

ANNEX XVII

REFERRED TO IN ARTICLE 3.21

HEALTH SERVICES

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Article 1

Scope

This Annex applies to measures by Parties affecting mobility of consumers² of healthcare services, health-related wellness services, health-related services to convalescent people and aesthetic medicine, excluding eligibility for benefits and rights or obligations under the domestic laws and regulations of a Party concerning its social security system for such services.

Article 2

Objectives

Recognising the particular nature of the services covered by this Annex and their social dimension, and recognising the right of patients to the protection of their personal data, this Annex aims to promote cooperation between the Parties on such services and to facilitate access of patients to safe and high-quality services.

Article 3

Movement of Outgoing Patients

Each Party shall allow its natural persons to travel freely out of its territory for healthcare and health-related purposes.

Article 4

Currency Restrictions

1. Subject to Articles 3.13 (Payments and Transfers) and 3.14 (Restrictions to Safeguard the Balance of Payments) of the Agreement, a Party shall not impose any restrictions on the amount of currency that its outgoing patients carry or spend for private

¹ This Annex shall apply only in the relations between Switzerland and Turkey.

² “Mobility of consumers” shall be understood in accordance with the definitions contained in subparagraph (a)(ii) of Article 3.2 (Definitions) of the Agreement and the related aspects of subparagraph (a)(iii) of Article 3.2 (Definitions) of the Agreement.

expenditures during travels for healthcare or health-related purposes in the territory of the other Party.

2. Paragraph 1 shall not prevent a Party from maintaining or introducing quantitative limits or declaration requirements on the amount of cash currency (notes and coins) that a natural person is allowed to carry when going abroad.

Article 5

Provision of Information by Service Suppliers

1. Each Party shall ensure that its suppliers of services covered by this Annex provide, according to its domestic laws and regulations, relevant information, through publications or on the Internet with a view to enable patients of the other Party to make an informed choice in selecting or accepting the service.

2. Each Party shall ensure that its service suppliers covered by this Annex provide patients with detailed invoices, as well as their licencing or registration, their liability insurance coverage or other means of protection with regard to professional liability.

3. Each Party shall ensure that its service suppliers covered by this Annex provide patients with a written or electronic medical record regarding healthcare or health-related treatment received.

Article 6

Complaints and Professional Liability of Service Suppliers

Each Party shall ensure that transparent procedures and mechanisms are available under its domestic laws and regulations for patients who have suffered harm arising from healthcare and health-related services they received in its territory.

Article 7

Promotion Activities by Service Suppliers

The Parties shall not adopt or maintain discriminatory measures on promotion, information, advertising and marketing by, or for, service suppliers of the other Party.

Article 8

Freedom to Cooperate

Subject to their domestic laws and regulations, the Parties shall not restrict cooperation between their service suppliers and the service suppliers of the other Party.

Article 9

Protection of Personal Data

1. The Parties recognise that personal health data are highly sensitive. Nothing in this Annex shall prevent a Party from adopting or maintaining measures for the protection of personal data.
2. Each Party shall provide in its domestic laws and regulations adequate level of protection of personal data of patients collected, received, stored or processed in its territory and in particular ensure that they are not transferred abroad without the explicit consent of the patient.

Article 10

Participation in Programmes, Funds or Systems for the Treatment of Patients Abroad

Without prejudice to Article 1 and the rights set out in Article 3.3 (Most-Favoured-Nation Treatment) of the Agreement, in case a Party adopts a programme, a fund or a system for the treatment of its patients abroad:

- (a) it shall inform the other Party, and
- (b) the other Party may request consultations for participation in such programme, fund or system.

Article 11

Transparency

1. Each Party shall make publicly available information on:
 - (a) applicable standards and guidelines on quality and safety, and supervision and assessment of suppliers of services covered by this Annex; and
 - (b) rights of patients, available procedures and mechanisms to make complaints and seek remedies in its territory and other legal and administrative dispute settlement procedures, including in the event of harm arising from treatment received.
2. Where it is not practicable to make such information publicly available, it shall be made available upon request to patients of the other Party.

Article 12

Contact Points

1. For the purpose of facilitating communication between the Parties on issues covered by this Annex, each Party shall designate a contact point.
 2. The contact point of each Party referred to in paragraph 1 shall in particular:
 - (a) facilitate the exchange of information between the Parties and cooperate with the contact point of the other Party;
 - (b) provide to its patients the details of the contact point of the other Party and ensure that the contact details are accessible through its website.
 3. The contact points referred to in paragraph 1 are:
 - (a) for Turkey: Ministry of Economy or its successor;
 - (b) for Switzerland: State Secretariat for Economic Affairs.
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