

Health & Consumer Protection Directorate General

Public Health Article (Art. 152)

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Brief history

- No article on health in the original founding Treaties
- Public Health Article introduced by the 'Maastrich Treaty' (ex art. 129)
- Reinforced by the 'Amsterdam Treaty' (art.152)

Article 152

Framework for Community action in the area of public health:

- Legislative measures;
- Financial and incentive measures;
- Encouraging and fostering cooperation and co-ordination.

Paragraph 1

- ‘A high level of human health protection shall be ensured in the definition and implementation of all Community policies and activities.’
- ‘A Community action, which shall complement national policies, shall be directed towards improving public health, preventing human illness and diseases, and obviating sources of danger to human health.’
- This includes:
 - Fight against the major health scourges;
 - Promoting research into their causes, transmission and prevention;
 - Health information and education;
 - Reducing drugs-related health damage.

Paragraph 2

- **'The Community shall encourage cooperation between the Member States' action in the areas referred to in this Article and, if necessary, lend support to their action.'**
- **'Member States shall, in liaison with the Commission, coordinate among themselves their policies and programmes in the areas referred to in paragraph 1.'**
- **'The Commission may, in close contact with the Member States, take any useful initiative to promote such coordination'**

Paragraph 3

- 'The Community and the Member States shall foster cooperation with third countries and the competent international organisations.'

Paragraph 4

- 'Measures setting high standards of quality and safety of **organs and substances of human origin, blood and blood derivatives**; these measures shall not prevent any Member State from maintaining or introducing more stringent protective measures;'
- (Measures in the veterinary and phytosanitary fields)
- '**Incentive measures** designed to protect and improve human health, excluding any harmonisation of the laws and regulations of the Member States.'

Paragraph 5

- 'Community action in the area of public health shall **fully respect the responsibilities of the Member States** for the organisation and delivery of health services and medical care. In particular, measures referred to in paragraph 4(a) shall not affect national provisions on the donation or medical use of organs and blood.'