PGEU GPUE Groupement Pharmaceutique de l'Union Européenne
Pharmaceutical Group of the European Union

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# Pharmacy Ownership and Establishment

**Ownership** – information on who is entitled to own a Pharmacy. Reference should be made if ownership is for a single person and/or a partnership of two or more people. Information should be provided on the qualifications or specific requirements the candidate to ownership must have and fulfill. Information should be provided on how many pharmacies one person or partnership may own. Information on partnership specificities should be provided (e.g. only pharmacists, mix of pharmacists and non-pharmacists, non-pharmacists; if one pharmacist already owning a pharmacy can be part of a partnership; etc.). Information on how ownership and management of the pharmacy is linked, if at all. Recent changes in legislation should be mentioned.

**Establishment** – information if there area or not specific geographical and demographic criteria; if yes which ones. This information is related to the opening of new pharmacies. Reference should be made to who is responsible for issuing the license and what criteria are used for that (e.g. public tender). Information on conditions to retrieve the license by the issuing body or pass it to others should also be provided. If relevant, more information could also be provided on transfer of pharmacies from one place to another and what conditions are required to do so. Recent changes in legislation should be mention.

| Country | Ownership Criteria | Establishment Criteria | Additional comments |
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| **Austria** | Pharmacists or partnerships wherein the pharmacist must own at least 51 % | A number of preconditions must be fulfilled to establish a new pharmacy, including the existence of a physician's surgery in the neighbourhood, a minimum distance of 500 meters to the next existing pharmacy and the requirement that each of the existing neighbouring pharmacies still has a potential of at least 5,500 people to supply. | Only a qualified pharmacist with 5 years professional experience in a pharmacy, EU/EEA nationality and good command of German can apply for a licence to establish a pharmacy. One pharmacist can only have one licence. The pharmacist holding the license must have the exclusive power of management and of representation and must own more than half of the enterprise. This means that non-pharmacists can own up to 49 % of a pharmacy. |
| **Belgium** | Pharmacies can be owned by anyone (pharmacists or not, partnerships, companies) | There are criteria for the establishment of new pharmacies, which seek to avoid over-concentration of pharmacies in certain areas and to guarantee to meet the needs of people living in isolated areas. Depending on whether a commune has more than 30,000, 7,5000-30,000 or less than 7,500 inhabitants the number of pharmacies cannot be higher than the figure obtained by dividing the number of | Since 1994 there is a moratorium on the opening of new pharmacies which means that the total number of pharmacies in Belgium cannot rise above the figure of 1994. |

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| | | inhabitants by 3,000, 2,500 and 2,000 respectively. | |
| **Bulgaria** | Non-Pharmacist | There is not establishment criteria | On the 31 July 2008 the Bulgarian parliament passed a new law, which gives every individual the right to open a pharmacy. Until now only a graduate pharmacist had the right to open pharmacies. The ban for vertical integration was abolished except for compounding pharmacists. Now everyone can own a pharmacy ,also a person or a company active in manufacturing, wholesaling and retail, but a compounding pharmacist.<br><br>MPs also decided not to allow company or persons to own more than four pharmacies. This should limit the establishing of pharmacy chains. |
| **Croatia** | Pharmacies can be owned by anyone. However the manager of the pharmacy must be a pharmacist | There is a demographic criterion for pharmacies of 1 pharmacy per 3000 insurants. Every following pharmacy for 5000 insurants on every 200, 300 or 500 meters depending on the number of insured persons. Insurants must be registered at the Croatian Institute for Health Insurance, the only obligatory insurance body in Croatia.<br><br>Exceptionally, new pharmacies can be opened regardless demographic and geographic criteria in the city area only if the nearest pharmacy is opening on 3000 meters of the air distance. New pharmacies can also be opened regardless number of pharmacies in new populated areas when they have more then 500 flats or more then 1000 inhabitants on 500 meters from the first nearest pharmacy. New pharmacies can be opened in tourist towns on 1000 meters of air distance from the nearest pharmacy. | A pharmacist can own a single pharmacy. Any private or legal person can establish a pharmacy chain comprising at least two pharmacies as long as a pharmacist is employed as the manager of each pharmacy. |
| **Cyprus** | Pharmacist or partnership of pharmacists must own at least 51% of a pharmacy | The Pharmacy Board is responsible for awarding pharmacy concessions. Legally defined criteria exist for the awarding of | Each pharmacist can only own one pharmacy; therefore associations of pharmacies are not permitted. |

