

WRITTEN QUESTION P-2423/08
by Alfonso Andria (ALDE)
to the Commission

Subject: 'Para-pharmacies' and free competition in the sale of medicinal products

In Italy, Law 248/2006 has led to the opening up of local shops known as 'para-pharmacies', each of which has a registered pharmacist authorised to give advice on, and sell, over-the-counter medicinal products and, in general, all non-prescription products.

Pharmacists who own para-pharmacies are subject to discrimination of various kinds, such as: purchasing conditions for pharmaceuticals that are clearly disadvantageous in comparison to those offered to pharmacies; misleading advertising in specialist periodicals, which promote over-the-counter pharmaceuticals only sold in pharmacies; and the issue by the health authorities of defamatory statements discriminating against the pharmacy profession when practised outside pharmacies.

The siting and opening of pharmacies is subject to quantitative restrictions based on demographic criteria, and the minimum distance between any two such establishments is 200 metres.

The Commission has already stated its position – in COM(2004)0083 and COM(2005)0405 – on competition in professional services, stating that restrictive rules in the liberal professions (including licensing restrictions, entry requirements and restricted tasks) can have an adverse impact on competition between service providers and reduce the incentives for professionals to work efficiently.

The Commission sees such rules as justified only where they seek to ensure a high standard of services and protect consumers against malpractice. In its view, however, given their potential adverse effects, consideration should be given to whether there are not less restrictive and more transparent means of ensuring that such services are provided in sparsely populated areas and that, in any case, quantitative licensing restrictions do not appear justified in sparsely populated areas where there is no risk of inadequate service provision.

What measures and penalties does the Commission intend to introduce in order to safeguard free competition in the pharmacies sector and ensure that the Italian Government takes steps to remove unwarranted restrictions on the siting and opening of new pharmacies?