



C/2024/4825

12.8.2024

**Judgment of the Court (First Chamber) of 27 June 2024 – European Commission v Servier SAS, Servier Laboratories Ltd, Les Laboratoires Servier, European Federation of Pharmaceutical Industries and Associations (EFPIA)**

(Case C-176/19 P) <sup>(1)</sup>

*(Appeal – Competition – Pharmaceutical products – Market for perindopril – Article 101 TFEU – Agreements, decisions and concerted practices – Market sharing – Potential competition – Restriction of competition by object – Strategy to delay the market entry of generic versions of perindopril – Patent dispute settlement agreement – Patent licence agreement – Technology assignment and licence agreement – Article 102 TFEU – Relevant market – Abuse of dominant position)*

(C/2024/4825)

Language of the case: French

### Parties

*Appellant:* European Commission (represented initially by: F. Castilla Contreras, B. Mongin, J. Norris and C. Vollrath, subsequently by F. Castilla Contreras, F. Castillo de la Torre, B. Mongin, J. Norris and C. Vollrath, and lastly by F. Castilla Contreras, F. Castillo de la Torre, J. Norris and C. Vollrath, acting as Agents)

*Other parties to the proceedings:* Servier SAS, Servier Laboratories Ltd, Les Laboratoires Servier (represented by: O. de Juvigny, J. Jourdan, T. Reymond, A. Robert, avocats, J. Killick, advocaat, and M.I.F. Utges Manley, Solicitor), European Federation of Pharmaceutical Industries and Associations (EFPIA) (represented by: F. Carlin, Barrister, and N. Niejahr, Rechtsanwältin)

*Intervener in support of the applicant:* United Kingdom of Great Britain and Northern Ireland (represented initially by: D. Guðmundsdóttir, acting as Agent, and by J. Holmes KC, subsequently by L. Baxter, D. Guðmundsdóttir, F. Shibli and J. Simpson, acting as Agents, and by J. Holmes KC, and P. Woolfe, Barrister, and lastly by S. Fuller, acting as Agent, and by J. Holmes KC, and P. Woolfe, Barrister)

### Operative part of the judgment

The Court:

1. Sets aside points 1 to 3 of the operative part of the judgment of the General Court of the European Union of 12 December 2018, *Servier and Others v Commission* (T-691/14, EU:T:2018:922);
2. Refers the case back to the General Court for it to rule on the second part of the ninth plea in the action at first instance, relating to the characterisation of the assignment and licence agreement concluded on 5 January 2007 between Les Laboratoires Servier SAS and KRKA, tovarna zdravil, d.d. as a restriction of competition by object, within the meaning of Article 101(1) TFEU, on the fourteenth to seventeenth pleas at first instance relating to the infringement of Article 102 TFEU referred to in Article 6 of Commission Decision C(2014) 4955 final of 9 July 2014 relating to a proceeding under Article 101 and Article 102 [TFEU] (Case AT.39612 – Perindopril (Servier)), and on the pleas at first instance put forward in the alternative, in so far as they relate to the calculation of the fine imposed in respect of that infringement;
3. Reserves the costs.

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<sup>(1)</sup> OJ C 139, 15.4.2019.