

List of antitrust enforcement decisions in the pharmaceutical sector

referred to in the *Report to the Council and the European Parliament on competition enforcement in the pharmaceutical sector (2018-2022)*

– European competition authorities working together for affordable and innovative medicines

The cases are listed in chronological order by date of decision. The name of the competition authority and the title of the decision are provided in the original language. Where relevant, information has been added about review by national or EU Courts.

Member State / EU	Date	Competition authority	Title	Link to decision / press release
Denmark	31-01-2018	Konkurrence- og Forbrugerstyrelsen	14-08469 - Konkurrencerådets afgørelse den 31. januar 2018 CD Pharmsprissætning af Syntocinon	https://www.kfst.dk/media/49886/20180131-cd-pharma-afgoerelse.pdf https://www.en.kfst.dk/nyheder/kfst/english/decisions/2018-cd-pharma-has-abused-its-dominant-position-by-increasing-their-price-by-2-000-percent/
	29-11-2018	Judgment of Konkurrenceankenævnet (KL-2-2018)		https://www.kfst.dk/pressemeddelelser/kfst/2020/20200302-cd-pharma-sh/ https://www.kfst.dk/media/53444/20181129-cd-pharma-konkurrenceankenaevnets-kendelse.pdf
	02-03-2020	Judgment of Sø- og Handelsretten (BS-3038-2019)		https://domstol.dk/soeoqhandelsretten/aktuelt/2020/4/dom-i-konkurrenceretssaq/ https://www.kfst.dk/media/llwdxqln/20200302-sh-cd-pharma.pdf
United Kingdom	03-10-2019	Competition and Markets Authority	50455 - Decision to accept binding commitments offered by Aspen in relation to the supply of fludrocortisone acetate 0.1 mg tablets	https://assets.publishing.service.gov.uk/media/5d94c607ed915d5540d5b093/Case_50455_-_Commitments_Decision.pdf https://www.gov.uk/government/news/3-drug-firms-accused-of-illegal-market-sharing
Belgium	15-10-2019	Autorité belge de la concurrence / Belgische Mededingingsautoriteit	Décision n° ABC-2019-P/K-34-AUD du 15 octobre - Affaires CONC-P/K-10/0024, CONC-P/K-13/0009, CONC-P/K-17/0024 et CONC-P/K-17/0030 - Multipharma / V-Pharma / B. / Newpharma	abc-2019-pk-34-aud_pub.pdf (belgiancompetition.be) 20191016_press_release_34_bca.pdf (belgiancompetition.be)
Romania	16-12-2019	Consiliul Concurenței	Decizia nr. 91 din data de 16.12.2019 privind constatarea încălcării prevederilor art. 6 alin. (1) lit. b) din Legea concurenței nr. 21/1996, republicată, cu modificările și completările ulterioare și ale art. 102 din Tratatul privind Funcționarea Uniunii Europene și sancționarea Roche România SRL	amenda_roche_ian_2020_english.pdf (consiliulconcurentei.ro) http://www.competition.ro/wp-content/uploads/2020/10/decizie-SITE-91.2019.pdf
	Appeal (2076/2/2020) pending before the Bucharest Court of Appeal			

