



COMPETITION APPEAL TRIBUNAL

NOTICE OF A CLAIM UNDER SECTION 47A OF THE COMPETITION ACT 1998

Case No: 1784/5/7/26

Pursuant to Rule 33(8) of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (the “Tribunal Rules 2015”), the Registrar gives notice of the receipt of a claim for damages (the “Claim”) on 25 June 2026, under section 47A of the Competition Act 1998 (the “Act”), by the Secretary of State for Health and Social Care and the NHS Business Services Authority (together the “Claimants”) against: (1) Servier Laboratories Limited; (2) Servier Research and Development Limited; (3) Les Laboratoires Servier SAS; and (4) Servier SAS (together “Servier” and the “Defendants”).

The Claimants and the Defendants are the same claimants and defendants in case 1746/5/7/25 (T) *The Secretary of State for Health and Social Care & Another v Servier Laboratories & Others* (the “Pre-existing Claim”).

The Claimants are represented by Peters & Peters Solicitors LLP, 15 Fetter Ln, London EC4A 1BW; DX 407 London Chancery Lane (Reference: Jonathan Tickner).

The claim duplicates elements of the Pre-existing Claim, with the causes of action and facts relied on in this claim being identical to those relied on in the Pre-existing Claim. The Claimants state that the defining feature of this claim is that it is advanced based on the infringement decisions of the European Commission dated 9 July 2014 in Case AT.39612 – Perindopril (Servier) (the “Decision”), which for Articles 1, 2, 3, 4 (as regards the 2006 Krka Agreements, but not the 2007 Krka Agreement) and 5 have become final within the meaning of section 58A of the Act following the judgment by the Court of Justice of the European Union in Case C-201/19 P (Servier v Commission). The Claim, unlike the Pre-existing Claim originally filed in the High Court, is subject to limitation rules pursuant to Rules 31(1) to 31(3) of the Competition Appeal Tribunal Rules 2003 [SI 2003/1372] (the “Tribunal Rules 2003”) which continues to apply pursuant to Rules 119(2) to (4) of the Tribunal Rules 2015 as the claims advanced arose before 1 October 2015.

The Claimants claim damages in respect of the infringements by the Defendants of prohibitions imposed by Article 101 TFEU related to the Niche/Unichem Agreement, the Matrix Agreement, the Teva Agreement, the 2006 Krka Agreements, and the Lupin Agreement (together the “Agreements”) as set out in the Pre-existing Claim. The claim form does not advance any claim in respect of the 2007 Krka Agreement pending the European Commission’s decision concerning that agreement becoming final.

The Claimants state that they have suffered substantial monetary loss and damage as a result of the aforesaid infringements of Article 101 TFEU.

The relief sought in these proceedings is:

- (1) Damages;
- (2) Interest at such rate as the Tribunal considers appropriate;
- (3) Costs; and
- (4) Further or other relief.

Further details concerning the procedures of the Tribunal can be found on its website at www.catribunal.org.uk. Alternatively, the Tribunal Registry can be contacted by post at Salisbury Square House, 8 Salisbury Square,

London EC4Y 8AP, or by telephone (020 7979 7979) or email (registry@catribunal.org.uk). Please quote the case number mentioned above in all communications.

Charles Dhanowa CBE, KC (Hon)
Registrar

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