



Council of Ministers

Conflict of responsibilities with the regional government of the Basque Country regarding healthcare services of the national health service in the Basque Country

- The Government believes that the legislation of the Basque Government is contrary to national legislation regarding the status of insured parties, the shared set of services and the funding of healthcare services

13 July 2012. The Council of Ministers has passed a resolution to formalise a conflict of responsibilities with the Constitutional Court regarding Decree 114/2012 of 26 June by the Basque Government on healthcare services of the healthcare system in the ambit of the autonomous region of the Basque Country in order to ensure the application of national legislation as soon as possible.

Following the government's decision to invoke Article 161.2 of the Constitution, the resolution passed by the Council of Ministers will involve the suspension of the Decree once the challenge has been accepted by the Constitutional Court, making it possible to apply the scheme set out in Royal Decree-Act 16/2012 of 20 April on urgent measures to ensure the sustainability of the National Health System and improve the quality and safety of its services in terms of regulating the status of insured parties, the shared set of services and the funding of healthcare services.

The decree by the Basque Government is intended to rule on matters which are the sole responsibility of the State and goes against the legislation established governing the status of insured parties, the shared

set of services and the funding of healthcare services, so that in practice it largely impedes in the Basque Country the application of Royal Decree-Act 16/2012, of 20 April, on urgent measures to ensure the sustainability of the National Health System and to improve the quality and safety of its services.

The Constitutional Court has established that the underlying issues of the challenged precepts are the exclusive competence of the State. In its Sentence of 19 June 2012 (appeal 2810-2009) the Upper Court stated: "Effectively, the definition of who may be considered to be insured and therefore have access to the National Health System, and the specific healthcare services which must be guaranteed to all of them, being part of the "shared portfolio", enables a common regulatory denominator to be established to ensure, in a unitary and equitable way, access to healthcare for all the citizens included in the subjective ambit of the regulation, regardless of their place of residence".