

	Antitrust	Merger control	Consumer protection	State aid
EU	<ul style="list-style-type: none"> • Lundbeck v. Commission (Case C-591/16P): on 4 June 2020, Advocate General Kokott delivered her Opinion and proposed that the EU Court of Justice should dismiss Lundbeck's appeal against the General Court's judgment and uphold the Commission's fine on Lundbeck for anticompetitive agreements aimed at delaying the marketing of generic versions of citalopram. • Generics (UK) v. CMA case (Case C-307/18): on 30 January 2020, the EU Court of Justice gave its ruling on several preliminary questions of the UK Competition Appeal Tribunal following the CMA's decision to impose fines on GSK, Generics and Alpharma for having concluded anti-competitive agreements (patent settlement agreements and distribution agreements) and for GSK having abused its dominant position. The Court clarified that pay-for-delay agreements may be anticompetitive by object, if the positive effects can't be demonstrated and the commercial incentive is clear, and that the existence of a patent dispute for a drug (GSK's paroxetine) does mean that generics companies are not potential competitors. Regarding abuse of dominance, it added that it is necessary to assess whether the conduct was capable of restricting competition and producing the alleged exclusionary effects (anti-competitive intent is not necessary but can be relevant). • Servier case (Cases C-176/19 P and C-201/19 P): on 22 February 2019 and on 28 February 2019, both the EC and Servier brought an appeal against the General Court's decision, delivered on 12 December 2018 (T-691/14), which annulled in part the EC's decision finding the existence of restrictive agreements and an abuse of a dominant position on the market for perindopril, a medicine used to treat hypertension and heart failure. • Investigation against Aspen Pharmacare Holdings Limited (Case 40394): The EC's investigation into concerns that Aspen Pharma has 	<ul style="list-style-type: none"> • GlaxoSmithKline / Pfizer Consumer Healthcare Business (Case M.9274): on 2 March 2020, the EC approved the purchaser of the divestment as was required by the conditional approval of the merger on 10 July 2019. • Abbvie / Allergan (Case M.9461): on 21 February 2020, the EC approved the purchaser of the divestment as was required by the conditional approval of the merger on 10 January 2020. • Johnson & Johnson / Tachosil (Case M.9547): on 8 April 2020, the parties withdrew their notification following the initiation of phase II on 25 March 2020. • Mylan / Upjohn (Case M.9517): on 22 April 2020, the EC approved the merger of Mylan and Upjohn (Pfizer's division for off-patent branded and generic established medicines), subject to conditions. • EssilorLuxottica/GrandVision (Case M.9569): on 7 April 2020, the EC suspended the investigation for the second time, following the initiation of phase II on 6 February 2020. The deadline suspension ended on 30 April. • Investment fund EQT VIII/Schülke (Case M.9850): On 25 May, EQT VIII notified the Commission that it intends to indirectly acquire sole control over Schülke & Mayr GmbH and its subsidiaries, active in infection 	N/A	<ul style="list-style-type: none"> • Temporary Framework for State aids: the first amendment of the State aid Temporary Framework adopted on 3 April 2020 adds aids for the pharmaceutical sector (aid for R&D relating to covid-19, aid for the construction and upscaling of testing facilities and aid for the production of products relevant to tackle the outbreak, such as medicinal products). For more information, see our article. • On 8 May 2020, the Commission has expanded the Temporary Framework to recapitalisation and subordinated debt measures to further support the economy in the context of the coronavirus outbreak.

