Commission Implementing Decision (EU) 2020/534 of 16 April 2020 suspending the examination of applications for membership of existing European Reference Networks (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/534

of 16 April 2020

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[(1)], and in particular Article 12(4)(b) and (c) thereof,

Whereas:

(1) Commission Implementing Decision 2014/287/EU[(2)] sets out criteria for establishing and evaluating European Reference Networks ('Networks') and their Members and for facilitating the exchange of information and expertise on establishing and evaluating those Networks. Article 6 of that Decision invited Member States to set up a Board of Member States with a view to deciding whether or not to approve proposals for Networks, their membership and termination. The Member States set up the Board of Member States, which subsequently approved 23 Networks in December 2016 and one in February 2017. All Networks commenced activities in 2017.

(2) Commission Implementing Decision (EU) 2019/1269[(3)] amended Implementing Decision 2014/287/EU and introduced, among other things, the concept of a board for each individual Network, as well as time limits for those boards to issue their draft opinion and final opinion on membership applications.

(3) Article 8 of Implementing Decision 2014/287/EU thus sets the procedure for applications for membership of existing Networks, including specific time limits to be complied with by the boards of the Networks and by applicant health care providers.

(4) Call for membership of the existing Networks was opened in 2019 and the assessment of the applications received is ongoing.

(5) Due to the outbreak of the COVID-19 pandemic, the efforts of healthcare providers and health professionals in the Union are fully devoted to addressing the ongoing public health crisis. It was brought to the Commission's attention through a number of requests from different boards of the Networks that these exceptional circumstances make it impossible for them and for the applicants to meet the time limits set out in Article 8 of Implementing Decision 2014/287/EU.

(6) In order to allow for the assessment procedure to duly continue once the exceptional circumstances related to this public health emergency cease to exist, the examination of applications for membership of existing Networks which were ongoing on 31 March 2020 should be suspended from 1 April 2020 until 31 August 2020. In order to ensure full transparency, the Commission services should inform all boards of the Networks, the applicants and the Member States of the suspension and the reasons thereof.

(7) In order to dissipate the uncertainty around pending applications during the pandemic, this Decision should enter into force on the day following that of its publication.

(8) For reasons of legal certainty, it should apply retroactively from 1 April 2020.

(9) The measure provided for in this Decision is in accordance with the opinion of the Committee set up under Article 16 of Directive 2011/24/EU,

HAS ADOPTED THIS DECISION:

Article 1

The examination of applications for membership of existing European Reference Networks that were ongoing on 31 March 2020, shall be suspended from 1 April 2020 until 31 August 2020.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 April 2020.

Done at Brussels, 16 April 2020.

For the Commission

The President

Ursula VON DER LEYEN