

CJEU Case C-265/26 (Wellster Healthtech Group) Executive Summary

Background

The German Federal Court of Justice (Bundesgerichtshof) has referred a question to the Court of Justice of the European Union (CJEU) concerning the compatibility of German advertising restrictions for telemedical services with the freedom to provide services under Article 56 TFEU.

Case

Wellster Healthtech operates a digital healthcare platform through which patients can obtain medical consultations, diagnoses and prescriptions for certain conditions via online questionnaires reviewed by licensed physicians established in Ireland.

German courts prohibited advertising for this service under Section 9 of the German Healthcare Advertising Act (Heilmittelwerbeengesetz – HWG), arguing that the treatment model does not comply with medical standards recognised in Germany.

Question Referred to the CJEU

The German Federal Court asks whether Article 56 TFEU (freedom to provide services) precludes national legislation that prohibits advertising for telemedical treatment provided by physicians established in another Member State when that treatment does not correspond to the medical standards recognised in the destination Member State.

Why the Case Matters

The case goes beyond Germany and may affect:

- cross-border telemedicine within the EU; • digital healthcare platforms operating across Member States; • online consultations and prescription services; • application of national medical standards to providers established elsewhere in the EU; • interaction between telemedicine, the Digital Single Market and the freedom to provide services.

Potential Relevance for Member States

Member States with advanced telemedicine ecosystems may have an interest in clarifying:

- whether destination-country standards may restrict advertising of cross-border telemedical services; • the relationship between patient protection and market access; • the scope of Article 56 TFEU in the context of digital healthcare; • the practical application of the country-of-origin principle in telemedicine.

Procedural Status

Case Number: C-265/26

Parties: Wellster Healthtech Group GmbH v. Verband Sozialer Wettbewerb e.V.

Court: Court of Justice of the European Union

Procedure: Preliminary ruling under Article 267 TFEU

Member States may submit written observations pursuant to Article 23 of the Statute of the Court of Justice of the European Union.