

Contents

1	Introduction	1
	Johan van de Gronden, Erika Szyszczak, Ulla Neergaard and Markus Krajewski	
Part I Foundations		
2	EU Health Care Law in a Constitutional Light: Distribution of Competences, Notions of ‘Solidarity’, and ‘Social Europe’	19
	Ulla Neergaard	
3	Discrimination and Beyond	59
	Berend Jan Drijber and Hilde Cadenau	
Part II The (Draft) Patients’ Rights Directive and Internal Market Issues		
4	The Case Law of the European Court of Justice on the Mobility of Patients: An Assessment	79
	Julio Baquero Cruz	
5	Patients’ Rights: A Lost Cause or Missed Opportunity?	103
	Erika Szyszczak	
6	The Draft Patient Mobility Directive and the Coordination Regulations of Social Security	133
	Frans Pennings	
7	Cooperation Between Health Care Authorities in the Proposed Directive on Patients’ Rights in Cross-Border Healthcare	161
	Tamara Hervey	

8	Legislating for Patients' Rights	191
	Gareth Davies	
9	Disrupting the Community—Saving Public Health Ethics from the EU Internal Market	211
	Christopher Newdick	
10	Health Care, the United Kingdom and the Draft Patients' Rights Directive: One Small Step for Patient Mobility but a Huge Leap for a Reformed NHS?	241
	Jean McHale	

Part III Competition Law and Health Care Issues

11	The Treaty Provisions on Competition and Health Care	265
	Johan W. van de Gronden	
12	BUPA; A Healthy Case, in the Light of a Changing Constitutional Setting in Europe?	295
	Sybe A. de Vries	
13	EU Law and the Organisation of Health Care: Experiences from Germany	319
	Felix Welti	
14	Experiences from The Netherlands; The Application of Competition Rules in Health Care.	337
	Wolf Sauter	
15	The Elusive Ideal of Market Competition in United States' Health Care	359
	Nathan Cortez	

Part IV Further Issues of EU Health Care Law

16	The Compatibility of Health Care Capacity Planning Policies with EU Internal Market Rules	389
	Rita Baeten and Willy Palm	
17	Public Procurement Law and Health Care: From Theory to Practice	413
	Vassilis Hatzopoulos and Hélène Stergiou	
18	Patient Mobility Beyond Calais: Health Services Under WTO Law	453
	Markus Krajewski	

Part V Conclusion

19 Conclusions: Constructing a ‘Solid’ Multi-Layered Health Care Edifice	481
Johan van de Gronden and Erika Szyszczak	
Table of Cases.	497
Index	503