

## Newsletter Winter 2016

### Documents

- Draft Code of Conduct on privacy for mobile health applications

<https://ec.europa.eu/digital-single-market/en/news/code-conduct-privacy-mhealth-apps-has-been-finalised>

- European Commission, Study on Big Data in Public Health, Telemedicine and Healthcare, Final Report December 2016

<https://ec.europa.eu/digital-single-market/en/news/eu-study-big-data-public-health-telemedicine-and-healthcare>

- Council conclusions on strengthening the balance in the pharmaceutical systems in the EU and its Member States

<http://www.consilium.europa.eu/en/press/press-releases/2016/06/17-epsco-conclusions-balance-pharmaceutical-system/>

- REPORT FROM THE COMMISSION, Pharmacovigilance related activities of Member States and the European Medicines Agency concerning medicinal products for human use (2012 – 2014) {SWD(2016) 284 final} Brussels, 8.8.2016 COM(2016) 498 final

[http://www.ema.europa.eu/ema/index.jsp?curl=pages/news\\_and\\_events/news/2016/08/news\\_detail\\_002588.jsp&mid=WC0b01ac058004d5c1](http://www.ema.europa.eu/ema/index.jsp?curl=pages/news_and_events/news/2016/08/news_detail_002588.jsp&mid=WC0b01ac058004d5c1)

- Health at a Glance: Europe 2016

The Health at a Glance: Europe series gauges progress towards effective, accessible and resilient health systems. The report provides a neutral, descriptive comparison on the basis of transparent indicators

<http://www.oecd.org/health/health-at-a-glance-europe-23056088.htm>

### EUCJ case law

#### **Judgment: concept of 'public contract' applied to contracts between a statutory health insurance fund and suppliers of medicinal products**

Case C 410/14 concerns the procedure followed by the German health insurance fund DAK-Gesundheit to conclude rebate contracts with undertakings marketing a particular medicinal product. The Court found

that the concept 'public contract', within the meaning of EU directive 2004/18/EC, cannot be applied to a contract scheme in which a public entity intends, throughout the period of validity of that scheme, to contract with any economic operator who undertakes to provide the goods concerned

**Order: criterion for assessing the need to open a new pharmacy**

Case C 634/15 concerns application of a previous judgment of the Court in the case Sokoll-Seebacher (C 367/12). In the view of the Court, when assessing the need to open a new pharmacy, the Austrian criterion strictly limiting the number of 'persons who continue to be served' is not to be applied in a general manner in every specific situation which will be the subject of an assessment.

**Opinion of the Advocate General: a system of price-fixing for prescription-only medicinal products is contrary to the free movement of goods**

In case C 148/15, the Advocate General concludes that a price-fixing system for prescription-only medicines, as set out in German legislation, is contrary to the principles of free movement of goods set out in the TFEU, and is not justified on grounds of protecting public health. He suggests that a system of maximum prices, rather than fixed prices, could be a less restrictive measure.

**Events**

Past conference

**Conference on cross-border healthcare Directive  
“Towards amplified awareness of EU rights to cross-border care”, Brussels, 24 October 2016**

[http://ec.europa.eu/health/cross\\_border\\_care/events/ev\\_20161024\\_en](http://ec.europa.eu/health/cross_border_care/events/ev_20161024_en)