



## :: Public Law

### The Council of the State ratifies one more time the previous case-law on the legality of the hospital claw-back imposition

**New Decisions have just been issued by the Council of the State on the examination of the hospital clawback mechanism, insisting one more time on the previous judgments of the same Court.**

December 18, 2017

Both of the Petitions for Annulment that were filed by SFEE and by Gilead were rejected on almost the same grounds, through Decisions no. 3047/2017 and no. 3048/2017 respectively.

The petitions were not inserted to the Plenum of the Council of the State, although such an application was filed, but instead they were held and judged by the fourth (D) division of the Court.

Among the claims that supports the aforementioned decisions was that: "The claw-back measure is merely temporary, and will only be applied until 31.12.2018. It forms part of a general effort to cut down on public costs and help the national economy overcome the crisis." At this point, a reference to the most important Plenary Decision of the Council of the State no. 668/2012 was made by the Court in order to proof the legality and more specifically the

constitutionality of such cost cutting measures.

According to the same decisions the expansion of the claw-back measure to the hospital expenditure is justified by the fact that the pharmaceutical expenditure of hospitals, including those of EOPYY pharmacies, present an increasing trend and thus, a reduction and rationalization of costs is quite necessary to ensure the adherence to the hospital budgets.

In the light of the above and of all the other legal claims of the Decision pointing at the same direction, it is clearly stated that the Council of the State leaves no margin for doubt on the legality and constitutionality for the hospital claw-back as well as for all the others , previously examined.



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