

FARMAINDUSTRIA will pursue legal actions against the Regional Government of Andalusia for their fourth call for tenders for a selection of medicines

FARMAINDUSTRIA considers that it breaches current legislations, and trusts that the Central Government will appeal this measure before the Spanish Constitutional Court

Madrid, 8th April 2014.- After the publication in the Andalusian's Official Bulletin (BOJA) with regard to the fourth public call for tenders for a selection of medicines to be dispensed at pharmacies in this Region when prescribed or indicated by INN, FARMAINDUSTRIA will, once again, lodge an Administrative appeal against the Government of Andalusia as we consider it breaches the current Medicines legislation and we trust that the Ministry of Health, Social Services and Equity will make use of the powers granted by the Law, presenting an appeal before the Constitutional Court.

This Resolution from the Andalusian Health Services represents a breach of the current Spanish regulatory framework, namely, it contravenes what is stipulated in article 88.1 of Law 29/2006, of 26 of July, On Guarantees And Rational Use Of Medicinal Products And Medical Devices which states that measures aiming at rationalising the prescription and use of medicines and medical devices which might be taken by Regional governments shall not bring on differences in the conditions of access to medicines and medical devices reimbursed by the Spanish National Health System, its catalog or its prices. It is also worth remembering that rationalisation measures will be homogeneously carried out in the whole of the national territory, without provoking distortions in the Spanish medicines and medical devices single market.

The call for tender, which not only deactivates the current Spanish reference price system and brings about very negative effects for industry, also, more importantly is very damaging for the Spanish public healthcare system and for patients in Andalusia, it breaches equity in the pharmaceutical provision of the Spanish healthcare system, limiting the access of medicines to patients in Andalusia which are in fact available elsewhere for other public healthcare users in Spain. The effects for pharmaceutical companies are equally devastating, since this selection of medicines fragments the Spanish internal market, thus restricting competition. It also constitutes an opportunistic measure, and there is a high risk it generates supply shortages that are usually covered by the companies' assured medicines supply which effectively operates in the rest of Spain, but have not been selected in this call for tenders.