EUROPEAN COMMISSION
Competition DG

The Director General

By registered letter with acknowledgment of receipt

Brussels, 24/06/2019
COMP/E1/RB (2019)/2465

Alberto Andreo
Calle Rueda 4, 2B
28350 Ciempozuelos
Madrid, Spain

Advance reply by email sent to: ask+request-6846-bel15d869@asktheeu.org

Dear Mr Andreo,

Subject: Your application for access to documents – Ref GestDem No 2019/2465

We refer to your e-mail dated 24/04/2019 in which you make a request for access to documents, registered on 24/04/2019 under the above-mentioned reference number. In your application to DG Competition, you request "*a list of lobby meetings held with the pharma manufacturers or their intermediaries in the last 2 years*" and you ask to be included in the list at least "*the date, the individuals attending and the organisational affiliation and the issues discussed*".

We regret to inform you that apart from the public Transparency Register[1] that displays the list of meeting registrants have had with the Commissioners and their closest advisors, the Commission does not hold such a list of meetings that would correspond to the description given in your application. As specified in Article 2(3) of Regulation 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil your request.

We can, however, inform you that in the context of our market monitoring work and case work, we regularly meet pharmaceutical companies, their legal representatives, and industry and consumer associations to learn about recent market developments and hear about possible issues regarding the functioning of competition in the pharmaceutical markets. In this context, DG

[1] Publically accessible at http://ec.europa.eu/transparencyregister/public/homePage.do?redir=false&locale=en

Competition has met on several occasions with organisations such as the European Consumer Organisation (BEUC), the European Federation of Pharmaceutical Industries (EFPIA), Medicines for Europe (MFE), Médicines Sans Frontières (MSF), and the European Association of Euro-Pharmaceutical Companies (EAEPC).

In addition, during the period when the legislative proposal of the European Commission to amend Regulation 469/2009 on the supplementary protection certificate for medicinal products was under discussion in the European Parliament and the Council, Medicines for Europe (MFE) requested to meet with DG Competition to explain, from their perspective, implications that certain contemplated legislative changes may have on the functioning of competition in the pharmaceutical sector. This meeting took place on 11 February 2019 at the premises of DG Competition. From DG Competition, two officials from the E1 Unit, responsible for Antitrust, Pharma and Health Services participated in that meeting and for MFE its Director General, its Legal Director, its Senior Manager Public Affairs and its International and Compliance Advisor.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

Cecilio Madero Villarejo
Deputy Director-General
for Mergers

Johannes LAITENBERGER