

Brexit – Potential Impact on NET Platform Members 30 June 2016

I. Introduction

The general impact of the Brexit has been covered extensively by EU and national media. This analysis looks at the current understanding of issues affecting Members of the NET Platform. This will be updated as new information comes available and colleagues are welcome to submit questions which will be addressed in updates.

Is the UK still a member of the EU?

Yes, it is. Despite the results of the referendum, the UK is still a member of the EU until the country leadership invokes article 50 of the Treaty on the Functioning of the European Union (TFEU or Lisbon Treaty), which states the procedure for any Member State (MS) to the EU.

In order to trigger this article, the UK will need to notify the European Council. The article states that the exit from the EU will take two years, after which the leaving country will no longer have to enforce the treaties and EU regulations.

Therefore, until the UK decides to notify the European Council and until a period of two years has passed from the notification, the UK is still in the EU and UK citizens still European citizens eligible for the rights granted to them by EU treaties and regulations.

II. Patients

How does this impact European patients travelling to the UK and UK citizens travelling abroad?

As long as the UK remains in the EU, UK citizens travelling in EU countries and EU citizens travelling to the UK will be able to access emergency healthcare services free of charge by showing their European Health Insurance Card. Citizens from the EU and the UK will also be able to access non-emergency services as per the rules laid down in the Cross-Border Healthcare Directive, which state that patients can access healthcare services in another country that are reimbursed in their home country without prior authorisation. Patients will then be reimbursed at the same level as they would have, had they received treatment in their home country. However, there are exceptions for this rule regarding treatments with overnight stay, expensive or specialised health care services when a prior authorisation may be required.

Colleagues can find more information on cross-border care [here](#).

I am a patient in the UK, how will my personal data as a patient be treated?

The EU has recently published lengthy legislation on data protection, which includes rules on how to treat medical records and personal data with regard to its use for medical and scientific research. This



Regulation allows for the protection of data while ensuring the ability for researchers to continue conducting life-saving research. Initial legal analysis suggests that the European Commission will have to designate the UK as a “safe third country” in order to avoid the application of stricter requirements on data transfers, mainly for companies that process data. While this Regulation will be no longer applicable in the UK after an exit is agreed, British companies and organisations operating in the European Union will have to follow the guidelines provided in such Regulation. The UK will most probably end up enacting a national law as compatible as possible with EU legislation in order to be able to reach a cooperation agreement with the European Commission.

I am a European citizen living in the UK, will I be able to remain in the UK and access its health care services?

Until the UK exits the EU, EU citizens living and working in the UK and UK citizens living and working in the EU should be able to access healthcare services under each Member State rule (i.e. in most EU countries, people from other EU countries seeking to permanently relocate are required to work a minimum number of days before being able to fully access and being reimbursed for national health services).

The EU Member States and UK will have to start negotiating to establish how their respective citizens can live and work in each other's countries. Further information about this point will be provided at a later date once talks between the EU and the UK are underway.

III. Healthcare Professionals

How does this affect European Reference Networks (ERNs)

Rare diseases have been one of the main focus areas for healthcare policies in the EU. This is due to the fact that there is a limited number of patients and experts located across various countries in the EU. The EU has worked a great deal to raise awareness about rare diseases, promote projects such as patients' registries and the implementation of national rare disease plans encouraging Member States to take actions and make funds available to address the needs of those living with rare diseases.

One of the latest projects was the establishment of reference networks. These are networks of centres of excellence for various rare diseases that will help patients to be more quickly referred to a specialised centre that can take care of their condition.

Based on the experience of other non-EU European countries such as Norway, it may well be possible for the UK to remain active in this network as all EU decisions on European Reference Networks have also had relevance for EEA countries.

One item that may affect the current ongoing application for an ERN affecting NETs however, is the potential discontinuation of any funding for UK based ERN members.

For patients currently enrolled in a clinical trial in the UK, will they be able to remain enrolled if the UK leaves the EU?

As yet unknown.

IV. EU funded Research

How does this affect current EU funded projects

Horizon 2020 is the main funding instrument for research and innovation in the EU with nearly 80 billion euro in funding made available for the period of 2014-2020. EU Commissioner for Research and Innovation, Carlos Moedas, has made clear that UK applicants remain available for EU funding until 2 years after the UK invokes the so called "Article 50" which will officially trigger the process of the UK leaving the European Union. EU leaders have been pushing for this to happen as fast as possible but the UK cannot be forced to move faster. David Cameron has pushed back his original timeline to say that a new Prime Minister should be in place by early September 2016 and that invoking Article 50 should follow. Therefore, while projects running until mid-2018 (depending on when Article 50 is invoked) can be considered safe, the continuation of projects beyond this time is in jeopardy.

What is the future of UK access to EU funding in Framework Programmes?

This is entirely up to the UK government. 3rd countries such as Norway and Switzerland have always been able to participate in Horizon 2020 but whether they receive any funding for doing so is dependent on agreements between the EU and these 3rd countries.

There are many ways UK's association to Horizon 2020 may be agreed and, while the precise arrangement will only be known after negotiations, the UK is unlikely to match the current amount of budget that they receive from these funds. Knowing that the UK received 15% of all Horizon 2020 funding so far (€1.4 billion), the impact on research is one that the UK government should be taking very seriously. As an indication, and taking into account Norway's relative smaller size to the UK (1:12), Norway will in total pay around €1.72 billion for Horizon 2020.

Between 2007 and 2013, the UK paid 5.4 billion euros into the EU research budget but got 8.8 billion euros back in grants.

Members heavily dependent on EU-funded research should foresee a major shortfall in funding in the coming years.