

On 2 July 2009, the Commission decided to initiate antitrust proceedings in case COMP/39612 – Servier (perindopril) within the meaning of Article 11(6) of Council Regulation No 1/2003 and Article 2(1) of Commission Regulation No 773/2004.

The proceedings were opened with a view to adopting a decision in application of Chapter III of Council Regulation No 1/2003 and concern unilateral behaviour by Les Laboratoires Servier and Servier SAS, its subsidiaries and companies under their control ("Servier"), as well as agreements between Servier and its actual or potential competitors including Krka, tovarna zdravil, d.d., Lupin Limited, Matrix Laboratories Limited (subsidiary of Mylan Inc as of 28 August 2006), Niche Generics Limited (subsidiary of Unichem Laboratories Limited), and Teva UK Limited / Teva Pharmaceutical Industries Limited.

The unilateral behaviour and the agreements may have the object or effect of hindering generic entry of perindopril on the EEA markets. The suspected practices constitute possible infringements of Articles 81 and 82 EC and Articles 53 and 54 of the EEA Agreement by Servier and, for possible infringements of Article 81 EC, also by the parties to the agreements with Servier.

The initiation of proceedings does not imply that the Commission has proof of an infringement – it only signifies that the Commission is dealing with the case as a matter of priority.