

WRITTEN QUESTION P-3379/08  
by Beniamino Donnici (ALDE)  
to the Commission

Subject: Pharmacies

Articles 81 and 82 of the EU Treaty on competition and Articles 151 and 152 on public health and consumer rights have been repeatedly invoked in a series of cases brought before the Commission concerning the regulation of pharmaceutical services.

Austria and Spain have been brought before the Court of Justice for setting limits on the number of pharmacies, while infringement proceedings have been launched against Italy.

There are around 17 000 pharmacies in Italy, of which 7.87% are municipal pharmacies. There are 75 000 pharmacists included on the professional register, of whom some 35 000 are employed by other pharmacists.

80% of municipal areas in Italy (equivalent to 27% of the population) have only one pharmacy.

The Italian competition authority (AGCM) has highlighted the need to reform the sector, stressing that restrictions on the number of pharmacies are of no benefit to citizens and that, in order to optimise pharmaceutical provision, a minimum, rather than a maximum, number of pharmacies is needed, which can be increased as necessary to meet the needs of the population.

The Commission has frequently stressed that any type of regulation must pass the proportionality test to determine to what extent professional anti-competitive regulation is truly in the general interest.

The aim of setting quotas for the number of pharmacies appears to be to guarantee their income levels rather than ensure a rational distribution of pharmacies across the territory.

1. What measures will the Commission take to improve the regulation of pharmaceutical services in Italy and in all Member States?
2. Does it not think that a liberal reform of the sector should be encouraged, abolishing restrictions on numbers, so as to provide better protection of public health and consumer rights?