

On 18/10/2011, the European Commission decided to initiate formal antitrust proceedings against the US-based Johnson & Johnson and the Swiss-based Novartis AG, and their respective subsidiaries in the Netherlands, Janssen-Cilag B.V. and Sandoz B.V., for a suspected breach of EU rules prohibiting anticompetitive agreements between undertakings (Article 101 of the Treaty on the Functioning of the European Union). The initiation of proceedings is based on Article 11(6) of the Antitrust Regulation (Council Regulation No 1/2003) and Article 2(1) of its implementing Regulation (Commission Regulation No 773/2004).

The Commission intends to investigate, in particular, whether the contractual arrangements may have had the object or effect of hindering entry of generic fentanyl into the market in the Netherlands. Fentanyl is a strong pain killer for chronic pain.

The initiation of proceedings does not signify that the Commission has made a definitive finding of an infringement but merely signifies that the Commission will deal with the case as a matter of priority.