

PRESS RELEASE

The CNMC initiates disciplinary proceedings for alleged anti-competitive practices in the Spanish market for combined hormonal contraceptives

- It is investigating a possible abuse of dominant position involving the adoption of a strategy intended to delay and hinder the entry into the market of third-party competitors.
- The companies being investigated are Merck Sharp Dome and its European parent company, MSD, Human Health Holding.

Madrid, 21 November 2019 - The CNMC has initiated disciplinary proceedings against the companies Merck Sharp Dome, S.A. and its European parent company, MSD Human Health Holding, B.V. for possible practices to restrict competition in the Spanish market for combined hormonal vaginal ring contraceptives.

Last May, the CNMC [conducted an inspection at the headquarters of Merck Sharp Dome, S.A.](#) on the suspicion that it was engaged in possible anti-competitive practices that are prohibited by the Anti-Trust Law.

In view of the information collected, the CNMC has decided to initiate these disciplinary proceedings against the aforementioned companies for potential anti-competitive practices: specifically, for using various mechanisms involving industrial property law in order to delay and hinder the entry into the market of third-party competitors in Spain.

According to the information available, the CNMC believes that there is sufficient evidence of a violation of Article 2 of Law 15/2007 of July 3, the Anti-Trust Law, and of Article 102 of the Treaty on the Functioning of the European Union (TFUE).

The initiation of these proceedings does not prejudice the final result of the investigation. A maximum period of 18 months is now open for the CNMC to investigate and resolve the case.

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