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| | | concessions.<br><br>There are no demographic or geographic criteria laid down for the pharmacy network. | |
| **Czech** | Non-pharmacist can own a pharmacy | Pharmacy concessions are awarded by district authorities, but the Czech Chamber of Pharmacists and the State Agency for Medicine Control are also involved.<br><br>There are no demographic or geographic criteria laid down for the pharmacy network. | Anyone can own a pharmacy. Pharmacy chains are permitted and exist. Any pharmacy not owned by a pharmacist must have a professional representative who is a qualified pharmacist with a minimum of five years professional practice.<br><br>60% are pharmacist owned. The three big wholesalers own chains of pharmacies in the Czech Republic. |
| **Denmark** | Pharmacists (State license) | The authorities publish vacant licenses, which pharmacists can apply for. The license is granted to the best qualified pharmacist and is linked to a delimited geographical area. | Any qualified pharmacist from an EU/EEA country can own a pharmacy. |
| **Estonia** | Non-pharmacist can own a pharmacy | From 1 January 2006, a new measure was approved introducing geo-demographic criteria. According to it new licenses will not be granted to pharmacies and subsidiary pharmacies in towns, where there are less than 3000 inhabitants per a community pharmacy. In addition community pharmacist can not change their location. However, this rule is not applied if the new location is placed within 500 metres from the old one. For non urban pharmacies, a new pharmacy or subsidiary pharmacy could be opened if there is 1 kilometre from an existing pharmacy. The same rule applies to change the location of a pharmacy or a branch pharmacy. | Any natural person, legal person, the state or local government entity can own a pharmacy and association of pharmacies is possible in various forms. Pharmacy chains are permitted and exist. Around 80% of pharmacies are influenced by two large pharmacy chains.<br><br>A pharmacy requires an operating licence and the operating licence is only given to a qualified pharmacist with at least five years professional experience. The Ministry of Social Affairs grants activity licences. |
| **Finland** | Pharmacists (State license) | The authorities publish vacant licenses, which pharmacists can apply for it. The licence to the best qualified person is linked to a delimited geographical area. | Any qualified pharmacist from an EU/EEA country can own a pharmacy. |
| **France** | Pharmacist or partnership of pharmacists | On 23 November 2007 a new law on the social security system was adopted in France. Article 59 of this law focuses on the establishment criteria for the opening of new pharmacies and for the transfer of existing | A pharmacy can be owned by an individual pharmacist or a company in the form of a partnership of pharmacists.<br><br>The new law also encourages pharmacies' mergers. |

