

EUROPEAN PARLIAMENT

Working Documents

1982-1983

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DOCUMENT 1-750/82

MOTION FOR A RESOLUTION

tabled by Mr TYRRELL, Mr JANSSEN VAN RAAY and
Mr GONTIKAS

pursuant to Rule 47 of the Rules of Procedure

on the proposed Greek pharmaceutical law

PE 81.109

The European Parliament,

- A. having regard to the draft Law introduced into the Greek Parliament whose provisions include the following:
- (a) a wide range of supervisory and regulatory functions would be vested in a newly created 'National Organization for Drugs' which would also, through wholly-owned subsidiaries, be engaged in the manufacture and marketing of pharmaceuticals in Greece,
 - (b) the National Organization for Drugs and its subsidiaries would have substantial fiscal immunities and would be funded by subsidies from the State, as well as by the proceeds of a new levy imposed on the sale in Greece of pharmaceuticals and cosmetics,
 - (c) supply of pharmaceutical products to that part of the market amounting to about 60% represented by social security funds and public hospitals would be drastically restricted, and would be conditional on respecting the prices of the national industry even though the latter is subsidized and benefits from tax immunities,
 - (d) drastic price control measures for all wholesale and retail sales of pharmaceuticals would be imposed,
 - (e) stringent limitations would be placed on such common pharmaceutical marketing practices as the distribution of samples and employment of medical sales representatives,
- B. whereas, if enacted, the law and the practices of the National Organization for Drugs would create substantial hindrances to the free movement into Greece of finished and intermediate pharmaceutical products, in apparent violation of Article 30 of the Treaty of Rome, and would seriously distort competition and affect trade between Member States in apparent violation of Articles 90 and 92 of the Treaty,
- C. having regard to the Commission's reply to Question No. 530/82 on this subject (OJ No. C 281/15, 23.8.82), in which the Commission stated that some of the measures announced by the Greek government would be prejudicial to the free flow of medicinal products, but that it would be premature to come to a conclusion on their effects on trade before publication of the measures,

- D. whereas the draft law has now been submitted to the Greek Parliament and apparently contains infringements of the Treaty, but the Greek government nevertheless appears determined to proceed with its adoption,
1. Deplores the apparent intention of the Greek government to proceed with a measure which involves substantial infringements of essential provisions of the Treaty of Rome;
 2. Urges the Commission to take all steps to bring to the attention of the Greek government the seriousness of the potential infringements of the Treaty, to attempt to persuade the Greek government to amend the legislation to conform to the Treaty, and, should the draft law nevertheless be enacted without such modifications, to forthwith commence proceedings against Greece under Article 169 of the Treaty;
 3. Instructs its President to forward this resolution to the Commission, the Council, and the Government of Greece.