

The European Commission  
Competition DG

**Our Ref**  
VF/JA/ L0001

**Direct Line**  
0207 304 5020

**Date**  
29 January 2009

Dear Sirs

**EC PHARMACEUTICAL SECTOR INQUIRY**

I refer to the Preliminary Report in the EC Pharmaceutical Sector Inquiry (the "Report"), published 28<sup>th</sup> November 2008, which requested views and comments from interested stakeholders by 31 January 2009. AstraZeneca plc is involved in the research and development, manufacturing, marketing and sale of ethical pharmaceutical products for serious health conditions across the EEA, and would like to comment as set out below.

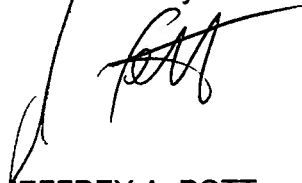
AstraZeneca has taken an active role in EFPIA's response to the Preliminary Report and AstraZeneca endorses its contents wholeheartedly.

In particular, AstraZeneca notes that the tone of the Report appears to call into question a number of legitimate patenting and enforcement practices (including patent portfolios, second generation products, litigation and settlements). AstraZeneca believes that any practice alleged to infringe competition law needs first to be considered according to its factual, economic and legal background. AstraZeneca would also emphasize that patents are essential and central to the continuum of innovation in high technology industries. The uncertainty created by the threat of antitrust intervention in intellectual property law procedures could have a chilling effect across Europe's knowledge economy. Ultimately, without strong intellectual property protection, no pharmaceutical company would make the considerable investments that are necessary to bring new drugs to market.

AstraZeneca is disappointed that the Report does not provide sufficient attention to the reasons for fewer medicines coming to the market. We believe the Report would have benefited from a greater analysis of state regulation and its impact on market entry delays, innovative productivity and the inefficiencies of the generics market.

AstraZeneca urges the Commission to consider seriously and address EFPIA's comments in response to the Report.

Yours faithfully



JEFFREY A. POTT  
General Counsel