

## SUMMARY

# **ECJ 29 October 2000, Case C-243/19 (Veselības ministrija), Social Insurance, Miscellaneous**

## ***A - v - Veselības ministrija, Latvian case***

### **Summary**

Article 20(2) of Regulation No 883/2004 does not preclude the insured person's Member State of residence from refusing to grant that person the authorisation provided for in Article 20(1) of that regulation, where hospital care is available in that Member State but the treatment used is contrary to that person's religious beliefs.

### **Questions**

By its first question, the referring court asks, in essence, whether Article 20(2) of Regulation No 883/2004, read in conjunction with Article 21(1) of the Charter, must be interpreted as precluding the insured person's Member State of residence from refusing that person the authorisation provided for in Article 20(1) of that regulation where hospital care, the medical effectiveness of which is not contested, is available in that Member State, although the method of treatment used is contrary to that person's religious beliefs.

By its second question, the referring court asks, in essence, whether Article 8(5) and (6)(d) of Directive 2011/24, read in the light of Article 21(1) of the Charter, must be interpreted as precluding a patient's Member State of affiliation from refusing to grant that patient the authorisation referred to in Article 8(1) of that directive where hospital care, the medical effectiveness of which is not contested, is available in that Member State, although the method of treatment used is contrary to that patient's religious beliefs.

### **Ruling**

Article 20(2) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, read in the light of Article 21(1) of the Charter of Fundamental Rights of the European Union, must be interpreted as not precluding the insured person's Member State of residence from refusing to grant that person the authorisation provided for in Article 20(1) of that regulation, where hospital care, the medical effectiveness of which is not contested, is available in that Member State, although the method of treatment used is contrary to that person's religious beliefs.

Article 8(5) and (6)(d) of Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare, read in the light of Article 21(1) of the Charter of Fundamental Rights of the European Union, must be interpreted as precluding a patient's Member State of affiliation from refusing to grant that patient the authorisation provided for in Article 8(1) of that directive, where hospital care, the medical effectiveness of which is not contested, is available in that Member State, although the method of treatment used is contrary to that patient's religious beliefs, unless that refusal is objectively justified by a legitimate aim relating to maintaining treatment capacity or medical competence, and is an appropriate and necessary means of achieving that aim, which it is for the referring court to determine.

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**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2020-10-29

**Case number:** C-243/19