

Mirroring transposition strategies – the rich-poor cleavage and social policy in the EU

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Abstract

This article examines the transposition of the Cross-Border Patients' Rights Directive 2011/24/EU (the Directive) in two systems of the European Union, i.e. Austria and Bulgaria. In doing so, the piece studies the implications of the socio-economic cleavage between rich and poor Member States in the Union on the nature and contents of the transposition texts in the respective systems. A specific focus is placed on the impact of patient and health sector resources. These two factors are derived from the provisions of the Directive and identified as critical for the interpretation of the Directive in the pecuniary idiosyncrasies of the examined systems. In examining patient and health sector resources, the paper departs from the orthodox understanding of resources as an explanatory variable, which focuses on state level resources exclusively. By focusing on these two factors, the piece aims to answer the central research question here, i.e. how do patient and sector level resources influence transposition strategies in rich and poor Member States? In answering this question, the study contributes to the transposition literature by deepening our understanding of resources and their impact on transposition output. The paper's findings establish a mirror image between the two systems. Although they follow different approaches, ultimately both countries have adopted restrictive transposition texts, with provisions specifically targeting patients from low income systems. The article employs a qualitative approach and relies on process tracing and semi-structured interviews with experts from both countries.