



14.3.2024

NOTICE TO MEMBERS

Subject: Petition No 1002/2023 by Mihaela Paraschiv (Romanian), on behalf of the Independent Pharmacies Initiative Group in Romania (Grup de Initiativa Farmacii Independente Romania), on the transposition of Directive 2011/7/EU on late payments and its effects on independent pharmacies in Romania

1. Summary of petition

The petitioner explains that Directive 2011/7/EU on combating late payment in commercial transactions has been transposed in contracts, but is allegedly not respected in practice as regards the independent pharmacies in Romania, as they are receiving the reimbursement for compensated medicines, supported by the National Health Insurance House in approximately 120 days, with frequent delays of up to 150 days. She points out that independent pharmacies are in their large majority SMEs and that the 120-day payment deadline causes financial bottlenecks and creates the risk of enforcement by medicine suppliers, thus affecting competitiveness. She signals that the situation is different for pharmacies belonging to big chains, as they are integrated in companies, which also ensure the distribution of medicines. The petitioner also considers that the Directive is unfairly applied as regards other health providers, who have payment deadlines of 30 days. She stresses that the existence of independent pharmacies is allegedly endangered by the state and she asks for the European Parliament's intervention in order for the Directive 2011/7/EU to be correctly applied in practice in Romania.

2. Admissibility

Declared admissible on 19 January 2024. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 14 March 2024

The Petition

The petition refers to Directive 2011/7/EU¹ on combatting late payments in commercial transactions. The Directive lays down, among other obligations, the deadlines for payment by public entities to their undertakings for the provision of goods or services. The petitioner alleges that the National Healthcare House (CNAS) in Romania would pay independent pharmacies for their services later than the Directive allows, therefore incorrectly applying article 4 of the Directive in practice.

The Commission's observations

Article 4 of Directive 2011/7/EU lays down the deadlines for which public entities must pay for services or goods supplied by a private undertaking. The maximum deadline is 30 days, which can be extended to 60 days in very exceptional cases, such as where the public authority provides healthcare services. The petitioner claims that the public entity, in this case the National Healthcare House, would pay some undertakings linked to the provision of health services, in this case independent pharmacies, on average after 120 days and sometimes even up to 150 days. The alleged payment delay would be far beyond the payment limits set out in the Directive.

Conclusion

The Commission is currently making a thorough assessment of the situation with a view to any appropriate measure to be possibly taken in due course.

¹ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:048:0001:0010:en:PDF>.