

ORGANIZATIONAL FORMS OF CROSS-BORDER COOPERATION OF HEALTHCARE INSTITUTIONS

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Annotation. The article examines the organizational forms of cross-border cooperation of healthcare institutions. It has been established that currently, it is essential not only to restore the destroyed infrastructure of the health care system but also to restore the health of war victims, as well as the development of an appropriate health care system in connection with the integration of Ukraine into the European Union. It was determined that in such unclear and risky conditions, it is necessary to strengthen the ability to develop cross-border cooperation of healthcare institutions in Ukraine with the relevant healthcare institutions of neighboring states, member states of the European Union, namely: Slovakia, Poland, Hungary and Romania through various available organizational forms. It was established that there are various organizational forms through which health care institutions can implement cross-border cooperation. It was determined that the use of such a form for cooperation as a European grouping of territorial cooperation on the external border of the European Union will be useful both for the exchange of experience of neighboring health care institutions of the member states of the European Union and health care institutions of Ukraine, as well as for their possible effective participation in programs and implementation of cross-border cooperation projects, which would be aimed at the development of the health care sector in order to provide the population with affordable medical care. It was noted that because of the events taking place due to the full-scale invasion of the Russian Federation into Ukraine, namely the devastating consequences for the health of thousands of people, then it would be expedient to create such a European Grouping of Territorial Cooperation on the external border of the European Union with Ukraine. It was established when comparing the legislation of neighboring states, the member states of the European Union, Slovakia, Poland, Hungary, and Romania, and analyzing the provisions of European Union regulatory acts regarding the activities of the European Grouping of Territorial Cooperation, it appears that the list of participants of such a grouping may be somewhat wider.

Key words: cross-border cooperation, healthcare institutions, public-private partnership, local and regional authorities, European Grouping of Territorial Cooperation, European Union.

1. Introduction.

Currently, it is extremely important not only to restore the destroyed infrastructure of the health care system, to restore the health of war victims, but also to develop a proper health care system in connection with the integration of Ukraine into the European Union. Presently, when all the main expenditures of the state budget of Ukraine are aimed at defense, each health care institution must plan its budget very well in order to remain financially viable, so that patients can continue to receive quality medical services. In such unclear and risky conditions, it is necessary to strengthen the ability to develop cross-border cooperation of healthcare institutions of Ukraine with relevant health care institutions of neighboring states, member states of the European Union, namely: Slovakia, Poland, Hungary, and Romania through various available organizational forms for participation in programs and implementation of cross-border cooperation projects, which would be aimed at the systematic development of the healthcare sector to provide the population with affordable, high-quality medical care and to attract and effectively use funds for the development of the health care system.

2. Analysis of scientific publications.

In legal science, research is mostly focused on legal aspects of cross-border cooperation of territorial communities, their representative bodies and local executive bodies of Ukraine, etc. Organizational forms of cross-border cooperation of healthcare institutions of Ukraine seem to be understudied. For the most part, attention is paid to agreements, and Euroregions, there are also few studies on the legal status of Euroregional cooperation groupings and European groupings of territorial cooperation. Various legal aspects of forms of cross-border cooperation were studied by both domestic scientists and foreign specialists, namely: Bahner F., Belov D., Bilak O., Bobek Y., Duleba O., Yevchak Y., Zardi A., Lazur Ya., Lachny M., Matis-Edenhofer S., Ochkaï D., Sanchenko A., Soshnikov A., Ustymenko V., Holonich Ya. Tsrner M., Schwartz T., Schmidt A. and others. However, no research was conducted on specific sectoral forms of cross-border cooperation, such as European grouping of territorial cooperation in the field of health care.

3. The aim of the work

is to investigate the organizational forms of cross-border cooperation of healthcare institutions.

4. Review and discussion.

In legal science, research has been conducted on various aspects of organizational forms of cooperation of healthcare institutions with the aim of providing the population with affordable medical care. Today, attention is mostly paid to the research of public-private partnership as a form of development of cooperation in the field of health care, cooperation of healthcare institutions, and the attraction and effective use of funds for the development of the health care system. Sidelkovsky O.L. notes that in Poland, public-private partnership has been one of the main form of implementation of infrastructure projects in the field of health care for many years. One of the positive consequences of such a partnership is the attraction and effective use of funds for the development of the health care system. He believes that the experience of Poland can be used by Ukraine [1, p. 266–267].

