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Tamara K. Hervey and Jean V. McHale
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Health Law and the European Union

How does the law of the European Union affect health law and policy? At first sight, the impact of EU law in this area seems limited. However, despite its restricted formal competence, over recent years, the EU has become increasingly involved in the health field. Litigation based on EU law has resulted in a 'right to receive health care services' across national boundaries within the EU, which may have huge practical implications for national health systems. The EU has promulgated legislation regulating clinical research, and the marketing of pharmaceuticals; patients' rights are affected by EU legislation on data protection and product liability; the qualifications of health care professionals are legally recognised across the EU; and the EU has acted to promote public health. The authors of this book (expert in EU law and health law respectively) seek to explain and explore the various impacts of measures of EU law on national health law and policy. Through elaboration of selected examples, the authors show that, within the EU, health law cannot be regarded as a purely national affair.

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For Rosalind, Geneviève and James,
without whom this book would probably
have been written years ago . . .

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The law contained in this book is, to the best of our knowledge, accurate as at 1 December 2003. Some minor amendments up to 1 May 2004 have been included in the footnotes. In particular, at the time of writing, the EU had 15 Member States: it now has 25.

TKH and JVM, Nottingham and Leicester, May 2004.

Table of abbreviations

AC	Appeal Cases
AG	Advocate General
AIDS	Acquired Immune Deficiency Syndrome
All ER	All England Reports
BMJ	British Medical Journal
BMLR	British Medical Law Reports
BSE	Bovine Spongiform Encephalopathy
CA	Court of Appeal
CAP	Common Agricultural Policy
CFLQ	Child and Family Law Quarterly
CLJ	Cambridge Law Journal
CMLR	Common Market Law Reports
CMLRev	Common Market Law Review
COM	Commission document
Court	European Court of Justice
CPMP	Committee for Proprietary Medicinal Products
DCT	Draft Treaty establishing a Constitution for Europe
DG	Directorate General
EC	Treaty establishing the European Community
ECOSOC	Economic and Social Committee
ECHR	European Convention on Human Rights and Fundamental Freedoms
ECR	European Court Reports
EEC	Treaty establishing the European Economic Community
EFSA	European Food Safety Authority
EHRLR	European Human Rights Law Review
EHRR	European Human Rights Reports
ELJ	European Law Journal
ELRev	European Law Review
EMA	European Medicines Evaluation Agency
EPC	European Patent Convention
EST	expressed sequence tag
EU	European Union

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EUCFR	Charter of Fundamental Rights of the European Union
EUI	European University Institute
EWHC	England and Wales High Court
FLR	Family Law Reports
HIV	Human Immunodeficiency Virus
HRLR	Human Rights Law Review
ICH	International Conference on Harmonisation
ICLQ	International and Comparative Law Quarterly
IGC	intergovernmental conference
ILJ	Industrial Law Journal
ILRM	Irish Law Reports Monthly
IVF	in vitro fertilisation
JCMS	Journal of Common Market Studies
JSWFL	Journal of Social Welfare and Family Law
LQR	Law Quarterly Review
MEP	Member of the European Parliament
MJ	Maastricht Journal of European and Comparative Law
MLR	Modern Law Review
NGO	non-governmental organisation
nvCJD	new variant Creutzfeldt Jacob Disease
OJ	Official Journal
OJLS	Oxford Journal of Legal Studies
OMC	open method of coordination
QB	Queen's Bench
QMV	qualified majority voting
SARS	severe acute respiratory syndrome
SI	statutory instrument
SME	small and medium-sized enterprise
SUSAR	suspected unexpected serious adverse reaction
TEU	Treaty on European Union
TRIPS	Agreement on Trade Related Aspects of Intellectual Property Rights
UK	United Kingdom
US	United States of America
WHO	World Health Organisation
WLR	Weekly Law Reports
WTO	World Trade Organisation
YEL	Yearbook of European Law

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