Article 11
Emergency regulations for the Competency of the Ministry of Health

1. At the end of item (a) of article 11 of law 4052/2012 (A 41), as substituted by case (1) of subparagraph IB2 of article 1 of law 4093/2012, the following sections are added as follows:

"From 01.01.2013 an emergency rate is introduced for pharmaceutical products included in the positive list of prescribed medicines which are compensated by the Social Insurance Agencies.

The emergency rate owed by each Marketing Authorisation Holder of pharmaceutical products which are included in the positive list, is set to 15% on the retail sales of each pharmaceutical product, which were realised in 2011 and is paid in an account suggested by EOPYY until December 15, 2012.

The emergency rate owed by each Marketing Authorisation Holder of pharmaceutical products which are included in the positive list for 2013 may be set off against the paid or offset amount corresponding to the Marketing Authorisation Holder from the 2012 claw back. In case the emergency rate exceeds the 2012 claw back, the remaining amount may, after the above offset, be set off against the 2013 claw back or the rebate provided for by law 4052/2012 for medicines included in the positive list of 2013.

Pharmaceutical preparations for which the emergency rate has not been paid as above, are automatically transferred from the list of prescribed medicines compensated by the Social Insurance Agencies (positive list), to the list of pharmaceutical preparations administered by prescription and not compensated by the Social Insurance Agencies (negative list).

This provision does not apply to the cases of the Marketing Authorisation Holders who have already paid or set off the 2012 claw back, pursuant to the provisions of Law 4052/2012 and Law 4093/2012 and the relevant Ministerial Decisions until 10.12.2012.

This provision may be automatically activated in case that after one month elapses, the Marketing Authorisation Holders do not comply with the relevant provisions and do not regularly pay or set of the claw back corresponding to them.

By decision of the Minister of health, the amount of the emergency rate can be readjusted, as well as the manner of calculation thereof and the special issues for the application of the above provision can be regulated, in order to achieve the targets set for the pharmaceutical expenditure, in accordance with the provisions of Law 4052/2012, Law 4093/2012 and the relevant Ministerial Decisions and the activation thereof in case the Marketing Authorisation Holders do not comply with the relevant provisions regarding the claw back".

2. In Article 29 of Law 2918/2011 (A 31) the following paragraph 4 is added as follows:

"4. A Negotiations Committee is established within EOPYY, in order to negotiate with all contracting suppliers their fees, the terms of the Organisation's contracts, the prices of the medical and technological materials and medicines, as well as to suggest

to the BoD of EOPYY the preservation of amendment of all the above. The members of the Committee are not remunerated. A Joint Decision of the Ministers of Finance and Health determines the composition, formation, manner and procedure of operation of the Committee, as well as any other detail necessary for the application of this paragraph".

3. The first section of paragraph 1 of article 29 of Law 3918/2011 is substituted as follows:

"1. The Joint Decision of the Ministers of Finance and health approves the Unified Regulation for Health Benefits, following the suggestion of the BoD of EOPYY, which determines the nature, the extent, the level of health benefits, the manner and the procedure for the administration thereof, as well as any other detail necessary".

4. The second section of case 12 of subparagraph IB.2 of paragraph IB of article 1 of Law 4093/2012 is deleted.

5. Case 10 of subparagraph IB.2 of article 1 of Law 4093/2012 is substituted as follows:

"10. The provisions of cases 5, 6 and 8 of this subparagraph IB.2 apply retrospectively from January 1, 2012".