The issue of public-private partnership is regulated by the Law of Ukraine “On Public-Private Partnership”. According to Part 2 of Art. 1 of the Law of Ukraine “On Public-Private Partnership” “public-private partnership - cooperation between the state of Ukraine, the Autonomous Republic of Crimea, territorial communities in the person of the relevant state bodies, which in accordance with the Law of Ukraine “On the Management of State-Owned Objects” manage objects of state property, local self-government bodies, the National Academy of Sciences of Ukraine, national sectoral academies of sciences (state partners) and legal entities, except for state and communal enterprises, institutions, organizations (private partners), which is carried out on the basis of a contract in the manner established by this Law and other legislative acts, and corresponds to the characteristics of public-private partnership”[2]. However, from the analyzed definition and the provisions of the above-mentioned Law, it is not completely clear whether it can be used by healthcare institutions in the implementation of cross-border cooperation.

Equally interesting from a legal point of view is the initiative of the Aachen University Hospital (Germany) and the Maastricht University Medical Center (Netherlands). The purpose of this was the creation of a joint cross-border enterprise, the creation of the first European university hospital, which was recognized as legally and financially viable, for the development of the healthcare sector in the border regions of these countries. The further development of their cooperation in this direction will contribute to the improvement of the quality and international competitiveness of both institutions in terms of patient care and education [3].

A simpler form, although it is not organizational from a legal point of view, is projects that can be implemented by healthcare institutions. Schmidt A., Bobek Y., Mathis-Edenhofer S., Schwartz T., Bachner F. researching cooperation in the field of health care and social assistance in Europe,

including the implementation of cross-border projects, note that the countries of Central and Western Europe today are leaders in initiatives for cross-border cooperation in the field of health care [4, p. 1244–1245]. It is worth noting that healthcare institutions of neighboring countries are also actively developing the healthcare system through cross-border cooperation programs and projects. Considering that since 2007 there have been cross-border cooperation programs in which healthcare institutions can participate, as participants in cross-border cooperation regulated by the Law of Ukraine “On Cross-Border Cooperation” [5], namely they can participate in such programs as Interreg Poland – Ukraine, Interreg Romania – Ukraine, Interreg Hungary – Slovakia – Romania – Ukraine. The above-mentioned programs set priorities for the implementation of projects related to the development of the health care system in the relevant border regions. However, as it appears from the analyzed databases of projects of previous years, there is a low level of participation of healthcare institutions of Ukraine in the development of the healthcare system through programs and projects of cross-border cooperation.

Currently, one of the tasks aimed at the activation of cross-border cooperation in the field of health care according to the State Program for the Development of Cross-Border Cooperation for 2021-2027 is “ensuring the cooperation of domestic and foreign healthcare institutions to improve the quality and availability of medical services, safe management of medical and pharmaceutical waste” [6]. It seems that it is possible to ensure such cooperation by creating a European Grouping of Territorial Cooperation in the field of health care.

Belov D. and Holonich J. researching the legal bases of the status of bodies of cross-border cooperation in the field of medicine, including the European Grouping of Territorial Cooperation, believe that such an association is a voluntary, collegial, non-profit organization of an international nature, which is created by subjects cross-border cooperation of neighboring states to solve the needs of a certain region, as well as issues of local and regional development [7, p. 8]. According to Bilak O.P. a European Grouping of Territorial Cooperation is a legal entity founded by two or more representative bodies of local self-government of neighboring states and local bodies of executive power on the basis of the pooling of property, money and human resources, the main purpose of which is to solve common problems of territorial communities neighboring states [8, p. 33]. It is worth noting that such a form of cross-border cooperation as the European Grouping of Territorial Cooperation can be used both at the local and regional level by local, regional authorities and healthcare institutions in border regions for the development of proper access to medical care for the population, and overall development of a proper health care system in the border regions.

Today, such experience exists in the member states of the European Union. For example, more than 10 European Groupings of Territorial Cooperation, which were created in the member states of the European Union, constantly participate in cross-border cooperation programs and implement projects aimed at the development of the health care system to provide the population with affordable medical care [9, p. 173–177]. An example of the activity of such a groupings as the European Grouping of Territorial Cooperation “Cerdanya Hospital” is illustrative. The European Grouping of Territorial Cooperation “Cerdanya Hospital” is considered the first cross-border hospital in Europe [10]. Initially, “Cerdanya Hospital” was a cross-border project, the first European initiative to build a new cross-border healthcare institution, which was aimed at providing medical services to patients from two different national healthcare systems (border regions of France and Spain), combining patients, specialists, medical protocols, administrative procedures and at the same time complying with the legislation of both countries [11, p. 152]. The idea of creating a cross-border healthcare institution to provide medical care from both sides of the border along the eastern Pyrenees arose back in 1990. Still, it was implemented only in 2014 due to the creation of the European Grouping of Territorial Cooperation. The European Grouping of Territorial Cooperation “Cerdanya Hospital” is registered in the register of medical centers, services, and institutions of Catalonia, Spain [10]. Now, it is considered that “Cerdanya Hospital” created in the legal form of the European Union of Territorial Cooperation is the most acceptable legal instrument for the management of a cross-border healthcare institution. The European Grouping of Territorial Cooperation “Cerdanya Hospital” has the status of a legal entity and is registered under Spanish legislation [11, p. 162]. In the long run, the example of the European Grouping of Territorial Cooperation “Cerdanya Hospital” should become a model for the management of health care services in the internal border regions of Europe in the future [10].

