

**GOVERNMENT GAZETTE
OF THE HELLENIC REPUBLIC**

SECOND ISSUE

Issue No 2543

OCTOBER 10, 2013

No. 90168

Establishment and formation of the Negotiations Committee in the National Organisation for the Provision of Healthcare Services (E.O.P.Y.Y.)

THE MINISTERS OF ECONOMICS – HEALTH

Having considered:

1. The provision of paragraph 4 of article 29 of Law 3918/2011 (A´ 31) “Corrective changes in the health system and other provisions”, as supplemented by article 37, par. 2 of Law 4111/2013 (A´ 18).
2. The provisions of articles 12, 13 and 14 of article 2690/1999 (A´ 45) “Ratification of the Code of Administrative Procedure and other provisions”.
3. The provisions of article 90 of the Legislative Code for the Government and the Governing Bodies, which was ratified by article 1 of the P.D. 63/2005 (A´ 98) “Legislative Code for the Government and the Governing Bodies”.
4. The provisions of the P.D. 85/2012 (A´141) “Establishment and renaming of Ministries, transfer and abolishment of services”.
5. The provisions of the P.D. 119/2013 (Gov. Gazette 153/A/25.6.2013) “Appointment of the Vice President of the Government, of Ministers, Alternate Ministers and Deputy Ministers”.
7. The Decision No Y48/9.07.2012 of the Prime Minister (B´ 2105) “Assignment of competencies to the Alternate Minister of Economics Christos Staikouras”.
8. The fact that no expenditure against the budget of E.O.P.Y.Y. derives from this decision, from the co-operation of the Negotiations Committee with the competent agencies at an international level and from the possibility of settlement of disputes in arbitration (article 8), from the issue of illustrations, periodically issued or not, that contain the action of the Committee and from any other material that relates to the negotiations (article 5 par. 6). The above expenditures cannot be defined whereas they depend on actual facts, in no case however will they exceed the amount of Euro twenty thousand (€20,000) per year and will be charged to the Expense Accounts with code numbers (K.A.E.): 0771, 0772, 0781, 0782, 1261 and 0891, we decide:

Article 1

Establishment of a Committee

A Negotiations Committee is established within E.O.P.Y.Y., of an opinion-granting nature, in order to negotiate with all contracted healthcare providers in relation to their fees, the terms of the agreements concluded by the Organisation, the prices of the medical technology materials and medicinal products, as well as to suggest to the BoD of E.O.P.Y.Y. the preservation or amendment of all the above.

Article 2

Work of the Negotiations Committee

The work of the Negotiations Committee comprises:

2.1 The negotiations and any revision of the applicable compensation prices in healthcare services, hospitalisation, medical tests, treatments to the subjected persons-beneficiaries, as these are set out in article 3 of the Unified Healthcare Supplies Regulation (E.K.P.Y.) of the Organisation, to the interest of the Organisation and the beneficiaries.

2.2 The negotiations for the pricing policy and any type of agreements that relate to the healthcare services rendered, with regard to the interest of the Organisation and its beneficiaries, in order for improved, financially efficient healthcare services to be rendered, based on quality criteria, in line with the European standardisation and accreditation standards, in order for more choices to be available to the beneficiaries and more freedom and flexibility in shaping the healthcare services.

2.3 The negotiations for the discount percentage (rebate) at the compensation of the medicinal product's price with the competent agencies, in proportion to the sales volume, taking into account various criteria such as the credibility of the manufacturer, the effectiveness, reliability, marketing quantity in the market, the clinical benefit, the therapeutic value, effectiveness, price etc.

2.4 The negotiations with the competent agencies and companies of the rebate percentage in the compensation of the cost of healthcare material, medical and medical technology equipment, on the prices, as set out in the Annex of the Unified Healthcare Supplies Regulation (E.K.P.Y).

2.5 The co-operation with the competent agencies at an international level (bodies of the European Union, international organisations, similar Committees e.tc.), aiming at the active participation of the Country, at discussing and negotiating in the international fora and at securing with any means expedient, the appropriate provision of information, regarding the developments concerning the negotiations field.

Article 3

Principles, Criteria and Means of Implementation of the Negotiations Committee

3.1 The principles governing the work of the Negotiations Committee are the following:

3.1.1 The principle of legality and advisability.

3.1.2 The application of the sense of public interest in the field of financial freedom and free competition.

3.1.3 The principle of equal treatment and full transparency, necessarily provided that confidentiality and protection of personal data are ensured.

3.1.4 The principle of strengthening discussions and dialogue.

3.2 Negotiations criteria

The Negotiations Committee negotiates with the participants in the negotiations procedures based on specific criteria such as the geographical determination, the clinical efficiency, the offer and demand, the quality, quantity, the therapeutic benefit, the sales volume, solvency, effectiveness, reliability, health index etc.

3.3. Means of Implementation

The Committee negotiates with the contracting persons of E.O.P.Y.Y. by virtue of financial agreements:

3.3.1. Price volume agreements that incur reductions–discounts on the prices, in case the sales that were preliminary agreed upon are transgressed.