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| | | pharmacies.<br><br>The new law has the following objectives:<br>-to limit drastically pharmacy creations<br>-to encourage pharmacy mergers and transfers<br><br>The new law states that creations will not be possible during two years (01.01.2010). After that, a creation will only be possible in the towns where there is no pharmacy or in deprived areas. For those limited cases, the population criteria will still apply, but the law raised the criteria: 2500 inhabitants for the first licence and then further pharmacies can be opened for every additional 3500 inhabitants. Before the criteria was 1 pharmacy per 2500 inhabitants in rural areas and 1 pharmacy for 3000 inhabitants in urban areas. | With the new provisions, licences will be frozen during 5 years as a minimum for merging pharmacies, which will concretely make it difficult for the population criteria to be met in the near area. The objective is that the merger does not encourage the creation of a third competing pharmacy in the area.<br><br>Finally, transfers and groupings will be possible between pharmacies located anywhere in France, (before it was only possible with pharmacies located in the same "département"), provided the supply of the population in the area of origin is not damaged. |
| **Germany** | Pharmacist or partnership of pharmacists | There are no demographic or geographic criteria for the establishment of pharmacies. | Any pharmacist can own a pharmacy and one pharmacist / one partnership can own up to 3 branch pharmacies in addition to his main pharmacy. These branch pharmacies must be located in the same or adjacent district.<br><br>The partnership of pharmacists can have more than 2 people. |
| **Greece** | Pharmacist or partnership of pharmacists; each pharmacist can own one pharmacy, plus a minor stake in just another pharmacy. | There were no restrictions on establishment of new pharmacies until 1997, resulting in only 900 inhabitants per pharmacy, which prompted the Greek Government to introduce geographic and demographic criteria to maintain high quality services and regulate accessibility.<br>The new law establishes the following criteria: In municipalities and municipal or communal districts with a population of up to one thousand five hundred (1 500) only one pharmacy license may be granted. b) In municipalities and municipal or communal districts with a population of one thousand | |

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| | | five hundred and one (1 501) or more, a ratio of one thousand five hundred inhabitants per pharmacy is required.<br>The newly established pharmacies must have a distance from the current pharmacies:<br>- A hundred meters in municipalities and municipal or communal districts with a population of up to five thousand ( 5.000) inhabitants<br>- A hundred and eighty meters in municipalities and municipal or communal districts with a population of between five thousand and one (5.001) and a hundred thousand (100.000) inhabitants<br>- Two hundred meters in municipalities and municipal or communal districts with a population of between a hundred thousand and one (100.001) and two hundred thousand (200.000) inhabitants<br>- Two hundred and fifty meters in municipalities and municipal or communal districts with a population of more than two hundred thousand and one (200.001) inhabitants | |
| **Hungary** | Non-pharmacist can own a pharmacy | There are no geographical and demographical criteria to open a new pharmacy | A new law came into force on the 29th of December 2007.<br><br>Everyone is allowed to own a pharmacy, but the presence of a pharmacist is required. |
| **Ireland** | Non-pharmacist can own a pharmacy | The establishment of a new pharmacy is subject to some legal controls but none of these regulate the location of where a new pharmacy may establish. They mainly relate to notifying the Pharmaceutical Society of Ireland of its establishment and details of its operation, including details of the pharmacist(s) operating it. | Pharmacists, non-pharmacists and companies can own pharmacies, but each pharmacy must appoint a qualified pharmacist to manage the pharmacy.<br><br>From 1996 there were regulations governing the granting of public health contracts for new community pharmacies, which specified population and distance criteria for the location of new pharmacies. These |

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| | | | criteria were abolished in January 2002. |
| **Italy** | Private pharmacy: Pharmacist or partnership and cooperatives of pharmacists<br>Municipal pharmacy: can be managed by companies, wholesalers as well | A pharmacist wishing to establish a new pharmacy must obtain a license granted by the regional authority. There are demographic and geographic criteria for obtaining a license including the requirement for a new pharmacy to be at least 200m away from any existing pharmacies. For towns up to 12.500 inhabitants the regional authority must give a license for opening a new pharmacy for every 5.000 inhabitants, while for towns with a population of more than 12.500 one license is given every 4.000 inhabitants.<br>However, the regional government can bypass the general principle of only one pharmacy per town in the case of particular situations pertaining to the topography of the territory and its road conditions. | Only qualified pharmacists can own pharmacies. |
| **Latvia** | Only pharmacist may own a pharmacy. (This regulation comes into force up from 01.01.2011) | Both geographical and demographical criteria existing. | The Latvian law of pharmacy establishes ownership criteria to be implemented by 01.01.2011<br>According to a law approved in 2003 by 2011 there will be three kinds of pharmacies:<br>1. A general type pharmacy: Only a pharmacist or a local government may own a general type pharmacy<br>2. closed-type pharmacies or pharmacies of medical treatment institutions. These pharmacies will not distribute medicines to the public<br>3. veterinary pharmacies. Veterinary pharmacies are permitted to distribute only means of medical treatment intended for animals, including veterinary medicinal and veterinary pharmaceutical products, as well as goods intended for animal care |
| **Lithuania** | Pharmacist or partnership of pharmacists (if the owner is a company, pharmacists must represent at least ¾ of the members of the company's Board) | There are no demographic or geographic criteria for the establishment of pharmacies. | Only pharmaceutical specialists may act as a pharmaceutical specialist and practice pharmaceutical activities.<br><br>Companies or their branches that practice |