Taking into account the activities of European Groupings of Territorial Cooperation, which were created in the member states of the European Union, it is worth noting the positive experience in their creation. For example, such European Groupings of Territorial Cooperation as Greater Region, Lille-Kortrijk-Tournai, etc. during the Covid-19 pandemic, shared information, compared situations, resolved specific cross-border issues, and even addressed issues such as monitoring the availability of intensive care beds in border regions of countries. Another positive example of the activity of such a grouping is also the European Grouping of Territorial Cooperation Bănăt Triplex Confinium, which helped Romania acquire urgently needed medical and safety equipment, and as a result encouraged Hungarian, Serbian and Romanian local authorities to cross-border cooperation in the field of health care during the Covid-19 pandemic [12, p. 47].

It seems that it is possible to develop the health care system today through the legal instrument of the European Grouping of Territorial Cooperation, which is available to Ukraine today. For example, healthcare institutions can use the European Grouping of Territorial Cooperation to solve specific problems that exist in providing the population with high-quality, affordable medical care, etc. The flexible legal framework of the European Grouping of Territorial Cooperation can help local healthcare institutions to define their specific goals together with local, regional, and national authorities and implement joint initiatives and projects. The European Grouping of Territorial Cooperation has a multi-level approach, such groupings have at one time played a significant role in supporting cross-border cooperation in the field of health care during the Covid-19 pandemic [12, p. 58].

Taking into account the events that are taking place due to the full-scale invasion of the Russian Federation into Ukraine, namely the devastating consequences for the health of thousands of people, it would be advisable to create such a European Grouping of Territorial Cooperation on the external border of the European Union with Ukraine. The Law of Ukraine "On Cross-Border Cooperation" refers to healthcare institutions as participants in cross-border cooperation, and the law regulates through which organizational forms of cross-border cooperation cross-border cooperation can be implemented. According to the provisions of Art. 5 of the mentioned law, cross-border cooperation can be carried out through established cross-border associations, through Euroregions, European Groupings of Territorial Cooperation, Euroregional Cooperation Groupings, agreements on cross-border cooperation, develop and implement joint initiatives, measures, projects, strategies, etc. Part 5 of Art. 1 regulates that the "European Grouping of Territorial Cooperation is an association of subjects of cross-border cooperation of Ukraine and relevant subjects of neighboring member states of the European Union with the status of a legal entity in accordance with the national legislation of a member state of the European Union, on the territory of which there is his location" [5] appears to according to the Law, only subjects of cross-border cooperation of Ukraine and relevant subjects of neighboring member states of the European Union can participate in such associations. However, it is worth noting that comparing the legislation of neighboring states, European Union member states Slovakia, Poland, Hungary and Romania and analyzing the provisions of European Union regulations regarding the activities of the European Grouping of Territorial Cooperation, the list of participants of such an association is somewhat wider. It seems that the Ukrainian legislator actually restricted participation in European Grouping of Territorial Cooperation to other legal entities.

5. Conclusions.

Thus, there are various organizational forms through which healthcare institutions can implement cross-border cooperation. Using such a form for cooperation as a European Grouping of Territorial Cooperation at the external border of the European Union will be useful both for the exchange of experience of neighboring health care institutions of the member states of the European Union and healthcare institutions of Ukraine, as well as for their possible effective participation in cross-border cooperation programs, project implementation, which would be aimed at the development of the health care sector in order to provide the population with affordable medical care, taking into account the events that are taking place due to the full-scale invasion of the Russian Federation into Ukraine. However, it is worth noting that comparing the legislation of neighboring countries, the member states of the European Union Slovakia, Poland, Hungary and Romania and analyzing the provisions of the regulatory legal acts of the European Union regarding the activities of the



European Grouping of Territorial Cooperation, then the list of members of such an association is somewhat wider. It seems that the Ukrainian legislator actually restricted participation in European Grouping of Territorial Cooperation to other legal entities.

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