

CCBS – LEGISLATIVE AFFAIRS

24 November 2017 – 1 December 2017



The Northern Ireland Assembly was dissolved at 00:01 on Thursday 26 January 2017.



Tuesday 28 November 2017

Department of Health

Stephen Donnelly asked the Minister for Health the position regarding Irish citizens accessing health care in Northern Ireland, including for minor and major procedures; and if he will make a statement on the matter.

Simon Harris: Irish Patients can seek to access health care in an other EU/EEA member state via three different schemes.

Where a service is provided in Ireland but a patient wishes to access care in another EU/EEA Member State, this can be possible by seeking treatment under the Directive on Patients' Rights in Cross Border Healthcare, otherwise known as the Cross Border Directive (CBD).

The CBD provides rules for the reimbursements to patients of the cost of receiving treatment abroad, where the patient would be entitled to such treatment in their home Member State, and supplements the rights that patients already have at EU level. Patients may access the healthcare they require in either the public or private healthcare system of another Member State under the

CBD. Access to healthcare abroad is based on patients following public patient pathways, i.e. they must demonstrate they have followed the equivalent public patient pathways that a patient would follow if accessing public healthcare in Ireland. It is important to note that reimbursement is confined to the costs of the care itself and that the rates of reimbursement cannot exceed the cost of provision of the care if it were provided in the Irish public health service.

The [HSE](#) operates the CBD in Ireland. Referral for care under the CBD may be made by a GP, a hospital consultant and certain other clinicians. In line with practice in other EU Member States, the [HSE](#) through the National Contact Point (NCP) provides information for patients on the CBD on its website which can be accessed at www.hse.ie/eng/services/list/1/schemes/cbd/ and also by phone at 056 7784551. The [HSE](#) advises where a patient is in any doubt as to the need to seek prior authorization before availing of a consultation or treatment abroad to contact the NCP.

The [HSE](#) also operates the Treatment Abroad Scheme (TAS) for persons entitled to treatment in another EU/EEA Member State or Switzerland under EU Regulation (EC) No. 883/2004, as per the procedures set out in EU Regulations (EC) No. 987/2009. The TAS provides for the cost of approved treatments in another EU/EEA member state or Switzerland through the issue of form E112 (IE) where the treatment is:

- Among the benefits provided for by Irish legislation;
- Not available in Ireland; and
- Not available within the time normally necessary for obtaining it in Ireland, taking account of the patient's current state of health and the probable course of the disease.

GPs refer patients to consultants for acute care and it is the treating consultant who, having exhausted all treatment options including tertiary care within the country, refers the patient abroad under the terms of the TAS. The consultant must specify the specific treatment and in making the referral accepts clinical responsibility in relation to the physician and facility abroad where the patient will attend.

Applications to the TAS are processed and a determination given in accordance with the statutory framework prior to a patient travelling to avail of treatment. The statutory framework stipulates the patient must be a public patient and is required to have followed public patient pathways. Information on the TAS can be accessed on the [HSE](#) website at www.hse.ie/eng/services/list/1/schemes/treatmentabroad/ and also by phone at 056 7784551.

Under the terms of EU Regulation 883/2004, all persons ordinarily resident in the EU are entitled to apply for a European Health Insurance Card (EHIC). The EHIC certifies that the holder has the right to receive emergency healthcare during a temporary stay in any EU country as well as Switzerland, Liechtenstein, Norway and Iceland. This right is guaranteed to all persons who are covered by the public healthcare system of these countries. The EHIC holder has the right to receive necessary treatment in the host Member State's public healthcare system on the same terms and at the same cost as nationals of the State concerned. It should be noted that under bilateral arrangements, an EHIC is not required from Irish citizens when accessing emergency treatment in Northern Ireland and proof of residence (for example passport or driving licence) is sufficient.

Source: <https://www.kildarestreet.com/wrants/?id=2017-11-28a.875&s=cross-border+2017-11-24..2017-12-01#g877.r>

Thursday 30 November 2017

Department of Finance

Bernard Durkan asked Minister for Finance the degree to which his Department continues to monitor all aspects of the economy with a view to identifying those areas coming under pressure from Brexit or other influences; if particular measures are required in these circumstances; and if he will make a statement on the matter.

