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**Serbian Competition Authority launches sector inquiry in the pharmaceutical industry**

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Serbian Competition Authority launches sector inquiry in the pharmaceutical industry

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Komisija za zaštitu konkurencije Republike Srbije („Komisija“) objavila je sprovođenje sektorske analize stanja i uslova konkurencije u farmaceutskoj industriji. Ovakvo postupanje Komisije bilo je očekivano, s obzirom na najave Vlade Republike Srbije iz prošle godine.

The Serbian Commission for Protection of Competition (“Commission“) has announced that it will conduct a sector inquiry of the state and conditions of competition in the pharmaceutical industry. This move by the Commission was expected, given the announcements made by the Government of the Republic of Serbia last year.

Sektorska analiza se sprovodi ukoliko određene okolnosti ukažu na potencijalne povrede konkurencije, odnosno na mogućnost ograničavanja, narušavanja ili sprečavanja konkurencije, kako bi Komisija detaljnije analizirala stanje konkurencije u određenoj grani privrede.

Predmet navedene analize je tržište lekova koji se koriste u humanoj medicini, sa posebnim fokusom na lekove koji se izdaju na teret sredstava obaveznog zdravstvenog osiguranja.

Predmet analize obuhvata formiranje cena, tržišno učešće, uslove konkurencije, barijere za ulazak na tržište, vertikalne odnose na tržištu i druge relevantne faktore na ovom tržištu.

Sector inquiries are conducted if certain circumstances indicate potential antitrust violations, or the possibility of restricting, distorting, or preventing competition, in order for the Commission to further examine the state of competition in a particular industry.

The subject of the abovementioned inquiry is the market for medicines used in human medicine, with a special focus on medicines that are issued at the expense of the mandatory health insurance fund.

The subject of the analysis includes price formation, market shares, competition conditions, market entry barriers, vertical relationships, and other relevant factors on this market.

Trenutno se šalju upitnici apotekarskim ustanovama sa većim brojem maloprodajnih objekata u cilju prikupljanja podataka potrebnih za analizu.

Važno je imati u vidu da, kao rezultat sektorske analize, Komisija može pokrenuti postupak ispitivanja povrede konkurencije, ako analiza otkrije indicije koje upućuju na moguću povredu konkurencije.

Na primer, to se može desiti ako Komisija identifikuje postojanje restriktivnih sporazuma, nakon čega će pokrenuti postupak ispitivanja povrede konkurencije po službenoj dužnosti.

Currently, questionnaires are being sent to pharmacy establishments with a larger number of retail outlets in order to collect data necessary for the analysis.

It is important to note that, as a result of the sector inquiry, the Commission may initiate an antitrust violation investigation if the analysis reveals indications of a potential antitrust violation.

For example, this may occur if the Commission identifies the existence of restrictive agreements, after which it will initiate antitrust investigation ex officio.

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