



PGEU PRESS RELEASE: European Court rejects European Commission's Arguments on Pharmacy Establishment rules

Brussels, 1st June 2010 – Today, the European Court of Justice (ECJ) delivered its ruling in the case regarding the demographic and geographical rules limiting the establishment of pharmacies (Joined Cases C-570/07 and C-571/07).

The ECJ decided that such rules are justified in the interests of public health, and are therefore compatible with European Union law. Specifically, they contribute to an even distribution of pharmacies across the territory, and therefore to ensure a reliable and high quality pharmaceutical services for citizens.

The case is arose from a challenge to pharmacy establishment rules in Asturias, Spain, and was referred to the European Court for a ruling. The European Commission has called for such rules to be removed across Europe. An infringement proceeding launched by the Commission against Spain in respect of the same rules is still underway.

The Court qualified its ruling by suggesting that there may have to be some flexibility in the rules in areas with special geographical characteristics, but without questioning the validity of the rules themselves. Such flexibility is already foreseen by the Spanish legislation.

PGEU Secretary General Mr John Chave said: *"More than half EU states have establishment rules for pharmacy, some based on rules almost exactly the same as Spain's. If the Court had declared them illegal, it would have brought about a very significant change in how these states manage their health systems. The Court clearly says that such rules are justified because they help ensure an even distribution of pharmacies across the territory, with the qualification that in some circumstances they may need to be adjusted to meet particular needs. In doing so they have rejected the arguments of the European Commission. This will be welcomed by those who believe that health service planning should be a matter for Member States".*

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Information for Editors

The Pharmaceutical Group of the European Union (PGEU) is the European association representing community pharmacists. PGEU's members are the national associations and professional bodies of pharmacists in 30 European countries, including EU Member States, EEA members and EU applicant countries.

For more information, please visit the PGEU website: www.pgeu.eu

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