

SEVENTH UNITED NATIONS CONFERENCE TO REVIEW THE UNITED NATIONS SET ON **COMPETITION POLICY**

Geneva, Palais des Nations



The Role of Competition in the Pharmaceutical
Sector and its Benefits for consumers
Wednesday 8th June 2015

A presentation by the UNCTAD secretariat

Message

Advocating competition in the pharmaceutical sector.



Why?

- ❖ Affordable essential drugs for everyone
- ❖ Growing public pharmaceutical expenditure
- ❖ New challenges for competition enforcement

Challenges: originator v. generic

❖ Misuse of the patent strategy

Ever-greening: Pfizer (2014, Italy)

❖ Product hopping

Reckitt Benckiser (UK)

❖ Misuse of regulatory system

AstraZeneca (2012, EU)

❖ Pay for delay

Activais (2013, US) Lundbeck, Fentanyl (2013, EU)

Theory: abuse of rights

" The abuse of rights does not suppose a formal infringement of laws, but the **distorted** exercise of the granted rights for **purposes** different from those **intended by the legislator.**"

Pfizer Decision by
The Administrative Supreme Court of Italy,

New challenges: originator v. generic

Competition enforcement

for ALL

Consumers

Citizens

Innovation

Conventional Anticompetitive Conducts

Cartels:

Bid-rigging (2015, India), Boycott(2009, Spain), Discounts fixing (2014, Brazil)

Abuse of dominance:

Refusal to license (HIV drug, 2002-2007, South Africa)

Vertical restraints:

Loyalty discounts (2013, France), Exclusive distribution (2011, China), Illicit rebates
Debate (Korea)

M&A

Competition Advocacy at the policy level

IP regulatory systems

Best practice: South Africa

Public procurement systems (anti-corruption)

Best practice: Mexico

Healthcare consumer protection systems

Best practice: Chile

Price regulatory systems

Best practice: China

Thank you.

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