

Form for the submission of complaints concerning alleged unlawful State aid

The form sets out the information the Commission needs in order to be able to follow-up a complaint about alleged unlawful aid.

Please complete all the compulsory fields marked with a star (*).

1. Information regarding the complainant.

First Name: Stanislav
Surname: Havlíček
Address line 1: Antala Staška 80
Address line 2:
Town/City: Prague
County/State/Province:
Postcode: 140 46
Country: Czech Republic
Telephone: +420261006502
Mobile Telephone: +420724782632
E-mail address: havlicek@lekarnici.cz
Fax:

2. I am submitting the complaint on behalf of somebody (a person or a firm)

Yes

Name of the person/firm you represent: Czech Chamber of Pharmacists
Address line 1: Antala Staška 80
Address line 2:
Town/City: Prague
County/State/Province:
Postcode: 140 46
Country: Czech Republic
Telephone: +420261006502
Mobile Telephone: +420724782632
E-mail address: havlicek@lekarnici.cz
Fax:

You will be asked later to attach proof that the representative is authorized to act on behalf of this person/firm.

If the complainant is an enterprise, a brief description of the complainant and its field (s) and place (s) of activity:

Czech Chamber of Pharmacists is a professional autonomous organization representing all pharmacists in the Czech Republic. Members include both pharmacists operators - service providers, as well as staff pharmacists.

Please select one of the following two options*

Yes, you may reveal my identity

Confidentiality: If you do not wish your identity or certain documents or information to be disclosed, please indicate this clearly, identify the confidential parts of any documents and give your reasons. The information contained in points 3, 4 and 5 cannot be designated as confidential.

3. Information regarding the Member State granting the aid*

a) Country: **Czech Republic, Regions (details see below)**

b) Level at which the alleged unlawful State aid has been granted. Please specify which Ministry or institution if known:

Central government:

Region (please specify): **Regions (list of details see below)**

other (please specify):

4. Information regarding the alleged aid measure.*

Please be aware: the information provided under this point is regarded as non-confidential.

a) To your knowledge when was the alleged aid given or granted?

Central Bohemia Region since 1 January 2009
Other regions since 1 February 2009

b) What is the amount of the alleged aid, if known? In what form is it given (loans, grants, guarantees, tax incentives or exemptions etc)?

The aid has a form of provision guarantee aimed to cover the amount of regulatory fees paid for patients.

• Region Usti nad Labem	25 000 000 CZK	cca	877.000 €
• Region Zlin	28 700 000 CZK	cca	1.007.000 €
• Region Karlovy Vary	30 000 000 CZK	cca	1.053.000 €
• Region Pilsen	30 000 000 CZK	cca	1.053.000 €
• Region Liberec	32 000 000 CZK	cca	1.123.000 €
• Region Olomouc	50 000 000 CZK	cca	1.754.000 €
• Region Hradec Kralove	50 000 000 CZK	cca	1.754.000 €
• Region Pardubice	67 000 000 CZK	cca	2.351.000 €
• South Moravian Region	75 000 000 CZK	cca	2.632.000 €
• Central Bohemian Region	80 000 000 CZK	cca	2.807.000 €
• Region Vysocina	80 000 000 CZK	cca	2.807.000 €
• South Bohemian Region	100 000 000 CZK	cca	3.509.000 €
• Moravian Silesian Region	120 000 000 CZK	cca	4.210.000 €

c) Who is the beneficiary? Please give as much information as possible, including a description of the main activities of the beneficiary/firm (s) concerned

Individual citizens in regions are direct beneficiaries of the aid. Region-controlled health care facilities represent indirect beneficiaries of the aid. Facilities with no pharmacies are not included in the list. Regions that do not support pharmacies are not included in the list.

Region Karlovy Vary **30 000 000 CZK**
pharmacy in the hospital Karlovarská krajská nemocnice a.s.