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Romania	16-12-2019	Consiliul Concurenței	Decizia nr. 92 din data de 16.12.2019 privind constatarea încălcării prevederilor art. 6 alin. (1) lit. b) din Legea concurenței nr. 21/1996 republicată, cu modificările și completările ulterioare, și ale art. 102 din Tratatul privind Funcționarea Uniunii Europene și sancționarea Roche România SRL	https://www.consiliulconcurenței.ro/wp-content/uploads/2020/10/decizie-roche-nr-92-din-16.12.2019-var-site.pdf amenda_roche_ian_2020_english.pdf (consiliulconcurenței.ro)
	22-12-2020	Judgement no. 2430 of the Bucharest Court of Appeal		https://portal.just.ro/2/SitePages/dosar.aspx?id_inst=2&id_dosar=200000000382944
United Kingdom	04-03-2020	Competition and Markets Authority	50507.2 - Nortriptyline Tablets – Market sharing	https://assets.publishing.service.gov.uk/media/5f115b4dd3bf7f5baab7a5e4/Market_Sharing_Decision.pdf Over £3m in fines and £1m for NHS in CMA pharma probe - GOV.UK (www.gov.uk)
United Kingdom	04-03-2020	Competition and Markets Authority	50507.2 - Nortriptyline Tablets - Information Exchange	Information exchange decision (publishing.service.gov.uk) Over £3m in fines and £1m for NHS in CMA pharma probe - GOV.UK (www.gov.uk)
	25-02-2021	Judgment of the Competition Appeal Tribunal (1344/1/12/20)		Competition Appeal Tribunal:1344 Lexon JUDGMENT 250221.pdf (catribunal.org.uk)
United Kingdom	09-07-2020	Competition and Markets Authority	50455 - Anti-competitive agreement with respect to fludrocortisone acetate 0.1 mg tablets	Decision of the CMA: Anti-competition agreement with respect to fludrocortisone acetate 0.1 mg tablets (publishing.service.gov.uk) CMA levies fines of £2.3m and secures £8m for NHS in pharma probe - GOV.UK (www.gov.uk)
Romania	11-08-2020	Consiliul Concurenței	Decizia nr. 44/11.08.2020 privind încălcarea angajamentelor asumate de GlaxoSmithKline (GSK) S.R.L. în cadrul investigației declanșate prin Ordinul Președintelui Consiliului Concurenței nr. 715/17.12.2013 și devenite obligatorii prin Decizia Consiliului Concurenței nr. 84/28.12.2017	amenda-GSK-aug-2020.pdf (consiliulconcurenței.ro)
France	09-09-2020	Autorité de la concurrence	Décision n° 20-D-11 du 9 septembre 2020 relative à des pratiques mises en œuvre dans le secteur du traitement de la dégénérescence maculaire liée à l'âge (DMLA)	Décision n° 20-D-11 du 9 septembre 2020 (autoritedelaconcurrence.fr) Treatment for AMD: the Autorité fines 3 laboratories for abusive practices Autorité de la concurrence (autoritedelaconcurrence.fr)
	16-02-2023	Judgment of the Cour d'appel de Paris (RG n° 20/14632 - N° Portalis 35L7-V-B7E-CCPGC – Roche et a. v. Autorité de la concurrence)		https://www.cours-appel.justice.fr/sites/default/files/2023-02/Arr%C3%AAt%20RG%20n%C2%B0%2020-14632.pdf
		Appeal pending with the Cour de Cassation		

