



C/2024/4828

12.8.2024

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

(Case C-201/19 P) ⁽¹⁾

(Appeal – Competition – Pharmaceutical products – Market for perindopril – Article 101 TFEU – Agreements, decisions and concerted practices – Potential competition – Restriction of competition by object – Strategy to delay the market entry of generic versions of perindopril – Patent dispute settlement agreement – Duration of the infringement – Concept of a single infringement – Annulment or reduction of the fine)

(C/2024/4828)

Language of the case: French

Parties

Appellants: Servier SAS, Servier Laboratories Ltd, Les Laboratoires Servier SAS (represented by: O. de Juvigny, J. Jourdan, T. Raymond, A. Robert, avocats, J. Killick, advocaat, and M.I.F. Utges Manley, Solicitor)

Other parties to the proceedings: European Commission (represented initially by F. Castilla Contreras, B. Mongin, and C. Vollrath, and 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), European Federation of Pharmaceutical Industries and Associations (EFPIA) (represented by: F. Carlin, avocate)

Intervener in support of the other party: United Kingdom of Great Britain and Northern Ireland (represented initially by D. Guðmundsdóttir, acting as Agent, and by J. Holmes KC, and subsequently by L. Baxter, F. Shibli, D. Guðmundsdóttir 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 point 5 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), in so far as it rejects the complaints of the plea at first instance of Servier SAS, Servier Laboratories Ltd and Les Laboratoires Servier SAS, relied on in the alternative as regards the duration of the infringement period and the calculation of the amount of the fine for the infringement referred to in Article 5 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));
2. Annuls Article 5 of Decision C(2014) 4955 final, in so far as it provides that the end date of the infringement which it finds was 6 May 2009 as regards Belgium, the Czech Republic, Ireland and Hungary;
3. Annuls Article 7(5)(b) of Decision C(2014) 4955 final, in so far as it sets the amount of the fine imposed on Servier SAS and Les Laboratoires Servier SAS, jointly and severally liable, at EUR 37 102 100;
4. Sets the amount of the fine imposed on Servier SAS and Les Laboratoires Servier SAS, jointly and severally liable, for the infringement found in Article 5 of Decision C(2014) 4955 final at EUR 34 745 100;
5. Dismisses the appeal as to the remainder;
6. Orders Servier SAS, Servier Laboratories Ltd and Les Laboratoires Servier SAS to bear their own costs relating to both the proceedings at first instance and the appeal proceedings;

⁽¹⁾ OJ C 139, 15.4.2019.

7. Orders the European Commission to bear its own costs relating to both the proceedings at first instance and the appeal proceedings;
 8. Orders the European Federation of Pharmaceutical Industries and Associations (EFPIA) to bear its own costs relating to both the proceedings at first instance and the appeal proceedings;
 9. Orders the United Kingdom of Great Britain and Northern Ireland to bear its own costs.
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