

Legal Alert

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New Measures Related to Supply of Medicines and Medical Devices due to Spread of COVID-19

The Russian government has adopted a series of important measures to combat the spread of COVID-19, in particular:

1. the introduction of zero tariff rates for the importation of a number of medicines and medical devices;
2. the approval of distance selling of over-the-counter (OTC) medicines and medical devices. Distance selling means any sale that does not entail a visit to the pharmacy by the purchaser (e.g. online sales, home deliveries) and can be carried out by pharmacy organizations licensed to engage in pharmaceutical activities and authorized by the Federal Service for Surveillance in Healthcare¹;
3. the temporary suspension of the "third one out rule" in the process of public procurement for a number of medicines and medical devices determined by the Ministry of Industry and Trade and the Ministry of Health of Russia. This rule imposes a ban on the participation of a foreign product in the public procurement tender, if there are two or more participating suppliers offering products originating from Eurasian Economic Union and manufactured by unaffiliated manufacturers;
4. the introduction of additional supporting measures for manufacturers of pharmaceutical products, personal protective equipment and disinfectants, including special loans from the Industrial Development Fund.

We expect shortly the adoption of regulations establishing the procedure for distance selling, the rules for delivering OTC medicines to the population and the list of medicines and medical devices, to which the "third one out rule" will not temporarily apply.

This LEGAL ALERT is issued to inform Baker McKenzie clients and other interested parties of legal developments that may affect or otherwise be of interest to them. The comments above do not constitute legal or other advice and should not be regarded as a substitute for specific advice in individual cases.

¹ Decree of the President of the Russian Federation No. 187 "On the retail sale of medicinal preparations" as of 17 March 2020.