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| | | | pharmaceutical activities have to be managed by a licensed pharmacist. If the Board (collegial management body) is formed in the company, that practice pharmaceutical activities, ¾ members of the Board have to be pharmacists. Associations of pharmacies are possible and pharmacy chains exist.<br><br>Municipalities award concessions to open pharmacy according to Ministry of Health criteria. The Ministry of Health can withdraw a concession for violations of the necessary criteria.<br><br>Pharmacy ownership was deregulated by the constitutional court. The largest pharmacy chain "Europharmacy" has 200 outlets. |
| **Luxembourg** | Pharmacist or partnership of pharmacists | Any pharmacist wishing to establish a new pharmacy must obtain a concession from the state. Demographic criteria of one pharmacy per 5,000 inhabitants must be met. | |
| **Malta** | Non-pharmacist can own a pharmacy (but the manager has to be a pharmacist) | Since 1996 the awarding of new concessions is subject to the agreement of a standing committee comprising representatives of the Malta Chamber of Pharmacists, non-pharmacist owners and the Ministry of Health, who take geo-demographic criteria and the needs of the local population into account.<br><br>The February 2003 Medicines Act entrenches the principle of geo-demographic organisation in the legislation with the added provision for enforced consultation of stakeholders on any changes to the legislation and regulations. | Any person can own a pharmacy, but each pharmacy must nominate a qualified licensed pharmacist as its managing pharmacist. Association of pharmacies is possible via corporate chains or purchasing cooperatives (where the owners are pharmacists). The Ministry of Health is responsible for awarding pharmacy concessions. |
| **The Netherlands** | Non-pharmacist can own a pharmacy | There are no restrictions on the opening of new pharmacies. | Pharmacists, non-pharmacists and companies can own pharmacies. Each pharmacy must appoint a responsible pharmacist to manage the pharmacy. |
| **Norway** | Non-pharmacist can own a pharmacy (with some exceptions) | There are no establishment criteria | Since March 2001 anyone can own a pharmacy except for the pharmaceutical industry, medical doctors or others with prescribing rights. Pharmacy chains can be established and companies can own pharmacies. All pharmacies have a contract with the National Insurance Scheme that makes a settlement-agreement. |

