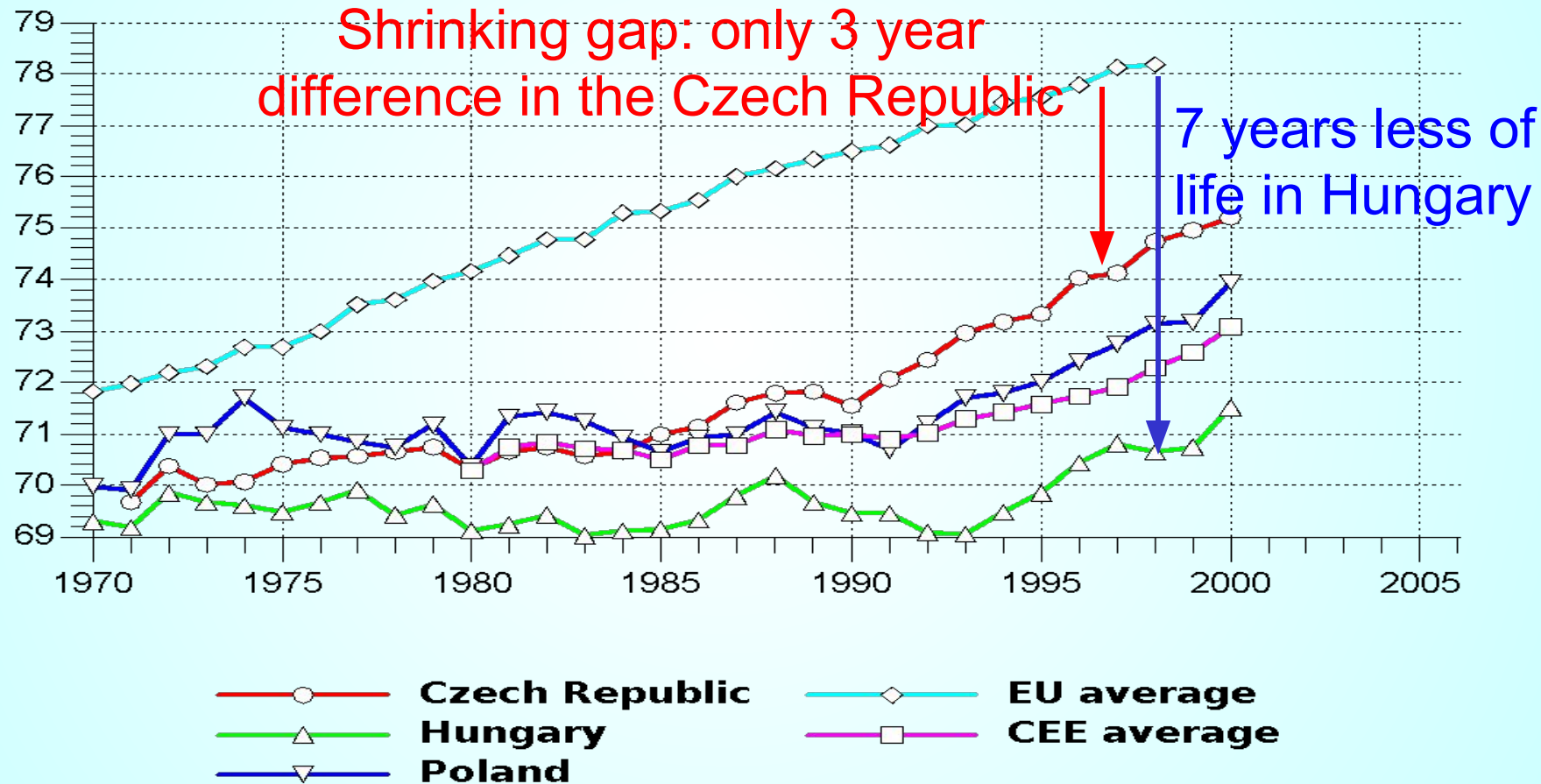
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Czech Republic: Better IP Protection *and* Better Health

060101 + Life expectancy at birth, in years



Where to Connect at National Level?

- EU Presidencies (Troika)
 - Past: for the fresh network
 - Current: for the agenda
 - Upcoming: for the agenda priority
- Foreign Affairs / Europe ministries
- Ministries of Economy, Industry, Technology, Science, Labor, ...
- Foreign Direct Investment Agencies
- Federal states: regional governments / stakeholders
- Parliamentary networks

Conclusion

- Understanding competency lines
- National policy making through
 - EU platforms focused on umbrella or adjacent policy areas
 - EU players with local affiliation
 - Coordinated approach by NGO or private sector organizations mirroring EU/MS structure