

## ***SPANISH COMPETITION***

# ***Highlights ...***

***Weekly follow-up: 29 Apr. – 3 May***

### **The CNMC has analysed the draft Royal Decree regulating the advertising of medical devices**

On 16 February 2024, the Ministry of Health requested a report from the CNMC on the draft Royal Decree regulating the advertising of medical devices.

This regulation updates the content allowed in this type of advertising, as well as the administrative procedures that companies must follow in order to broadcast advertisements. The new Royal Decree will ban bonuses for health professionals and regulate the sponsorship of scientific meetings.

On 2 April, the CNMC published a report giving a positive assessment of RD. In particular, the replacement of the requirement for prior administrative authorisations by responsible declarations for certain categories of products, such as contact lenses, glasses, or pregnancy tests.

The CNMC also addressed several recommendations about the procedure to reevaluate new products and asking for more accuracy in aspects such as the obligations related to accessibility of medical device advertisements and the remotion of pharmacies exclusivity in the sale of self-testing products.

### **The consultation CNMC's powers.**

Law 3/2013, of June 4th, which established the National Commission on Markets and Competition, specifies in sections one and two of Article 5 the CNMC's ability to act in a consultative capacity.

In light of the above, the competition authority may be consulted by Legislative Chambers, the Government, ministerial departments, Autonomous Communities, Local Corporations, Professional Associations, Chambers of Commerce, and Business and Consumer Organizations.

This is not the first time that the CNMC has made use of this power in the medicines and medical devices sector. These include the IPN on the DRD regulating in vitro diagnostic medical devices (IPN/CNMC/009/23) and the IPN on the DRD regulating medical devices (IPN/CNMC/017/21), among others.