

**Question for written answer E-003882/2018
to the Commission**
Rule 130
Antanas Guoga (PPE)

Subject: The situation of the pharmacy market in Germany

On 19 October 2016, the Court of Justice of the European Union decided that a system of fixed prices for the sale by pharmacies of prescription-only medicinal products for human use (as applied in Germany) constitutes a measure having equivalent effect to a quantitative restriction on imports, since that legislation has a greater impact on the sale of prescription-only medicinal products by pharmacies established in other Member States than on the sale of the same medicinal products by pharmacies established within the national territory (Case C-148/15). As a consequence, Germany would need to simplify market access for pharmacies established in other Member States, i.e. by repealing the system of fixed prices. However, Germany intends to ban pharmacy mail order services with regard to prescription-only medicinal products in order to protect its pharmacy market from foreign competition. In the meantime, Lithuania has announced its intention to liberalise pharmacy mail order services.

What is the Commission's assessment of the case of a protectionist ban on pharmacy mail order services in Germany?