

Thursday, 29 August 2024

## Press Release – Statement of Objections concerning the ex officio investigation in the markets for the production and supply of pharmaceutical products for the treatment of ophthalmological diseases



**Subject: Statement of Objections concerning the ex officio investigation in the markets for the production and supply of pharmaceutical products for the treatment of ophthalmological diseases regarding possible violation of the provisions of Article 2 of Law 703/1977, Article 2 of Law 3959/2011 and Article 102 TFEU.**

The Hellenic Competition Commission will convene on December 4<sup>th</sup>, 2024, to examine, following the Statement of Objections by Rapporteur P. Fotis, whether there is an infringement of Article 2 of Law 703/1977, Article 2 of Law 3959/2011 and Article 102 TFEU by NOVARTIS HELLAS SA and NOVARTIS AG.

On the basis of the evidence collected following various investigative measures by the Directorate-General for Competition, the Greek subsidiary NOVARTIS HELLAS SA and its parent company NOVARTIS AG (hereinafter jointly referred to as 'NOVARTIS') have implemented a single, multidimensional and systemic strategy to exclude competing medicines, which extended across the entire market spectrum, i.e. covering both private physicians and private clinics, as well as physicians and public hospitals and institutions throughout the Greek territory and included a variety of combined practices such as:

- **naked restrictions**, i.e. through practices such as direct or indirect payments and various types of benefits to ensure the exclusion of competing medicines and increase the prescription of its medicine (such as travels to conferences, participation in epidemiological studies, donations), and
- **denigration practices**, i.e. practices involving the dissemination of defamatory claims and news with the aim of influencing consumers/physicians and excluding competing medicines.

The strategy was adopted and implemented by NOVARTIS in the Greek market with the aim of achieving the exclusion of competing ophthalmic medicines, whether this strategy concerned the entry of new medicines into the market or the discontinuation of medicines already in wide use and their prohibition from the Greek market.

Through the implementation of the strategy of exclusion of competing medicines, NOVARTIS, throughout the duration of the infringements, directly harmed the Greek State, competitors, as well as consumers/patients.

According to the Statement of Objections, the duration of the implementation of the strategy concerns a period of nine (9) years, from 2009 to 2017. During this period, NOVARTIS held a dominant position in the relevant market for the treatment of macular diseases in Greece.

It should be noted that the Statement of Objections is not binding on the HCC, which will decide on the basis of the available facts as well as the arguments put forward by the parties.