3.3.2. Risk sharing agreements

Agreements for the participation in the negotiations procedure, regardless of the end result; based on the efficiency and effectiveness of their services and products, they accept discounts for their prices.

3.3.3. Rebates

Agreements for an additional escalated rebate, in proportion to the total sales volume of their products or the provision of their services.

Article 4

Composition – Formation

1. The Negotiations Committee consists of the Chairman and six (6) members. The Chairman and the members of the Committee, with the alternates thereof, are appointed by joint decision of the Ministers of Economics and Health, with a two-year term of office and their appointment is not permitted for more than two consecutive periods. The 1st Vice President and the 2nd Vice President of E.O.P.Y.Y. are appointed as members of the Committee. In case the term of office of the Chairman and the members of the Committee expires, such term is *ipso facto* extended until the appointment of new members, however not for more than three months after its expiration.

2. Exceptionally, the first term of office is of one (1) year, and cannot be renewed.

3. The Chairman and the members of the Negotiations Committee and the alternate thereof are reputed scientists, with experience in the object of financial organising and operating structure of healthcare services. Moreover, the Chairman must have at least a post-graduate title in the field of organising, management, operation of healthcare services or in the field of negotiations in the healthcare sector, with at least ten years past experience in the object he specialises, and must at least have exceptional knowledge of English. The other members of the Committee must at least be University graduates either of Greece or of a foreign country, with at least two years past experience in the object they specialise, and must at least have exceptional knowledge of English.

4. During the first meeting, the members elect, by means of secret voting, the Vice Chairman who substitutes the Chairman when the latter is absent or impeded. In case the Vice Chairman chairs the meeting, the alternate of the Chairman participates as a member of the Board of Directors. The Vice Chairman preserves his/her office provided that he/she preserves the membership in the Board of Directors. In case of dismissal, death or retirement in any manner whatsoever from the Board of Directors, new election is conducted for the remaining term of the Vice Chairman so dismissed, deceased or retired.

5. The duties of the secretary of the Negotiations Committee are performed by an employee of E.O.P.Y.Y., with at least 3rd Degree in terms of professional rank, who is appointed together with the alternate thereof by an act of the President of E.O.P.Y.Y. The secretary of the Committee undertakes to keep the minutes of the meetings, which are kept in numbered sheets which are book-bound at the end of each calendar year, he/she keeps an index of all decisions of the Committee, prepares and sends by order of the Chairman of the Committee, the invitations to the members thereof and sees to the communication of the decisions of the Committee to the President who is responsible for presenting them to the Board of Directors of E.O.P.Y.Y.

6. If during the term of office a member's seat is vacant for any reason, then a new member is appointed for the remaining term of office.

7. A member of the Negotiations Committee, who is absent from three consecutive meetings without material cause, as such cause is assessed by the Negotiations Committee, is substituted by decision of the Ministers of Economics and Health, following the suggestion of the Committee.

Article 5 Meetings

1. The Negotiations Committee validly meets when more than half of the appointed ordinary members thereof participate in the meeting either as ordinary or as alternate members, including the Chairman. Quorum must be established and maintained throughout the meeting. The mover is the member chairing the respective sub-Committee, with regard to the issue discussed.

2. The Negotiations Committee convenes at least twice (2) a month, following the invitation of the Chairman of the Negotiations Committee, at the offices of the Central Service of E.O.P.Y.Y. The Chairman of the Committee defines the day and time of the Meeting and invites the members thereof to participate. The invitation, which includes the Agenda, is communicated by the Chairman to the members of the Committee, at least forty eight (48) hours prior to the meeting, which is communicated to all members of the Committee with all means expedient, which is dated and signed by the person communicating the invitation, by phone, facsimile, email or other means expedient, if the said fact is proven by the relevant annotation on a special book, which must be dated and signed by the person who communicated the invitation. The said deadline may, in case of emergency, be shortened. In the last case, the invitation must be in writing and all reasons that rendered the shortening of the deadline necessary must be stated therein. An invitation to the members of the Committee is not required, when the meetings are effected on regular dates, which are defined by decision of the Committee, which is communicated to all members thereof. An invitation is also not required, when a member has stated, before the meeting, that it is

impeded from participating therein or when the said impediment has been notified to the Chairman of the Committee.

3. Minutes are prepared for the meetings of the Committee, where mostly the names and the capacity of the members present are recorded, together with the place and time of the meeting, the issues discussed, with reference both in summary and in detail, the form and the results of the voting and the decisions made. The meetings of the Committee are recorded on tape. The decisions of the Committee are not enforced, before they are ratified by the Committee. In each meeting, the Minutes of the preceding meeting are ratified, except in the cases where the Committee decides their immediate ratification.

