

Message 001

Communication from the Commission - TRIS/(2025) 3322

Directive (EU) 2015/1535

Notification: 2025/0703/FR

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20253322.EN

1. MSG 001 IND 2025 0703 FR EN 21-11-2025 FR NOTIF

2. France

3A. Ministères économiques et financiers

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3B. Ministère de la santé, des familles, de l'autonomie et des personnes handicapées

Direction générale de l'offre de soins, sous-direction des ressources humaines du système de santé

Bureau RH2 - Exercice et déontologie des professions de santé

Et conseil national de l'ordre des pharmaciens

4. 2025/0703/FR - S00S - HEALTH, MEDICAL EQUIPMENT

5. Decree amending the Code of Ethics for Pharmacists and other provisions of the Public Health Code

6. Pharmaceutical products, medical devices, cosmetics, and other products available in dispensing pharmacies, as well as services related to online advertising

7.

8. This is a comprehensive overhaul of the Code of Ethics for Pharmacists, which amends and updates the text codified in the Public Health Code.

This decree specifically amends the rules concerning information and advertising, thus representing a significant step forward by relaxing the rules applicable to pharmacists in this matter. The draft decree relaxes the provisions relating to advertising for medicines and products mentioned in Article L.4211-1 of the Public Health Code, for activities, products, or items whose sale is not restricted to pharmacists, and in favour of dispensing pharmacies, which can now be carried out on any medium, including a website. These measures also establish requirements regarding the advertising of the products concerned (medicines and products mentioned in Article L.4211-1 whose sale is reserved for pharmacists, and medicines and products whose sale is not reserved for pharmacists) and the conditions required for a service provider to conduct online business, namely advertising carried out by pharmacists via a website.

This text substantially relaxes the communication rules applied to pharmacists, notably by now allowing them to advertise in dispensing pharmacy windows, on their façades, and on any commercial medium, in favour of products subject to the pharmaceutical monopoly. It also allows them to advertise, on any medium, in favour of dispensing pharmacies and products not subject to the pharmaceutical monopoly. It also allows pharmacists to provide information about their new responsibilities on the dispensing pharmacy façade, in public directories, and on the websites of pharmacy groups. This represents a relaxation of the conditions under which pharmacists practice, particularly in that the text provides, for example, for the lifting of the prohibition on offering loyalty programs to their customers (except for products subject to the pharmaceutical monopoly and their new responsibilities).

Furthermore, this decree strengthens the responsibilities of the pharmacist and clarifies, in particular, the actions expected of this healthcare professional when confronted with certain situations of abuse. This text specifically specifies the duty of the pharmacist to advise their patient and defines professional confidentiality.

9. The provisions of Articles R.4235-49 to R.4235-53, created by the draft decree, which define the conditions under which dispensing pharmacists are authorised to advertise their pharmacy or the medicines and products they sell, take into account the changes introduced by the various decrees of 22 December 2020, previously notified, which amended the codes of ethics for healthcare professions with regard to advertising, by removing the general prohibition on advertising that existed (Code of Ethics for Doctors, notification 2020/0560/F; Code of Ethics for Dental Surgeons, notification 2020/0561/F; Code of Ethics for Midwives, notification 2020/0562/F; Code of Ethics for Nurses, notification 2020/0563/F; Code of Ethics for Physiotherapists, notification 2020/0564/F; Code of Ethics for Chiropractors-Podiatrists, notification 2020/0565/F).

The amendments to the codes of ethics made by these decrees were intended to comply with the case law of the Court of Justice of the European Union, in particular the Vanderborght case (CJEU, 4 May 2017, C-339/15), in which the Court ruled that the e-commerce directive and Article 56 TFEU preclude national

legislation that prohibits in a general and absolute manner any advertising relating to oral and dental care services. Under this ruling, the content and form of commercial communications by healthcare professionals can be regulated to ensure compliance with professional rules and the protection of public health, without, however, prohibiting in a general and absolute manner such communications.

In this respect, even though the current code of ethics for pharmacists does not prohibit in a general and absolute manner all forms of advertising for dispensing pharmacies, the amendments made by the notified draft bring the provisions relating to advertising by dispensing pharmacists into line with the provisions relating to advertising for other health professions, while also providing details on the terms of this advertising.

10. References to basic texts: There are no basic texts

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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