

MINUTES No. 2

Joint Session

The Working Group for Studying Competition Problems in the Pharmaceutical Sector (co-chaired by the FAS Russia and the Italian Competition Authority) and the Headquarters for Joint Investigations of Antimonopoly Violations in the CIS Member-States

March 21, 2013

Moscow
The Russian Federation

The Members of the Working Group for Studying Competition Problems in the Pharmaceutical Sector, the Headquarters for Joint Investigations of Antimonopoly Violations in the CIS Member-States, and representatives of the Competition Authorities of the foreign countries took part in this Session.

Co-Chairs:

From Italy:

Luca ARNAUDO Senior Investigative Officer, the Italian Competition Authority

From the Russian Federation:

Anatoly GOLOMOLZIN Deputy Head of the FAS Russia, Head of the Headquarters for Joint Investigations of Antimonopoly Violations in the CIS Member-States

Timofey NIZHEGORODTSEV Head of Department for Control over Social Sphere and Trade of the FAS Russia

Nadezda SHARAVSKAYA Deputy Head of Department for Control over Social Sphere and Trade

Participants:

From Austria:

Nathalie MAIERHOFER Case Handler, the Austrian Federal Competition Authority

From Azerbaijan

Matin BADALOV

Head of Division of the State Service for Antimonopoly Policy and Protection of Consumers' Rights at the Ministry of Economic Development

From Bulgaria:

Georgi MANOLOV

Senior Expert, the Commission on Protection of Competition (CPC)

From Kazakhstan:

Timur BAYMUHANOV

Deputy Head, the Agency for Competition Protection

Elmira NURKISHEVA

Deputy Chairman of the Agency, Chief Expert of the other sectors of analysis, Department for Analysis of the Fuel and Energy Complex, the Financial Market and Other Industries

From Ukraine:

Elena SHEVCHUK

Deputy Head of Research and Investigation Department

From the Russian Federation:

Grigory GUSAROV

Deputy Head of Analytical Department

Tatyana OYNVID

Deputy Head of Department for International Economic Cooperation of the FAS Russia

Andrey YUNAK

Deputy Head of Department for International Economic Cooperation of the FAS Russia

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Senior Expert of Division for Economic Integration with the CIS Countries of Department for International Cooperation of the FAS Russia

Julia KUPRIANCHIK

Leading Expert of the International Projects Division, Department for International Cooperation of the FAS Russia

Roman KRIVORUCHKO

The First Grade Specialist of Department for International Cooperation of the FAS Russia

Anna POZDNYAKOVA

Leading Expert of the International Projects

Filipp ZONOV	Division, Department for International Cooperation of the FAS Russia Senior Expert of Division for Economic Integration with the CIS Countries of Department for International Cooperation of the FAS Russia
Alexander DOKUCHAEV	Deputy Head of Division for Analysis of Regulation of Industrial Markets, Department of Small and Medium Business and Competition, Ministry of Economic Development
Filipp ROMANOV	Deputy Head of Department of State Regulation and Drug Commerce, Ministry of Economic Development
Maria OSTASHENKO	Representative of the non-commercial partnership «Competition Support Association in the CIS» ¹ , senior Lawyer, Law Firm «ALRUD»

From CIS Executive Committee:

Azam USMANOV	Deputy Head of the CIS Executive Committee, Head of ICAP Secretariat
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From the Eurasian Economic Commission:

Irina MIHALINA	Senior Expert, Department for Antimonopoly Regulation, Division of Antimonopoly Enforcement Supervision
Maria FOMICHEVA	Leading Expert, Department for Antimonopoly Regulation, Unit of Enforcement Practice and Methodology

1. On the methodology for determining the pharmaceutical market and analysis of the market

¹ Representatives of non-profit partnership «Competition Support Association in the CIS» take part in the meetings of the Headquarters for Joint Investigations of violations of antitrust laws in the CIS countries on the basis of the cooperation agreement between FAS Russia and the non-commercial partnership «Competition Support Association in the CIS» from 15 May 2009.