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| | | | Since the changes in 2001, the Department of Health no longer assess and direct where and when new pharmacies are to be opened. |
| **Poland** | Non-pharmacist can own a pharmacy | There are no demographic/geographic criteria for pharmacies. Pharmacy concessions are awarded by the regional pharmaceutical inspectorate and the granting of a concession requires a pharmacy to have a licensed pharmacist as the pharmacy manager. | There are no limitations on pharmacy ownership. Pharmacy chains and pharmacy partnerships are permitted and exist.<br><br>Pharmacy chains were limited to 10% market share, which changed in 2004 to 1%. The new law is not however retrospective; so existing chains will not have to divest of pharmacies. |
| **Portugal** | Non-pharmacist can own a pharmacy | On the 31st of August was published the Decree-law n. 307/2007 that establishes the new legal regime of community pharmacies, which will be in force in two months since its publication (1st of November).<br><br>The decree-law states the principle of free pharmacy establishment (article 3). However, the demographic and geographic setting criteria will be maintained and regulated in the incoming months with the foreseen changes:<br>a) Geographic criteria: the minimum distance between two pharmacies will be reduced from 500 meters to 350 meters; the 100 meters from a healthcare centre or hospital is maintained;<br>b) Demographic criteria: the capitation needed for opening a new pharmacy will decrease from 4.000 to 3.500 inhabitants. | As set by the Decree-Law n. 307/2007, which will be in force in two months since its publication (1st of November).<br><br>- pharmacies can be owned by anyone except for health professionals with prescribing right (i.e. doctors); associations representing pharmacies, wholesalers and the pharmaceutical industry, as well as unions of the respective workers; wholesalers; pharmaceutical industry; private prescription centres (hospitals, clinics); third-payers or co-payers of medicines;<br>- The technical direction of the pharmacy will continue to be ensured by a pharmacist.<br>- No individual owner, company or group of companies can directly or indirectly own, operate or manage more than four pharmacies.<br>- The public tender of concession to open a new pharmacy is maintained;<br>- The transfer of a pharmacy within the same municipality is possible and will be regulated in the incoming months; |
| **Romania** | Pharmacies can be owned by anyone. | There is not a demographic o geographic criterion .The opening of pharmacies is loosely regulated by the Ministry of Health and requires the pharmacy to meet certain criteria. These criteria are legally defined but some of them change frequently. | The ownership of pharmacies is not defined in law. Anyone can own a pharmacy as long a pharmacist is employed as the head of the pharmacy. |
| **Slovakia** | Non-pharmacist can own a pharmacy | | No limits regarding ownership and establishment |
| **Slovenia** | Pharmacist | There are demographic criteria for the | The Act on Pharmacy Activity allows for private persons |

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| | | pharmacy network of one pharmacy per 5000-7000 inhabitants and one pharmacist per 2755 inhabitants. | or public institutions to own a pharmacy. An association of pharmacies is possible only through a public institution.<br>Municipalities are responsible for awarding pharmacy concessions, which can only be granted to a pharmacist.<br>There are 82 privately owned pharmacies, others are owned by local authorities. Pharmacies can be owned by pharmacists or local authorities. |
| **Spain** | Pharmacist or partnership of pharmacists must own at least 75% of a pharmacy | The opening of a new pharmacy is regulated depending on criteria of number of inhabitants and of distance between community pharmacies. Each Autonomous Community fixes its rules according to geographic and demographic circumstances. | The pharmacist must register in one of the 52 Official Colleges of Pharmacists of Spain, one for each province. |
| **Sweden** | Non-pharmacist can own a pharmacy (except prescribers and pharmaceutical industry) | Free establishment | In 2009 the whole pharmacy system was deregulated and 65% of the state owned pharmacies where sold out. 466 were sold to 4 chains and 150 are going to be sold to private, independent owner. Free ownership (except for pharmaceutical industry and prescribers) and free establishment. |
| **Switzerland** | Non-pharmacist can own a pharmacy | There are no restrictions on the establishment of new pharmacies or drug stores. | It is possible to own more than one pharmacy. |
| **Turkey** | Pharmacist | There is no regulation regarding pharmacy location, geographical distribution and the total number of pharmacies in the country. | Chain pharmacies are not allowed in Turkey |
| **United Kingdom** | Non-pharmacist can own a pharmacy | There are no restrictions on the establishment of new pharmacies. but to obtain a contract to dispense National Health Services Prescriptions (which amount to 80% of turnover of an average pharmacy), a pharmacy owner must apply to the local NHS administrational body (Primary Care Organisation). The PCO will decide if a new contract is necessary or desirable for the proper provision of NHS pharmaceutical services. In England the PCO must also consider whether a new contract would be to | Anyone can own a pharmacy, including pharmacists, non-pharmacists and companies. In each pharmacy there must be a pharmacist in personal control at all times when the pharmacy is open. In addiction each company must appoint a superintendent pharmacist who is responsible for ensuring all legal and ethical requirements of pharmacy practice. |

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| | | ensure choice and competition the local health economy | |

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