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EU	26-11-2020	European Commission	Commission Decision of 26.11.2020 relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union (the Treaty) and Article 53 of the EEA Agreement (AT.39686-Cephalon)	39686_4072_5.pdf (europa.eu) Antitrust: Commission fines Teva and Cephalon €60.5 million (europa.eu)
	18-10-2023	Judgment of the General Court (Case T-74/21)		https://curia.europa.eu/juris/document/document.jsf?text=&docid=278753&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=1606316
Greece	02-12-2020	Επιτροπή Ανταγωνισμού	Decision No 722/2020 – Λήψη απόφασης επί της υπ’ αριθ. πρωτ. 1508/14.02.2013 καταγγελίας της [XX] ως νομίμου εκπροσώπου της ομόρρυθμης εταιρείας με την επωνυμία «ΦΑΡΜΑΚΕΙΟ [XX] & ΣΙΑ Ο.Ε.» κατά (α) του Φαρμακευτικού Συλλόγου Καρδίτσας (ΦΣΚ), για παράβαση του άρθρου 1 του ν. 3959/2011, όπως ισχύει, ή/και του άρθρου 101 της ΣΛΕΕ και (β) του Προμηθευτικού Συνεταιρισμού Φαρμακοποιών Ν. Καρδίτσας Π.Ε. (ΣΥΦΑΚ), για παράβαση των άρθρων 1 και 2 του ως άνω νόμου ή/και των άρθρων 101 και 102 της ΣΛΕΕ, στην αγορά φαρμάκων και λοιπών φαρμακευτικών και παραφαρμακευτικών προϊόντων	722_2020.pdf (epant.gr) https://www.epant.gr/en/enimerosi/press-releases/item/2065-press-release-decision-no-722-2020-on-the-imposition-of-a-fine-to-the-karditsa-pharmaceutical-association-fsk-in-the-market-of-pharmaceutical-services-in-the-prefecture-of-karditsa.html
United Kingdom	18/12/2020	Competition and Markets Authority	Case 50951 - Decision to accept commitments offered by Essential Pharma in relation to the supply of Priadel	Decision to accept commitments (publishing.service.gov.uk) Investigation into supply of lithium-based medication for the treatment of bipolar disease - GOV.UK (www.gov.uk)
EU	10/02/2021	European Commission	Commission Decision of 10.2.2021 relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union (TFEU) and Article 54 of the EEA Agreement - Case AT.40394 – Aspen	40394_5350_5.pdf (europa.eu) Antitrust: Commission accepts commitments by Aspen (europa.eu)
Austria	11/03/2021	Bundeswettbewerbsbehörde	Abstellung des Missbrauchs einer marktbeherrschenden Stellung - Abschottung von Generika-Herstellern im Vertrieb eines Arzneimittels an Krankenanstalten - Merck Sharp & Dohme GmbH	Veröffentlichung gemäß § 37 Kartellgesetz - Entscheidung des Kartellgerichts (justiz.gv.at) Merck Sharp & Dohme GmbH and AFCA reach agreement before the Cartel Court on commitments to end proceedings on abuse of a dominant position in relation to the sale of a Temozolomide drug: BWB Bundeswettbewerbsbehörde
Belgium	26-03-2021	Autorité belge de la concurrence / Belgische Mededingingsautoriteit	Décision n° ABC-2021-I/O-05 du 26 mars 2021 en application de l’article IV.70 CDE - MediCare-Market - Ordre des Pharmaciens	ABC-2021-IO-05 PUB.pdf (belgiancompetition.be) 20210326_Press_release_7_BCA.pdf (belgiancompetition.be)

