

On 15 May 2017, the European Commission initiated formal antitrust proceedings against Aspen Pharmacare Holdings Limited and all legal entities directly or indirectly controlled by it, including Aspen Pharma Trading Limited and Aspen Pharma Ireland Limited for a suspected breach of EU rules prohibiting abuse of market dominance (Article 102 of the Treaty on the Functioning of the European Union and Article 54 of the Agreement on the European Economic Area). 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 information that Aspen has imposed unfair and excessive prices in the form of significant price increases for medicinal products containing the Active Pharmaceutical Ingredients chlorambucil, melphalan, mercaptopurine, busulfan and tioguanine in the EEA Member States except Italy ("the Member States"). The Commission will also investigate information that to impose such price increases, Aspen has made use of unfair, abusive negotiation practices with national authorities and/or hindered parallel trade between the Member States. Information suggests that, among others, these negotiation practices have included reducing the direct medicine supply and/or threatening supply reductions, as well as defining EEA-wide stock allocation strategies and implementing them in cooperation and/or agreement with local wholesalers.

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.