Paschal Donohoe: Recent economic indicators have generally been positive, indicating that the recovery is continuing in a sustainable manner.

Real GDP grew by 5.8 per cent in the second quarter of this year on an annual basis. This follows annual growth of 5.2 per cent in the first quarter.

Growth is broad based with both underlying domestic demand – stripping out the volatile components of investment – and net exports contributing positively to growth this year.

The strength of underlying domestic demand is being felt in the labour market. Employment growth remains strong with an annual rate of 2.4 per cent recorded in the second quarter of 2017, representing the creation of over 48,000 additional jobs over the year. The increase in employment remains broad based with gains recorded in 11 of the 14 sectors reported by the CSO. Since the low-point in 2012 there are now an additional 230,000 people in employment.

Recent data published indicate that:

- The volume of retail sales increased by 4.5 per cent year-on-year in October 2017. Core sales (excluding motor trades) were up by 6.0 per cent over the same period.
- Expansion in the construction sector continued in October with the Purchasing Managers' Index for the sector recording its fiftieth successive month of expansion.
- The Consumer Sentiment Index was 104.8 in October, well above its long run average.
- The seasonally-adjusted monthly unemployment rate for October was 6.0 per cent, down from 7.2 per cent in October 2015. As a result, the unemployment rate has fallen by more than half since its peak of over 15 per cent in early-2012.

As part of Budget 2018, my Department is forecasting real GDP growth of 3.5 per cent next year, following growth of 4.3 per cent this year. The strong performance of the labour market is set to continue in the short term, my Department is projecting that an additional 48,000 jobs will be created next year. Strong employment growth is expected to further reduce the unemployment rate, to around 5 ½ per cent by the end of next year.

However, there are a number of risks at present, principally the UK's decision to exit the EU. In addition, the sharp appreciation of the euro-sterling rate is posing significant challenges, particularly for the traditional sector, tourism sector and areas sensitive to cross-border trade. Notwithstanding the magnitude of these challenges, the main macroeconomic impact of the appreciation of the euro-sterling rate so far has been on the nominal side of the economy, with inflation remaining subdued despite a pick-up in the rest of the euro area. In particular, export growth has held up well despite the appreciation of the euro. Importantly, the largely indigenous food and beverage sector, for which the UK is an important export market, has proven resilient this year with the value of exports up 13.5 per cent in the first three quarters of 2017 on an annual basis.

However, there is no room for complacency as the full impact of Brexit is only expected to materialise over time. The Government has already taken important steps to prepare the economy, including in Budget 2017 and 2018, the Action Plan for Jobs 2017, and our Trade and Investment Strategy.

Significant progress has also been made in recent years in improving Ireland's competitiveness. The latest figures from the Central Bank of Ireland show that Ireland's real harmonised competitiveness indicator (a widely used measure of competitiveness in Europe) has improved by over 20 per cent between its peak in 2008 and October 2017. However, the sharp appreciation of the euro-sterling bilateral rate is a reminder that forces beyond our control can turn against us. This is all the more reason why we must focus on the costs which we can influence.

In this regard, it is important that the public finances are managed in a prudent manner and that competitiveness-oriented policies are pursued so that the Irish economy is in the best possible position to weather economic shocks that may emerge.

In summary, I am satisfied that the economic indicators remain positive. However, the full impact of the UK's decision is yet to be seen. I am also conscious that the level of uncertainty is elevated at present. In this regard, it is critical that appropriate policies are implemented and that is what the Government will continue to do.

Source: <https://www.kildarestreet.com/wrants/?id=2017-11-30a.158&s=cross-border+2017-11-24..2017-12-01#g165.r>

Thursday 30 November 2017

Department of Finance

Brendan Smith asked the Minister for Finance his plans to introduce additional measures to deal with the cross border smuggling of illicit products such as tobacco and diesel; and if he will make a statement on the matter.

