

Ref.: BEUC-X-2017-136/MGO/AMA/rs

16 November 2017

**Request to be admitted as an interested third party in the proceedings concerning possible abuse of dominance by Aspen Pharma**

Dear Mr Stragier,  
Dear Mr Wils,

We are writing in relation to the Commission's investigation of potential abuse by Aspen Pharma of its dominant market position in the pricing of medicines.

BEUC, the European Consumer Organisation, represents 43 independent consumer associations from 31 European countries. BEUC acts as the umbrella group in Brussels for these organisations and our main task is to represent our members and defend the interests of all Europe's consumers.

BEUC and its members are very concerned that Aspen Pharma's behaviour in the cancer medicines market is seriously threatening consumers' health, in particular restraining consumer access to some life-saving or life-prolonging medicines. Such drugs are used in the treatment of some forms of cancer (e.g. leukemia, non-Hodgkin lymphoma, multiple myeloma) especially among children and elderly people. These products do not have a direct substitute and, despite the fact that their patents expired a long time ago, there is no generic version available either.

Our member Altroconsumo played a key role in this case in Italy, by denouncing the shortage of the medicines in 2014 and the unjustified price increase when they were reintroduced on the market. The Italian investigation led to a 5 million euro fine imposed by the national Competition Authority and further obligations to the company.

Our members in Belgium and Spain have also looked into the issue, and we attach to this letter the data that they gathered.

.../...

BEUC kindly requests – pursuant to Article 13 of Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty – to be admitted as an interested third party.

We remain at your disposal to answer any question which you may have.

Yours sincerely,

Monique Goyens  
Director General

C/c: Mr Rainer Becker, Head of Unit/Antitrust: Pharma and Health services/  
Directorate-General for Competition

Annexes:

1. A table with data from Spain, provided by our member OCU;
2. A copy of the magazine article published in Test Santé n° 129, October 2015 by Test-Achats/Test Aankoop, our Belgian member;
3. Copies of 2 press-releases by Test-Achats/Test-Aankoop:  
<https://www.test-achats.be/action/espace-presse/communiqués-de-presse/2016/aspén>  
<https://www.test-achats.be/action/espace-presse/communiqués-de-presse/2017/aspén>