



SPANISH CONSTITUTIONAL COURT

Cabinet of the President
Press Office

INFORMATION NOTE No. 47/2014

THE “EURO PER PRESCRIPTION” IN MADRID, DECLARED UNCONSTITUTIONAL BY THE TC

The Spanish Constitutional Court has upheld the unconstitutionality appeal lodged by the Socialist Parliamentary Group in the Senate against Article 2.9 of Madrid Assembly Act 8/2012, of 28 December, which implements the so-called “*euro per prescription*” in Madrid. The judgment, in which the Vice President of the Court, Adela Asua, acted as Reporting Judge, reiterates the arguments on which, on 6 May 2014, the Plenary Meeting declared the pharmaceutical tax unconstitutional in Catalonia.

The judgment states that the challenged tax “*is directly levied on pharmaceutical benefits, since payment is a condition for dispensation of the drug or health product*”. In practice, this is detrimental to the “*basic service*” provided to citizens. Consequently, the TC explains that Autonomous Communities may implement their own health policy (a basic State competence), as long as additional services are provided to users. “*In other words, Autonomous Communities may improve the minimum content laid down by the State but may never make it worse*”.

The TC concludes that the article implementing payment of the “*euro per prescription*” must be declared unconstitutional and void, given that it invades the State competence foreseen in Article 149.1.16 of the Spanish Constitution.

Madrid, 3 June 2014.