4. The meetings of the Committee are secretly held. The attendance of other persons, except of the members and the secretary is not permitted. However the Committee may invite, for the purposes of providing information of producing evidence, and other persons such as representatives of agencies and associations or experts, who leave before the commencement of the meeting. In addition, the Negotiations Committee may request information and data for the issues each time discussed, from the competent services of E.O.P.Y.Y., which are obliged to immediately sent the data required, prior to the discussion of the issues in question.

5. The Committee may co-operate with special scientists-experts who are not remunerated, with Universities and Institutes of Universities, for research, study, process and application of special issues-works that concern the object of work of the Negotiations Committee.

6. The Committee, at its responsibility, may organise the archives of texts and scientific studies and work for the issue of illustrations, periodically issued or not, which include the actions of the Committee and other materials related to negotiations.

7. The Committee is obliged to prepare a report for its work, in a special review meeting held in the last month of each year, which it files in writing to the BoD of E.O.P.Y.Y. to the latter's information.

Article 6

Sub-Committees

1. In the context of the operation of the Negotiations Committee, sub-Committees of the Negotiations Committee, with special interest and specialised object are established and formed, which will meet at the headquarters of E.O.P.Y.Y. as many times as required, until they reach a consensus, which constitutes the "Draft Negotiation Agreement" with the participants in the procedure.

2. In the context of achieving the objects of the Committee, the following sub-Committees are established,

2.1. Medicinal Products Sub-Committee

2.2 Clinics Sub-Committee

2.3. Diagnostic Centres Sub-Committee

2.4. Medical Technology Equipment and Materials Sub-Committee

3. Apart from the above sub-Committees defined, the Committee may establish other sub-Committees as well, if it deemed necessary for the fulfilment of its work.

4. The Chairman of the Negotiations Committee is entitled to attend and take the floor in the meetings of the sub-Committees, with no voting rights.

Article 7

Impediments – Dismissal of Members

1. The following persons are impeded from being appointed as Chairman or member of the Negotiations Committee: a. The general or special secretary of any Ministry or self-existent general or special secretariat, b. The Chairman of E.O.P.Y.Y., c. a party's representative, d. The governor, director, manager, member of the board of directors in a company, the main

shareholder in a company listed in the Stock Exchange, whose activities are associated with the activities of the Committee.

2. The members of the Negotiations Committee are dismissed, when a condemning judgement is issued against them or an irrevocable referral bill is issued for an offence that entails an impediment for appointment at a post of civil servant or the dismissal of a civil servant, in accordance with the provisions of the Code of Status of Civil Political Administrative Employees and Employees of Public Law Legal Entities (Law 3528/2007, Gov. Gazette 26 A').

3. During their term of office, the members of the Negotiations Committee, their spouses and relatives either by blood or by marriage unlimitedly for parents & children (direct line) and for up to 1st degree (siblings) are prohibited from being partners, members of the board of directors, managers, technical or other type of directors in a company active in the field of procurement of products and services in the same field. The members are dismissed by joint Decision of the Ministers of Economics and Health, with or without the relevant termination, if during their term of office, they acquire any of the capacities entailing an impediment for appointment or proceed with acts or acquire a capacity not in line with the duties of the members of the Committee.

4. In case a member of the Committee has one of the capacities that entail a impediment for the appointment of a member at the time of appointment thereof and during the term thereof it is verified that it should not have accepted its appointment as member, due to the impediment concerning it, it is prosecuted and fined with the penalty provided for by the provision of article 225 par. 2(a) of the Penal Code, however the legality of the formation of the Committee, as well as of the decisions and in general procedures of the Committee is not affected.

Article 8

Applicable Laws

1. The Negotiations Committee is obliged to take into account the applicable national and EC Laws during the performance of its work.

2. In case of a dispute that concerns the Negotiations Committee or the negotiations procedure, it is expressly stated that there is a clause for the extrajudicial settlement of the dispute with referral to a Tribunal (Articles 867–903 of the Code of Civil Procedure.), excluding the competency of the ordinary Civil Courts. The applicable law is the Greek Law. The decision is not subject to any legal remedies i.e. it is final and binding for all parties involved.

As regards the appointment of arbitrators on behalf of the State, in case a dispute emerges in which the State acts as a party and its settlement is subject to arbitration, then the observance of article 49, par. 1 of the Introductory Law of the Code of Civil Procedure is mandatory (P.D. 503/1985, as in force) and of articles 2 par. 1(e) and article 6 par. 3 of Law 3086/2002.

Article 9

Other Provisions

1. The contingent operating expenditures of the Committee encumber the budget of E.O.P.Y.Y.

2. The Negotiations Committee does not cover the objects of the Health Procurement Committee (EOPY) and vice versa, mainly as regards the tender and procurement procedures for medical technology products and medicines.

3. For any issue for which no special provision is provided, the Code of Administrative Procedure supplementary applies.

This decision must be published in the Government Gazette.

Athens, September 30, 2013

THE MINISTERS

ALTERNATE MINISTER OF
ECONOMICS

of HEALTH

CHRISTOS STAIKOURAS

SPYRIDON-ADONIS GEORGIADIS