Paschal Donohoe: The serious threat that fuel fraud and the illicit tobacco trade pose to legitimate business, to consumers and the Exchequer is recognised and I am advised by Revenue that tackling this criminal activity has been one of its priorities over recent years.

Revenue's comprehensive strategy for combatting the illegal fuel trade has included the introduction of stringent new supply chain controls and reporting requirements for fuel transactions, to minimise the scope for fraud. It also included a rigorous programme of enforcement action, underpinned by legislative changes that have been introduced over a number of Finance Acts to strengthen Revenue's powers for dealing with fraud of this nature. In addition, Revenue and HM Revenue and Customs in the United Kingdom undertook a joint initiative to find a new fiscal marker for use in marked fuels, which was introduced in Ireland and the United Kingdom from the beginning of April 2015.

I understand that the industry view is that the measures implemented to date have been successful in significantly curtailing fuel fraud in Ireland. This view is supported by a significant increase in tax revenues from road diesel over the past three years. I am also advised that Revenue conducted a National Random Sampling Programme in January 2016, with a view to obtaining an updated picture of the extent of the fuel laundering problem. The programme involved selecting a random sample comprising nearly one in every ten of the 2,500 holders of Auto Fuel Trader Licences (any trader that produces, sells, deals in, or keeps for sale or delivery road diesel is legally obliged to hold such a licence). Road diesel samples were taken from all traders in the programme and tested for the presence of the new marker. No evidence of the new marker was found in any of the samples tested. The random sampling programme was repeated in January 2017 and, again, no evidence of the marker was found. This provides very persuasive evidence that the strategy undertaken in recent years has been successful in addressing and significantly curtailing the laundering problem.

Action is taken against all aspects of the illegal tobacco trade and includes a range of measures to identify and target persons engaged in the supply or sale of illicit products, with a view to seizing the illicit products and prosecuting those involved. Revenue's multifaceted strategy encompasses, also, ongoing analysis of the nature and extent of the problem, extensive cooperation (including the development and sharing of intelligence) on a national, EU and international basis, use of analytics and detection technologies and optimising the deployment of resources.

A combination of risk analysis, profiling and intelligence and the screening of cargo, vehicles, baggage and postal packages contribute to the effectiveness of Revenue's goal of intercepting the supply of illicit tobacco products. Revenue also target the illicit trade at post-importation level by carrying out intelligence-based operations and random checks at retail outlets, markets and private and commercial premises.

In addition, and as in the case of fuel, action has been taken through Finance Acts over recent years to ensure that Revenue has the statutory powers necessary for undertaking its important work against the illegal tobacco trade.

In terms of assessing the overall performance in tackling the illegal tobacco trade, a reliable measure is provided by the annual surveys of illegal tobacco products carried out by IPSOS/MRBI for Revenue and the National Tobacco Control Office of the Health Services Executive. The survey in 2016 found that 10% of cigarette packs encountered in the course of the project were illicit, down from the levels of 15% and 13% found in 2011 and 2012 respectively.

Revenue works closely with An Garda Síochána in acting against fuel and tobacco fraud, and the relevant authorities in the State also work closely with their counterparts in Northern Ireland,

through cross-border enforcement groups, to target the organised crime groups responsible for a large proportion of this criminal activity. This work is being supported and facilitated by the setting up in 2016, within the framework of “A Fresh Start: the Stormont Agreement and Implementation Plan”, of a Joint Agency Task Force, which includes Revenue as well as An Garda Síochána and their Northern Ireland counterparts. Revenue also works in close cooperation with the relevant authorities in other jurisdictions, the European Anti-Fraud Office, and other international bodies and agencies in the ongoing programmes of action at international level to combat both the illicit fuel and tobacco trades.

I am satisfied that Revenue’s work against fuel fraud and the illicit tobacco trade has achieved a considerable level of success, and I am assured that action in these areas will continue to be given high priority. In addition, I assure the Deputy that I will give careful consideration to any further proposals for legislative change that may be brought forward by Revenue to enhance its capacity to deal effectively with fraud and criminality in these areas.

Source <https://www.kildarestreet.com/wrans/?id=2017-11-30a.94&s=cross-border+2017-11-24..2017-12-01#g95.q>