

The most recent study assesses current scientific knowledge about the hazards and risks of chrysotile. It suggests that there are now safer alternatives available for almost all products for which chrysotile is currently used.

On the basis of what is known about the health risks, therefore, the Commission plans to propose a Community wide ban on chrysotile asbestos, with exceptions. This preliminary policy position was presented to Member States and industry at a working group meeting held on 9 December 1997. It is clear that there is a qualified majority in favour of the principle, although more discussion is needed to agree an acceptable list of exceptions. The details of the Commission proposal will depend in part on the outcome of a further study into the technical and economic consequences of substitution. This study should be completed by the end of March 1998, and a formal proposal for a directive will be made shortly afterwards.

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(98/C 174/163)

**WRITTEN QUESTION E-3704/97**

**by Jyrki Otila (PPE) to the Commission**

*(19 November 1997)*

*Subject:* A pharmacists' monopoly in Finland?

The 'University Pharmacy' opened in Helsinki in 1828. In 1953 an amendment to the Pharmacies Act gave it the right to open branch pharmacies too.

Finnish law also grants the University Pharmacy a number of privileges, whereby it is not required to pay the 'pharmacy levy' to the state and also enjoys other tax benefits.

Originally the University Pharmacy was founded as a pharmacy linked to Helsinki University and working specifically in the city of Helsinki. Its *raison d'être* was the training it provided to persons studying pharmaceuticals at Helsinki University.

Now the University Pharmacy has expanded its activities to other cities which do not even have a university. Moreover only 27% of pharmaceuticals students (in 1997) carry out their compulsory practical training as part of their studies at the University Pharmacy, the other 73% going to private pharmacies.

In my view this practice is in conflict with the legislation on competition and the EU's principles of trade policy. From the point of view of competition the University Pharmacy occupies a distinct monopoly position. Is the Commission aware of this situation in Finland, and if not, what it will do to rectify it?

**Answer given by Mr Van Miert on behalf of the Commission**

*(13 January 1998)*

The Commission is aware of the alleged privileged position of the Pharmacy of the University of Helsinki. The Honourable Member claims the existence of state benefits (exemption from pharmacy levies and other tax benefits) and a monopoly situation. However, a monopoly does not seem to exist. As evidenced by the information provided private pharmacies do also exist and thus compete with the University Pharmacy.

The alleged state benefits have to be examined under the state aid rules of the EC Treaty. According to these rules, the Commission can only act when trade between Member States is distorted by state measures which favour certain enterprises.

On the basis of the available information, the Commission concludes that the benefits in question will only have local effects, limited to places with retail outlets of the University Pharmacy. Thus, trade between Member States will not be distorted.

The Commission does not therefore intend to investigate further into this matter.

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