

To  
the Honourable  
Mr. Andreas Loverdos  
Minister of Health & Social Solidarity  
Mrs Louka Katseli  
Minister of Labour & Social Insurance

**Cc.:** Mr. M. Chrysohoidis, Minister of Regional Development & Competitiveness  
Mr. P. Efthimiou, PASOK Parliamentary Representative  
Mr. G. Koutroumanis, Deputy Minister of Labour & Social Insurance  
Mr. M. Timossidis, Deputy Minister of Health & Social Solidarity  
Mr. D. Rovlias, Deputy Minister of Regional Development & Competitiveness  
Mrs Ath. Dretta, Secretary General for Social Insurance  
Mr. N. Polyzos, Secretary General, Ministry of Health & Social Solidarity  
Mr Ant. Dimopoulos, Secretary General or Public Health, Ministry of Health & Social Solidarity  
Mr. St. Komninos, Secretary General of Commerce, Ministry of Regional Development & Competitiveness  
Prof. I. Tountas, EOF President  
Mrs M. Skouroliakou, EOF Vice-President  
Mr. D. Balassopoulos, Legal Adviser of the Minister, Ministry of Health & Social Solidarity

Chalandri, February 10, 2011

Honourable Ministers,

The publication of JMD ref. no ΔΥΓ3α/οικ.2466 (OG 58, B), in the Official Gazette (in attachment) caused our reaction via a letter dated 2 February (in attachment as well), through which we notified you of our remarks on the Criteria for the establishment of the Reimbursement List. Therefore, we would like to inform you, that an extraordinary SFFE Board meeting was convened yesterday to discuss further action to be taken on this matter. The Board unanimously agreed that the Ministerial Decision contains mistakes galore; that the above-mentioned criteria lack objectivity, that they are illegal and finally that the intentions of the Government are practicably impossible to implement.

More precisely, the Ministerial Decision is contrary to article 14 of Law 3840/2010 for two reasons:

- On the one hand, paragraph 3, subparagraph (f) provides for an additional compulsory decrease in the price of medicinal products, so that they are included in the list and thus is contrary to the abovementioned law while being outside any legislative authorisation.

- On the other hand, the Ministerial Decision provides for a single category consisting of original and essentially similar medicinal products, while the aforementioned law distinguishes them clearly in order to establish the prices of medicinal products.

Under this Ministerial Decision, there is an attempt to amend Law No 3840/2010 on the determination of price of medicines, which is contrary to the principles in force applicable on the hierarchy of the sources of the law.

These criteria, in addition to being illegal, penalise scientific research and entrepreneurship. There is no doubt that if implemented, they will generate major problems in the smooth functioning of the market of medicinal products.

Therefore, the Board unanimously decided to take action for the annulment and suspension of the implementation of this Ministerial Decision before the Council of State. At the same time, the Board decided to appeal to the competent Directorate General of the European Commission against the violation of article 6 of Directive 89/105, under which the criteria for inclusion in the Reimbursement List should be objective and verifiable and therefore should not infringe on the national legislation.

We remain at your disposal to discuss the matter further and to expose our views.

Respectfully Yours,

Fotis Maggaloussis  
Managing Director

Giorgos Katzourakis  
Vice- President

Dionyssios Filiotis  
President