

Law 4837/2021: Juvenile Abuse and Neglect Prevention and Suppression Programme - "Kypseli" Programme ... (803009)

Article 77

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Clawback Implementation Proposal - Clawback Reduction and Rationalisation of Pharmaceutical Expenditures - Amendment to Article 25 of Law [4549/2018](#)

Article 25 of Law [4549/2018](#) ([Government Gazette Series A, Issue no. 105](#)) "Clawback Regulations": a) **introduces an amendment** to the first section of paragraph 1, **in respect of the end year of the clawback mechanism implementation period**; b) introduces an amendment to the first section of paragraph 2, **in respect of the end year of readjustment of permitted limits of pharmaceutical expenditures** and healthcare expenditures; c) adds paragraphs (3) and (4), so that 25 takes the following form:

"Article 25

Clawback Regulations

1. The clawback mechanism described in Article 11 of Law [4052/2012](#) ([GG A, 41](#)), in Decision Ref. Γ5/63587/2015 of the Minister of Health (GG B, 1803) issued by authorisation of that Law, and in Article 100 of Law [4172/2013](#) ([GG A, 167](#)), shall be applied also **in years 2019 through 2025**. **The calculation base year** for the initial implementation hereof is year **2018**, and the previous year in respect of each of the following years. For year 2019, the allocation of pharmaceutical expenditures, hospital pharmaceutical expenditures incurred by EOPYY pharmacies, expenditures incurred for EOPYY health care services and hospital pharmaceutical expenditures incurred by ESY hospitals and "Papageorgiou General Hospital of Thessaloniki" shall be determined by decision of the Minister of Health.

As regards years 2020-2022 in particular, EOPYY expenditure limits are as follows:

a) Pharmaceutical expenditure of EUR 2,088 Mio., 87 million of which represents hospital pharmaceutical expenditures incurred by EOPYY pharmacies (high-cost medicines included in list 1A - Article 12(2) of Law [3816/2010](#)) and EUR 2,001 Mio for other EOPYY pharmaceutical expenditures.

b) Healthcare expenditures of EUR 1,553 Mio..

As regards years 2020-2022 in particular, the limit of expenditures of ESY hospitals and Papageorgiou General Hospital of Thessaloniki is EUR 528 Mio.

2. **For years 2023-2025**, the permitted limits of pharmaceutical expenditures healthcare expenditures are readjusted **exclusively on the basis of the estimated annual variation rate of the actual GDP at constant prices, as such variation is defined in the annual budget. The allocation of limits to categories of hospital pharmaceutical expenditures of EOPYY pharmacies** (high-cost medicines included in list 1A - Article 12(2) of Law [3816/2010](#)), other EOPYY pharmaceutical expenditures, EOPYY healthcare expenditures and hospital pharmaceutical expenditures of ESY hospitals and Papageorgiou General Hospital of Thessaloniki, shall be annually determined by joint decision of the Ministers of Finance and Health.

New ADDITION - REGULATIONS OF PARAGRAPHS 3&4:

3. (a) In case the total clawback of pharmaceutical expenditures, hospital pharmaceutical expenditures incurred by EOPYY pharmacies and hospital pharmaceutical expenditures incurred by ESY hospitals and

"Papageorgiou General Hospital of Thessaloniki" for year 2022 is increased, based on outturn data, compared to the total clawback of the respective expenditures of year 2020, then the annual total limits of pharmaceutical expenditures, hospital pharmaceutical expenditures of EOPYY pharmacies and hospital pharmaceutical expenditures incurred by ESY hospitals and "Papageorgiou General Hospital of Thessaloniki" laid down in paragraphs (1) and (2) for year 2022 **shall increase by 50 million Euros.**

In case the total clawback of pharmaceutical expenditures, hospital pharmaceutical expenditures incurred by EOPYY pharmacies and hospital pharmaceutical expenditures incurred by ESY hospitals and "Papageorgiou General Hospital of Thessaloniki" for year 2022 is reduced, based on outturn data, by less than 50 million Euros compared to the total clawback of the respective expenditures of year 2020, then the annual total limits of pharmaceutical expenditures, hospital pharmaceutical expenditures of EOPYY pharmacies and hospital pharmaceutical expenditures incurred by ESY hospitals and "Papageorgiou General Hospital of Thessaloniki" laid down in paragraphs (1) and (2) shall increase by an amount equal to the difference between the EUR 50 Mio reduction target and the actual clawback reduction.