*(A. Golomolzin, L. Arnaudo, T. Nizhegorodtsev, N. Maierhofer, A. Usmanov,
T. Baymuhanov, E. Shevchuk)*

1.1. Heard the reports on the issue: the methodology of determining the pharmaceutical market and analysis of the market, EU and EU-national investigations in the pharmaceutical sector, provided by L. Arnaudo, Senior Investigative Officer of the Italian Competition Authority, and N. Maierhofer, Case Handler of the Austrian Federal Competition Authority.

1.2. Discussed the possibilities and limitations of using the experience of foreign competition authorities with regard to antitrust enforcement on the pharmaceutical markets, in the activities of competition authorities of the CIS.

II. On the estimation of drugs availability on the basis of analysis of consumer prices and pricing of medicines in the Russian Federation and in comparable markets, including members of the CIS, the EU and BRICS.

(A. Golomolzin, L. Arnaudo, N. Maierhofer, A. Usmanov, T. Baymuhanov, N. Sharavskaya)

2.1. Discussed and approved the selection criteria of medications proposed by the FAS Russia (most budget expenditures, the monopoly price, importance, relevance, comparability) for the study of consumer prices for medicines, pricing issues for them to assess their availability.

2.2. Agreed with the proposal of T. Baymuhanov, the Deputy Head of the Agency for Competition Protection of the Republic Kazakhstan, on the feasibility of one-time analysis of critical sales prices for medicines, which were selected for the study. The decision to conduct this work on a regular basis had decided to adopt in view with results and conclusions of the first monitoring.

2.3. Have decided to report about reached agreements at the next meeting of the Interstate Council for Antimonopoly Policy (ICAP) on 17-18 April 2013 in Minsk (Belarus).

2.4. Approved the proposal of the Antimonopoly Committee of Ukraine on the study of consumer price of medicines by 10 pharmaceutical products, selected from a list of 24 medicines proposed earlier by the FAS Russia.

III. Discussion of the issues related to the preparation of the Report on State of Competition in the pharmaceuticals market of the CIS countries in the Headquarters for Joint Investigations of Antimonopoly Violations in the CIS Member-States.

(N. Sharavskaya, L. Arnaudo, A. Usmanov, T. Baymuhanov)

3.1. Was discussed the Draft Report on the State of Competition in the pharmaceutical markets of the CIS countries (hereinafter - the Draft Report), prepared by the FAS Russia on the basis of Competition Authorities proposals of the CIS countries (Armenia, Kazakhstan, the Kyrgyz Republic, the Russian Federation and Ukraine).

3.2. Because of the lack of information on the analysis needed to prepare of the Draft Report (attached), it was decided to request from the Competition Authorities of the CIS to accelerate the provision of information.

3.3. It was decided to discuss the Draft Report at the next meeting of the Headquarters for Joint Investigations of the CIS countries in April 16, 2013 in Minsk (Belarus) and to report the results on the meeting of the ICAP on 17-18 April 2013.

IV. On the Priority Measures for implementation the agreements, which were reached at the meeting of the Working Group.

4.1. The FAS Russia shall send for approval the Draft Minutes of the meeting of the Working Group to the Italian Competition Authority before 10 April 2013.

4.2. The FAS Russia shall forward the Minutes agreed with the Italian Competition Authority to the Members of the meeting of the Working Group as well as to the Competition Authorities of the CIS countries.

4.3. It was decided that the next meeting of the Working Group will occur on either of the following days from 9 to 12 September 2013 in Irkutsk (Russian Federation) as a part of the international event «The Competition Day in Russia» and will be dedicated the following topic: «The issues of stimulating the production and consumption of generic drugs.»

Deputy Head of the FAS Russia, Head
of the Headquarters for Joint
Investigations of Antimonopoly
Violations in the CIS Member-States

A. Golomolzin



Senior Investigative Officer,
the Italian Competition Authority

L. Arnaudo

