

July 28, 2017

LEGAL ALERT

UKRAINE GIVES TRANSITION PERIOD FOR INTRODUCTION OF NEW NATIONAL ESSENTIAL MEDICINES LIST (NEML)

In March 2017 the Government introduced significantly revised and shortened NEML based on 19th edition of WHO Model Essential Medicines List. Initially the NEML entered into force on July 1, 2017 restricting the list of procurable through tenders and reimbursable medicines. However, as of **July 26, 2017** the Government introduced (by Resolution # 547) transition period for application of the new NEML.

TRANSITION FOR PUBLIC TENDERS

- **July 26 - August 31, 2017**

Public healthcare institutions and local governments may procure and/or initiate tenders to procure any medicines registered in Ukraine (including those not listed in the NEML). All tenders announced during this period may be completed under the rules in force on the date of announcement.

- **September 1 - December 31, 2017**

Public healthcare institutions and local governments may only procure medicines registered in Ukraine, which are listed in the NEML.

- **After January 1, 2018**

Public healthcare institutions and local governments must fund 100% of medicines listed in the NEML according to the volumes defined based on specific MoH guidelines (*yet to be adopted*).

Subject to full compliance with the said 100% coverage requirement, the purchasers will be allowed to procure medicines not listed in the NEML, with the preference to those listed in clinical standards/protocols.

The above restrictions do not apply to the centralized procurement procedures, which are currently conducted by the international organizations contracted by MoH (UNICEF, UNDP, Crown Agents).

REIMBURSEMENT

The Government also updated the NEML in part of dosages and forms of some of the already listed medicines. This shall extend the list of reimbursable medicines under the “Affordable Medicines” governmental program, as well as allow public procurement of the added dosages and forms.

Maximum wholesale and retail mark-ups of 10% and 15% respectively apply to reimbursable medicines.

FREE RETAIL MARKET

For private retail sector, the new NEML remains in force as of March 25, 2017, and transition period does not apply. This means that maximum wholesale and retail mark-ups of 10% and 25% respectively remain applicable to all NEML listed not reimbursable medicines.

If you have any questions, please contact:

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