YEAR 2023

b. In case the total clawback of pharmaceutical expenditures, hospital pharmaceutical expenditures incurred by EOPYY pharmacies and hospital pharmaceutical expenditures incurred by ESY hospitals and "Papageorgiou General Hospital of Thessaloniki" for year 2023 is increased, based on outturn data, compared to the total clawback of the respective expenditures of year 2020, then the annual total limits of pharmaceutical expenditures, hospital pharmaceutical expenditures of EOPYY pharmacies and hospital pharmaceutical expenditures incurred by ESY hospitals and "Papageorgiou General Hospital of Thessaloniki" laid down in paragraphs (1) and (2) for year 2023 **shall increase by 150 million Euros.**

In case the total clawback of pharmaceutical expenditures, hospital pharmaceutical expenditures incurred by EOPYY pharmacies and hospital pharmaceutical expenditures incurred by ESY hospitals and "Papageorgiou General Hospital of Thessaloniki" for year 2023 is reduced, based on outturn data, by less than 150 million Euros compared to the total clawback of the respective expenditures of year 2020, then the annual total limits of pharmaceutical expenditures, hospital pharmaceutical expenditures of EOPYY pharmacies and hospital pharmaceutical expenditures incurred by ESY hospitals and "Papageorgiou General Hospital of Thessaloniki" laid down in paragraphs (1) and (2) shall increase by an amount equal to the difference between the EUR 150 Mio reduction target and the actual clawback reduction.

YEAR 2024

c. In case the total clawback of pharmaceutical expenditures, hospital pharmaceutical expenditures incurred by EOPYY pharmacies and hospital pharmaceutical expenditures incurred by ESY hospitals and "Papageorgiou General Hospital of Thessaloniki" for year 2024 is increased, based on outturn data, compared to the total clawback of the respective expenditures of year 2020, then the annual total limits of pharmaceutical expenditures, hospital pharmaceutical expenditures of EOPYY pharmacies and hospital pharmaceutical expenditures incurred by ESY hospitals and "Papageorgiou General Hospital of Thessaloniki" laid down in paragraphs (1) and (2) for year 2024 **shall increase by 300 million Euros.**

In case the total clawback of pharmaceutical expenditures, hospital pharmaceutical expenditures incurred by EOPYY pharmacies and hospital pharmaceutical expenditures incurred by ESY hospitals and "Papageorgiou General Hospital of Thessaloniki" for year 2024 is reduced, based on outturn data, by less than 300 million Euros compared to the total clawback of the respective expenditures of year 2020, then the annual total limits of pharmaceutical expenditures, hospital pharmaceutical expenditures of EOPYY pharmacies and hospital pharmaceutical expenditures incurred by ESY hospitals and "Papageorgiou General Hospital of Thessaloniki" laid down in paragraphs (1) and (2) shall increase by an amount equal to the difference between the EUR 300 Mio reduction target and the actual clawback reduction.

YEAR 2025

d. 3. (a) In case the total clawback of pharmaceutical expenditures, hospital pharmaceutical expenditures incurred by EOPYY pharmacies and hospital pharmaceutical expenditures incurred by ESY hospitals and "Papageorgiou General Hospital of Thessaloniki" **for year 2025** is increased, based on outturn data, compared to the total clawback of the respective expenditures of year 2020, then the annual total limits of pharmaceutical expenditures, hospital pharmaceutical expenditures of EOPYY pharmacies and hospital pharmaceutical expenditures incurred by ESY hospitals and "Papageorgiou General Hospital of Thessaloniki" laid down in paragraphs (1) and (2) for year 2025 **shall increase by 400 million Euros.**

In case the total clawback of pharmaceutical expenditures, hospital pharmaceutical expenditures incurred by EOPYY pharmacies and hospital pharmaceutical expenditures incurred by ESY hospitals and "Papageorgiou General Hospital of Thessaloniki" **for year 2025** is reduced, based on outturn data, by less than 400 million Euros compared to the total clawback of the respective expenditures of year 2020, then the annual total limits of pharmaceutical expenditures, hospital pharmaceutical expenditures of EOPYY pharmacies and hospital pharmaceutical expenditures incurred by ESY hospitals and "Papageorgiou General Hospital of Thessaloniki" laid down in paragraphs (1) and (2) shall increase by an amount equal to the difference between **the EUR 400 Mio reduction target and the actual clawback reduction.**

4. The expenditure potentially arising from the implementation of paragraph (3) shall be included in the State Budget.

The amount and the allocation of the annual increase in limits among the aforementioned categories of pharmaceutical expenditures shall be annually determined by joint decision of the Ministers of Finance and Health".