

## **Antitrust: Commission sends Statement of Objections to Servier for providing misleading and incorrect information**

*The European Commission has addressed a Statement of Objections under EU antitrust rules to Les Laboratoires Servier and Servier SAS (together "Servier"), a French pharmaceutical company. The Commission's provisional view is that it has evidence that Servier has provided misleading and incorrect information in reply to a request for information in the context of the pharmaceutical competition sector inquiry. The sending of a Statement of Objections does not prejudge the final outcome of an investigation.*

In the course of the competition inquiry into the pharmaceutical sector, which started in January 2008 ([IP/08/49](#)) and was concluded in July 2009 ([IP/09/1098](#) and [MEMO/09/321](#)), the Commission sent out several questionnaires to various stakeholders, in particular pharmaceutical companies, including Servier. Following further investigation in relation to Servier's reply to a questionnaire, the Commission takes the preliminary view that this reply included information which appears to be misleading and incorrect.

If, at the outcome of the investigation, the Commission concludes that there is sufficient evidence that Servier, intentionally or negligently, provided such misleading and incorrect information, it may impose a fine of up to 1% of the total turnover of the company in the preceding business year (Article 23(1) lit. (a) of Council Regulation (EC) No 1/2003).

### **Procedural background**

A Statement of Objections is a formal step in Commission investigations into suspected procedural violations (Articles 23 and 24 of Council Regulation (EC) No 1/2003). The Commission informs the parties concerned in writing of the objections raised against them. The companies can examine the documents in the Commission's investigation file, can reply in writing and can request an oral hearing to present their comments on the case to representatives of the Commission and the national competition authorities.

There is no legal deadline to complete such inquiries. Their duration depends on a number of factors, including the complexity of each case, the extent to which the undertakings concerned co-operate with the Commission and the exercise of the rights of defence.