

**The Belgian Competition Authority imposes a fine of EUR 2 782 808 on Novartis for abuse of dominant position**

The Competition College of the Belgian Competition Authority has on 23 January 2023 imposed a fine of EUR 2,782,808 on Novartis Pharma SA en Novartis AG (hereafter Novartis) for the abuse of a collective dominant position in the meaning of the articles IV.2 CEL and 102 TFEU in the period between November 2013 en the end of 2015.

The abuse concerned the pharmaceutical products Lucentis and Avastin and the treatment by ophthalmologists of age-related macular degeneration (AMD).

The Competition College considered that Novartis held in this period a collective dominant position together with the Roche group.

It established that Novartis, producer of Lucentis, continued to warn ophthalmologists, hospitals and regulator about the risks of an off label use of Avastin even after the publication of studies that no longer allowed to do so without qualification or reference to the scientific uncertainty created by these studies. It therefor considered these communications to be misleading the light of the case law of the Court of Justice of the European Union.

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The Belgian Competition Authority (BCA) is an independent administrative authority that contributes to the definition and implementation of competition policy in Belgium. Concretely, the BCA pursues anti-competitive practices, such as cartels and abuses of a dominant position, and reviews the main merger operations. The BCA cooperates with the other competition authorities of the member states of the European Union and the European Commission within the European Competition Network (ECN)