How much is too much?
Excessive Pharmaceutical Prices in European Competition Law & Regulation

Facing what seems to be a revival of competition law enforcement and policy debate on the topic of excessive pharmaceutical prices on both sides of the Atlantic, we aim to bring together high-level stakeholders in this field including practitioners, in-house counsels, competition authorities and scholars. The notion of “unfair” or excessive prices has been enshrined in article 102 TFEU regarding exploitative pricing abuses by a dominant firm, although the application and enforcement of this has been rather limited in practice. Recent case law and an evolution of thought regarding competition law and legal-economics theories point however to a possible policy shift in this regard. However, it is crucial that the necessary debates are taking place within a well-informed and transparent environment that takes into account multiple factors, interests, responsibilities and concerns. This entails inter alia to consider various types of diseases (rare, neglected or blockbuster) treatment outcomes (cure or long dependency), as well as the economic complexities of successful innovation systems and higher societal goals such as sustainability, solidarity and fairness.

The issue of excessive pharmaceutical prices will be discussed from perspectives of patent law, R&D and incentives to innovate, competition law and anti-competitive practices as well as human rights and access to medicines.

The invitees include representatives from OECD, DG Competition, Danish, Swedish and Italian Competition Authorities (which have dealt with excessive pharmaceutical pricing cases), IPFMA, Danish Cancer Patient Organization as well some of the leading academics in the field.

Speakers:

Dr. Rainer Becker, Head of Unit E1 – Antitrust: Pharma & Health Services, DG Competition, European Commission

Martin Wenzl and Dr. Pedro Caro de Sousa, OECD Health & Competition Division

Mette Clausen, Chief Special Advisor, and Lene Thomsen Andrå, Special Advisor, Danish Competition and Consumer Authority, Retail, Industry, Primary Sector and Health Division
https://www.en.kfst.dk/competition/

Douglas Lundin, Chief Economist, The Dental and Pharmaceutical Benefits Agency, TLV
https://tlv.se/in-english.html

Dr. Elisabetta M. Lanza, Officer (Legal expert), Italian Competition Authority
https://www.agcm.it/

Prof. Frederick M. Abbott, Edward Ball Eminent Scholar Professor of International Law, Florida State University College of Law
https://law.fsu.edu/faculty-staff/frederick-m-abbott

Prof. Suerie Moon, Director of Research, Global Health Centre and Visiting Lecturer at the Graduate Institute of International and Development Studies in Geneva
https://www.hsph.harvard.edu/suerie-moon/
Sara Amini, Head of International Value & Access Policy & Advocacy, International Federation of Pharmaceutical Manufacturers & Associations (IFPMA)
https://www.ifpma.org/people/8298/

Dr. Linda Aagard Thomsen, Danish Cancer Society Research Center
https://www.cancer.dk/

Prof. Timo Minssen, Professor in Biomedical Innovation Law, CeBIL, Faculty of Law, Copenhagen University
https://jura.ku.dk/english/staff/research/?pure=en/persons/381631

Behrang Kianzad, PhD-Fellow, CeBIL, Faculty of Law, Copenhagen University (organizer)
https://jura.ku.dk/english/staff/research/?pure=en/persons/604260
Preliminary Conference Schedule

08.00-08.30 Registration & Breakfast
08.30-08.45 Welcome address by Prof. Timo Minssen, CeBIL, Center Director
08.45-09.30 Martin Wenzl and Dr. Pedro Caro de Sousa, OECD, Keynote speech
Excessive Pricing on the OECD Global Agenda
09.30-10.15 Dr. Rainer Becker, DG Competition, European Commission, Keynote Speech
Excessive pricing in pharmaceutical markets: an enforcer’s perspective.
10.15-10.30 Coffee & Danish Cookies
10.30-11.15 Dr. Elisabetta Maria Lanza, Italian Competition Authority
The Aspen Pharma Excessive Pricing case
11.15-12.00 Mette Clausen and Lene Thomsen Andrä, Danish Competition and Consumer Authority
The CD Pharma Excessive Pricing Case
12.00-12.45 Douglas Lundin, The Dental and Pharmaceutical Benefits Agency
Deciding on reimbursement and regulating prices for pharmaceuticals in Sweden: The use of cost-effectiveness
12.45-13.45 Lunch
13.45-14.30 Prof. Frederick M. Abbott, Florida State University College of Law
Pharmaceuticals, Market Exclusivities and Abuse of Dominance: The Evolution of Excessive Pricing Doctrine
14.30-15.15 Prof. Suerie Moon, Harvard University
Global Health & Access to Medicines Regime
15.15-15.30 Coffee & Danish Cookies
15.30 -16.15 Sara Amini, International Federation of Pharmaceutical Manufacturers & Associations
The challenge of continued innovation – how do you account for value?
16.15 -16.45 Dr. Linda Aagard Thomsen, Danish Cancer Society Research Center
Let’s talk access! Tackling the challenges in access to medicines for cancer patients
16.45-17.15 Behrang Kianzad, CeBIL, Copenhagen University
The Legal-Economic-Philosophical case for Fairness in Drug Pricing
17.15-18.00 Q&A Panel Session – Chaired by Prof. Timo Minssen, Professor, CeBIL, Copenhagen University