Question for written answer E-004249/2019
to the Commission
Rule 138
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Subject: Germany and enforced parallel importing of medicines

In Germany, health insurance companies are encouraging pharmacies to replace prescribed medicinal products with imports of the same product from other countries at a lower price. The result is that these irreplaceable medicines are not then available to patients in the exporting country. Under German law, the federation of national health insurance companies concludes a framework agreement with the federation of German pharmacies. This agreement requires pharmacies to save costs on irreplaceable medicinal products by giving preference to cheaper medicines acquired through parallel imports. The system is based on a negative financial incentive for pharmacies (malus). If the pharmacy saves more than the required amount, however, it receives that excess as a bonus. Pharmacies are therefore trying to sell cheaper medicines from parallel import to the greatest extent possible. In July 2019, a new contract increasing the required savings levels from 0.5% to 2% of the price of prescribed medicines entered into force. This doubled the volume of parallel imports. By means of this national legislation, Germany has begun depleting medicine stocks in the countries that have the cheapest prices as a result of lower living standards.

1. Is this national law in line with EU internal market rules?

2. Is the Commission planning to find a legislative solution to the situation, or will it give the Member States a legal instrument that they can use to protect themselves from this practice?