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Netherlands	01-07-2021	Autoriteit Consument en Markt	Besluit ACM/UIT/554938 - Hoofdstuk 1 van het besluit van de Autoriteit Consument en Markt (ACM) als bedoeld in artikel 56 Mededingingswet gericht aan Essetifin S.p.A., Leadiant Biosciences S.p.A., Leadiant Biosciences Ltd. en Leadiant GmbH (samen: Leadiant)	https://www.acm.nl/sites/default/files/documents/samenvatting-besluit-misbruik-van-economische-machtspositie-door-leadiant.pdf (NL summary) https://www.acm.nl/sites/default/files/documents/summary-of-decision-on-abuse-of-dominant-position-by-leadiant.pdf (EN summary) https://www.acm.nl/en/publications/acm-imposes-fine-druq-manufacturer-leadiant-cdcas-excessive-price
	22-06-2023	Decision of the Autoriteit Consument en Markt (internal procedure after objection)		Besluit op bezwaar boete Leadiant voor excessieve prijs geneesmiddel CDCA / ACM.nl
Spain	02-02-2021	Comisión Nacional de los Mercados y la Competencia	Resolución en el expediente S/0644/18 Radiofármacos	3349611_0.pdf (cnmc.es) https://www.cnmc.es/sites/default/files/editor_contenidos/Notas%20de%20prensa/2021/20210209_NP_Sancionador_Radiofa%CC%81rmacos_EN.pdf (EN press release)
Italy	03-12-2021	Autorità Garante della Concorrenza e del Mercato	I854 - SOFAR/Fornitura integratori alimentari	getDominoAttach (aqcm.it) The Italian Competition Authority closes with a commitment decision an investigation into a resale price maintenance arrangement affecting the market for nutritional supplements (Sofar / Fornitura Integratori Alimentari) - Concurrences
Romania	20-12-2021	Consiliul Concurenței	Decizia nr. 101 din data de 20.12.2021 privind constatarea încălcării prevederilor art. 5 alin. (1) lit. b) din Legea concurenței nr. 21/1996 republicată, cu modificările și completările ulterioare, și ale art. 101 alin. (1) din Tratatul privind Funcționarea Uniunii Europene și sancționarea Baxalta GmbH Elveția, CSL Behring GmbH Germania, Biotest AG Germania, Kedrion Spa Italia și Octapharma AG Elveția, precum și Asociația Companiilor Producătoare de Terapii cu Proteine Plasmatică (PPTA) Belgia	https://www.consiliulconcurente.ro/wp-content/uploads/2022/02/amenzi-imunoglobuline-feb-2021-English.pdf
	Appeals 2949/2/2022, 2778/2/2022, 2778/2/2022, 2740/2/2022, 2799/2/2022, 2902/2/2022 and 2951/2/2022 pending before the Bucharest Court of Appeal			
Belgium	18-02-2022	Autorité belge de la concurrence / Belgische Mededingingsautoriteit	Décision n° ABC-2022-I/O-06- AUD du 18 février 2022 conformément à l'article IV.59 CDE - Affaire CONC-I/O-16/0034 - Grossistes en produits pharmaceutiques	https://www.bma-abc.be/sites/default/files/content/download/files/ABC-2022-IO-06-AUD%20PUB.pdf https://www.belgiancompetition.be/sites/default/files/content/download/files/20220218_Press_release_7_BCA.pdf
Italy	31-05-2022	Autorità Garante della Concorrenza e del Mercato	A524 - Leadiant Biosciences/Farmaco per la cura della xantomatosi cerebrotendinea - Provvedimento n. 27940	https://www.aqcm.it/dotcmsCustom/getDominoAttach?urlStr=192.168.14.10:8080/41256297003874BD/O/5F6041FF7929D043C125849B0046F058/\$File/p27940.pdf https://en.aqcm.it/dotcmsdoc/pressrelease/A524%20chiusura%20EN.pdf
	20-07-2023	Judgment No 12230 of TAR Lazio		

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Spain	21-10-2022	Comisión Nacional de los Mercados y la Competencia	Resolución Merck Sharp Dohme, S.A. S/0026/19	4372982.pdf (cnmc.es) https://www.cnmc.es/sites/default/files/editor_contenidos/Notas%20de%20prerensa/2022/202210_NP_Sancionador_Merck%20GB_def.pdf (press release)
Spain	10-11-2022	Comisión Nacional de los Mercados y la Competencia	Resolución Leadiant S/0028/20	4473155.pdf (cnmc.es) NP_TEMPLATE (cnmc.es)
Portugal	15-11-2022	Autoridade da Concorrência	PRC/2022/01 - Decisão final em sede de procedimento de transação (fase de inquérito) artigo 22.º da lei n.º 19/2012, de 8 de maio	https://www.concorrenca.pt/sites/default/files/processos/prc/AdC-PRC_2022_01-Decisao-VNC-final-net.pdf https://www.concorrenca.pt/en/articles/adc-sanctions-supplier-food-supplements - AdC - PesquisAdC (concorrenca.pt)
Lithuania	09-12-2022	Konkurencijos taryba	Dėl ūkio subjektų, užsiimančių vaistų prekyba, veiksmų atitikties Lietuvos Respublikos konkurencijos įstatymo 5 straipsnio ir Sutarties dėl Europos Sąjungos veikimo 101 straipsnio reikalavimams	https://kt.gov.lt/uploads/docs/docs/5491_5e8421360b4f3b61c6678178fecf3a46.pdf https://kt.gov.lt/en/news/pharmaceutical-companies-agreed-on-margins-of-reimbursable-medicines
			Appeal (Process No. 3-61-3-00129-2023-2) pending with the Vilnius Regional Administrative Court	