



Public Services and the European Union: Healthcare, Health Insurance and Education Services (Legal Issues of Services of General Interest)

Laura Nistor

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Politically sensitive and economically important, welfare services such as health care, health insurance and education have opened up a heated debate in the EU. The application of EU law to welfare services raises discontent from the part of the Member States who perceive their systems to be under threat.

Resisting to the application of the EU law is sometimes seen as part of protecting those values. This book suggests that this resistance is largely unjustified. EU law is not damaging to welfare systems, but it provides adequate balancing mechanisms to ensure that all interests are protected.

The approach taken in analysing the impact of EU law on welfare services is to look at the negative integration process and answer the questions related to the extent to which EU law applies to welfare services and the kinds of safeguards the Court offers for these services. The proportionality principle distinguishes itself as the central element in balancing national and Community interests. Being part of the broader integration process, negative harmonization creates legislative lacunae, and therefore, this book also looks at alternative solutions to the negative harmonization process, namely positive and soft law.

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