Region Pilsen **30 000 000 CZK**
pharmacy in the hospital Domažlice
pharmacy in the hospital Stod
pharmacy in the hospital Rokycany

Region Liberec **32 000 000 CZK**
pharmacy in the hospital Liberec
pharmacy in the hospital Česká Lípa

Region Olomouc **50 000 000 CZK**
pharmacy in the hospital Přerov (private)
pharmacy in the hospital Prostějov (private)

Region Hradec Kralove **50 000 000 CZK**
pharmacy in the hospital Jičín
Two pharmacies in Královéhradecká lékárna a.s. (35% private)

Region Pardubice **67 000 000 CZK**
pharmacy in the hospital Chrudim
pharmacy in the hospital Litomyšl
pharmacy in the hospital Ústí nad Orlicí
lékárna v nemocnici Pardubice

South Moravian Region **75 000 000 CZK**
pharmacy in the hospital Ivančice
pharmacy in the hospital TGM Hodonín
pharmacy in the hospital Vyškov
pharmacy in the hospital Znojmo

Central Bohemian Region **80 000 000 CZK**
pharmacy in the hospital Kladno
pharmacy in the hospital Kolín
pharmacy in the hospital Mladá Boleslav
pharmacy in the hospital Příbram
pharmacy in the hospital Rudolfa a Stefanie Benešov

Region Vysocina **80 000 000 CZK**
pharmacy in the hospital Havlíčkův Brod
pharmacy in the hospital Jihlava
pharmacy in the hospital Nové Město na Moravě
pharmacy in the hospital Pelhřimov
pharmacy in the hospital Třebíč

South Bohemian Region **100 000 000 CZK**
pharmacy in the hospital České Budějovice
pharmacy in the hospital Český Krumlov
pharmacy in the hospital Písek
pharmacy in the hospital Prachatice
pharmacy in the hospital Strakonice
pharmacy in the hospital Tábor

Moravian Silesian Region**120 000 000 CZK**

pharmacy in the hospital Havířov
pharmacy in the hospital Karviná-Ráj
pharmacy in the facility Orlová
pharmacy in the hospital Nový Jičín
pharmacy in the hospital Třinec
pharmacy in the hospital Frýdek-Místek
pharmacy in the facility Krnov
pharmacy in the hospital Opava

d) For what purpose was the alleged aid given (if known)?

Support is provided in form of a gift for patients to cover the payment of regulatory fees. Regulatory obligation to pay the fees is required by law number 48/1997 Coll. The support which is referred to as a gift may be consumed by patient only in selected health care facilities.

Elsewhere, the regulatory fees have to be paid by the patient.

5. Grounds of complaint.*

Please explain in detail the grounds for your complaint. If known, what rules of community law you think have been infringed by the granting of the alleged aid.

Please be aware: the information provided under this point is regarded as non-confidential.

The Antimonopoly Office stated it was incompetent to appraise the public aid provided to the region.

We request the European Commission to investigate the illegal state aid.

The European Commission is asked to adopt measures that would guarantee protection of free competition on the market as soon as possible.

Regional governments have been intervening in the market; as a result free competition has been seriously limited.

Part of citizens (patients) has been discriminated by this act. Citizens (patients) from distant locations cannot benefit from the services under same conditions as residents living in close proximity. As a result, citizens are not equal before the law. Guarantee of aid distorts patients' access to services, particularly interferes with patients' rights to free choice of health care facility. Guarantee of aid prevents the free movement of services and people.

The same applies to the service provider.

The selected providers are favoured by the guarantee of regional government of payment of regulatory fees while other providers are harmed by this act. Free competition is disrupted by this act.

Measure has been applied by the regional governments selectively – on the basis of criteria that are inconsistent with the equal access to care provided.

