

**Question for written answer E-008101/2013
to the Commission
Rule 117
Antonio Cancian (PPE)**

Subject: Unfair commercial practices regarding the sale of medicines

According to reports by certain trade organisations, pharmacies are often victims of a commercial practice which harms them and end users.

It has emerged that certain multinational pharmaceutical companies have established a quota mechanism to prevent parallel exports by small Italian businesses, operating as intermediate distributors, to other European countries where the same product is sold at a higher price.

To be specific, pharmacies are obliged to order directly from manufacturers small quantities of a product, to the serious detriment of patients who, owing to these restrictions, are often forced to wait for several days, if not weeks, before they can buy the medicine.

The consequent delays in administering treatment may cause problems for patients and often lead to their admission to hospital owing to their medicine being replaced or their treatment being interrupted.

Does the Commission believe that this commercial practice violates the Treaty on the Functioning of the European Union, particularly Article 102 which defines as incompatible with the internal market, and prohibits, any abuse of a dominant position inasmuch as it introduces unfair trading conditions which clearly conflict with the aims of the internal market?

Furthermore, does it believe that it violates Article 35 of the Charter of Fundamental Rights of the European Union which states that everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by laws and international practices?