

## Online sale of pharmaceuticals in Russia remains prohibited and lawmakers are yet to pass the bill allowing online sales

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Russian law currently prohibits the online sale of pharmaceuticals and requires that pharmaceuticals must be sold only in stationary pharmacies operated by a person holding a pharmaceutical licence.

### **Draft law**

Russian authorities, supported by Russian President, recognise the need to legalise the online trade in pharmaceuticals and are considering a draft law in this regard. The bill has even passed the first reading in the Russian parliament (the State Duma) in December 2017 but as of now no active work on the bill is conducted. According to some news publications, the most recent version of the bill targets 1 January 2020 as the date of legalization of online sales of pharmaceuticals and contains the following key provisions:

- only sales of over-the-counter pharmaceuticals will be permitted online
- online sales will be allowed only in Moscow, St. Petersburg, and Sevastopol
- only licensed pharmacies not having more than one website will have the right to sell pharmaceuticals online
- only a specialist with the relevant pharmaceutical or medical degree can deliver pharmaceuticals to the customers. This is the most controversial provision which, as alleged by some market representatives, is impossible to comply with

It is not yet clear how the final draft law would look like and when it will be passed.

### **Agency model**

Some market players attempt to circumvent the current prohibition on online sale of pharmaceuticals. The most notable example is Ozon.ru, a leading Russian online retailer, which sells over-the-counter pharmaceuticals online via its platform. The following approach to structuring the relations with the consumers is used:

- Russian seller obtains a pharmaceutical licence and operates two stationary pharmacies
- the pharmaceuticals are delivered to a consumer based on an agency agreement with a courier who undertakes to buy the requested medicine from this online seller on behalf of

the consumer, check and pick up the ordered pharmaceuticals at the stationary pharmacy and deliver them to the consumer

The described model of selling pharmaceuticals online was under formal review of public prosecutor's office and Roskomnadzor (Russian telecommunications regulator). The authorities have not found any violations of law in this case. Nevertheless, in the absence of any reliable court practice in this respect, the described model is not a totally safe option, since it is largely dependent on discretion of the supervising authorities.

### **Online order and self-pickup model**

The other model currently used by marketplaces or online stores for selling pharmaceuticals involves the consumer ordering a pharmaceutical online and picking up and paying for the ordered pharmaceutical at a stationary pharmacy. This option is much safer from a legal standpoint and confirmed as compliant by the court practice.

## Contacts



**Serafima  
Pankratova**

Senior  
Associate

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