List of infringed rules:

Treaty establishing the European Community, the preamble
"Recognising that the removal of existing obstacles calls for concerted action in order to guarantee steady expansion, balanced trade and fair competition"

Treaty establishing the European Community, Article 3 §1.
(g) a system ensuring that competition in the common market is not distorted;

Treaty establishing the European Community, Article 4, paragraph 1.
" ... the adoption of an economic policy which is based on the close coordination of Member States' economic policies, on the internal market and on the definition of common objectives, and conducted in accordance with the principle of an open market economy with free competition."

Treaty establishing the European Community, Article 81 §1.d)
" apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage"

Treaty establishing the European Community, Article 87, paragraph 1.
" Save as otherwise provided in this Treaty, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the common market..."

European Social Charter, Article E - Non-discrimination

"The enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status"

" Save as otherwise provided in this Treaty, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the common market..."

6. Please summarize briefly to what extent the award of the alleged aid affects.*

a) your commercial interests / commercial interests of the person/firm you represent

Public support provided by regions has led to 90% drop in number of patients in the pharmacies where public support is not provided.

b) the market(s) in which the beneficiary(ies) of the alleged aid operate.

Regions of the Czech Republic

7. Information on other procedures.*

a) Have you already approached the Commission's services or any other European or national institution concerning the same issue?

No

b) Approaches already made to national authorities or recourse to national courts or other procedures.

No

There is not competent authority in Czech Republic.

8. I understand that for a faster treatment of the complaint the information provided above in point 3, 4 and 5 are non-confidential and can be sent to the Member State in question.*

Yes

9. Supporting documents

Please list any documents and evidence which is submitted in support of the complaint and add annexes if necessary

- Whenever possible, a copy of the national law or other measure which provides the legal basis for the payment of the alleged aid should be provided
- If the complaint is submitted on behalf of someone else (a person or a firm) please attach proof that you as a representative are authorized to act
- If the complainant is an enterprise, please feel free to attach a brief description of the complainant and its field(s) and place (s) of activity
- Copies of previous correspondence with the European Commission or any other European or national institution concerning the same issue
- If the issue has already been dealt with by a national Court, a copy of a judgement if available.

<http://www.lekarnici.cz/module.php?module=52&article=7125>

USNESENÍ XVII. SJEZDU DELEGÁTŮ ČLK 9. -10. 11. 2007 v Benešově

Sjezd zvolil orgány ČLK ve složení:

Představenstvo:

Havlíček Stanislav, Hojný Michal, Gondek Vladimír, Kalousek Kamil, Šnajdrová Hana, Konečný Peter, Krebs Aleš, Vala Martin, Staněk Martin, Horný Roman, Zajícová Marie, Bažantová Michaela, Škrabalová Marcela, Mátl Martin, Krejčí Tomáš, Rován Stanislav, Eisertová Eva, Laluch František, Kotleš Jiří, Hampel Marek

Náhradníci do představenstva:

Nedopilová Lucie, Šperglová Věra, Urbaníková Jaroslava, Blahuta Zdeněk

Prezident: Havlíček Stanislav

Viceprezident: Hojný Michal

Revizní komise:

Schwarzová Jana, Fišarová Mária, Kohlová Zuzana, Grodza Jan, Oswald Radek, Marek Josef,

Hazdra Petr, Pacold Vladimír, Polívka Václav

Náhradník do revizní komise: Skalický Petr

Předseda revizní komise: Schwarzová Jana

Místopředseda revizní komise: Fišarová Mária

Čestná rada:

Grodza Pavel, Jeřábek Vladislav, Petrus Václav, Holubová Ada, Kopečný Vít Maria, Šeda Václav, Riegerová Magdalena, Chromá Eugenie, Nádvorníková Ivana

Náhradník do čestné rady: Tvrdá Jana

Předseda čestné rady: Holubová Ada

Místopředseda čestné rady: Petrus Václav

Sjezd rozhodl: o jmenování RNDr. PhMr. Eugenie Trávníkové čestným členem ČLK

Place, date and signature of complainant

Prague, 2009 February 13


Mgr. Stanislav Havlíček

[stížnost česky](#)