

Competition - Switzerland

Competition Commission Fines Documented

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On July 17 2008 the Competition Commission announced that it had closed its investigation into Documented's practices in relation to providing information on pharmaceutical products. Documented is a subsidiary of Galenica, which publishes information about pharmaceuticals in Switzerland, including the *Swiss Compendium of Pharmaceuticals*, which contains comprehensive information on pharmaceuticals and is used by medical staff and patients.

Documented had been under investigation since June 21 2005. It was suspected of abusing its dominant position by imposing unreasonable prices on pharmaceutical companies and refusing to enter into contract negotiations for the provision to third parties of data regarding pharmaceutical products .

The investigation showed that Documented's practice discriminated against information providers. In particular, tariffs applied by Documented favoured without objective reason undertakings which provide a significant quantity of information (more than 90 products a year). However, Documented was not found to have imposed unfair prices within the meaning of the Competition Act.

Following Documented's new decision to remove any form of discriminatory treatment from its billing practice, the commission has discontinued proceedings and imposed a reduced fine of Sfr 50,000.

Under competition law, an undertaking that abuses its dominant position may be fined up to 10% of its Swiss turnover for the previous three business years. The assessment criteria for imposing fines are set out in the Penalties Ordinance. The fine may be fully or partially waived if the undertaking cooperates with the commission.

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