

**Priority question for written answer P-002656/2023
to the Commission**

Rule 138

Danilo Oscar Lancini (ID)

Subject: Advertising in the health-care sector

Italian Law 103 of 10 August 2023, in its provision on advertising in the health sector, prohibits sales incentives such as discounts, special offers and promotions 'that may lead to an improper recourse to health treatment'.

It is, however, impossible to establish such causation since no correlation can be made between health-care advertising with the subsequent recourse to inappropriate or improper recourse to health treatment.

I therefore ask the Commission: Whether the provision referred to in the aforementioned law – 'that may lead to an improper recourse to health treatment' – is liable to go beyond the limits imposed on advertising in the health sector by the EU Court of Justice of the European Union in its ruling in the Vanderborght case (C-339/15), as confirmed by Commissioner Breton himself in his answer to Kateřina Konečná MEP (EN E-002245/2022) on 18 August 2022, effectively allowing any kind of advertising in the health sector including incentives such as discounts, offers and promotions, as it is impossible to prove a priori that this will lead to improper health treatment?

Submitted: 13.9.2023