	<p>engaged in excessive pricing concerning five life-saving cancer medicines is still pending.</p> <ul style="list-style-type: none"> • Investigation against Cephalon and Teva (Case 39686): the EC's investigation regarding an agreement under which Teva committed not to market a cheaper generic version of Cephalon's drug for sleep disorders, modafinil, is still pending. On 8 June 2020, the Commission has sent a supplementary statement of objections to Teva and Cephalon Inc., now a subsidiary of Teva. • "Comfort letter" granted to "Medicines for Europe": on 8 April 2020, the EC issued a comfort letter under the Temporary Framework Communication, giving the association assurances that cooperation between companies to maintain the supply of medicines used in intensive care units won't infringe antitrust rules. It allowed pharmaceutical manufacturers to implement projects aiming at improving supply and increasing production and possibly also at improving distribution. • Support studies for the evaluation of the VBER: On 25 May 2020, publication by the Commission of its final report with the results of the studies that were required to support the review of vertical agreements block exemption regulation ("VBER") and accompanying guidelines. 	<p>prevention and hygiene and develops, produces and distributes antiseptics, disinfectants and personal care preservatives worldwide.</p>		
France	<ul style="list-style-type: none"> • Investigation into medical equipment sector: on 6 April 2020, the FCA closed an investigation into exclusive import practices in the medical equipment sector for hospitals in French Guiana and the French Antilles. • Guidance to an association of opticians: on 22 April 2020, the FCA provided guidance to a French opticians' trade association seeking to intervene to support its members in dealing with real estate agents over their commercial rents during the Covid-19 crisis. • Resumption of legal deadlines (press release of the FCA): Acts or decisions that should have been time-barred and appeals against decisions of the FCA may be made within a period not exceeding, 	<ul style="list-style-type: none"> • Ardian France / Santé Compagnie (Case 20-DCC-29): on 25 February 2020, the FCA approved the acquisition of exclusive control of the Santé Compagnie group, which operates in the provision of healthcare services market, by Ardian France, a capital-investment company. • Elsan / Hexagone Santé Méditerranée (Case 20-DCC-38): on the 28 February 2020, the FCA approved the acquisition under conditions of Hexagone 	<ul style="list-style-type: none"> • Prices regulation: on 5 March 2020, the French government issued a temporary regulation of the prices of hydroalcoholic gels. This regulation is now included in Decree n° 2020-548 of 11 May 2020, Decree n°2020-506 of 2 May 2020, completing Decree n° 2020-293 of 23 March 2020, also set price caps for surgical masks. 	<ul style="list-style-type: none"> • On 5 June 2020, the Commission has approved €5 billion French "umbrella" scheme to support research, development, testing infrastructures and production of coronavirus relevant products. Undertakings are encouraged to cooperate with each other or with research organisations by benefitting from a 15% bonus when the R&D research project is carried

	<p>as from 24 June 2020, the period legally prescribed for taking action, within a limit of 2 months, without being penalised for the delay. The deadline for replying to statements of objections or reports, which had been suspended since 17 March 2020, resumed from 12 May 2020. Deadlines for the implementation of commitments, injunctions or interim measures, which have been suspended since 12 March 2020, will start to run again from 24 June 2020.</p>	<p>Santé Méditerranée - a group of three health establishments, by Elsan, an operator of 120 health establishments in France (decision not yet published)</p> <ul style="list-style-type: none"> • Sinoué / Orpea (Case 20-DCC-63): on 30 April 2020, the FCA approved the acquisition of sole control of the Sinoué group (specialized in the field of mental health (psychiatry) and follow-up and rehabilitation care) by the Orpea group (multi-disciplinary health group including nursing residences, assisted living facilities, follow-up care and rehabilitation clinics, psychiatric clinics) • Resumption of legal deadlines: Regarding the FCA's review of mergers, legal and regulatory deadlines had been suspended since 12 March 2020 and will start to run again as of 24 June 2020. 		<p>out in cross-border collaboration with research organisations or other undertakings, or when the research project is supported by more than one Member State.</p>
<p>UK</p>	<ul style="list-style-type: none"> • Strike out application on competition grounds rejected: on 2 June 2020, the High Court ruled that Teva UK Limited (Teva) was unable to rely on antitrust arguments to avoid disclosing documents in a patent case with Chiesi Farmaceutici SpA (Chiesi). The background is that in October 2019, Teva filed a claim against a competitor in the pharmaceutical industry, Chiesi, to have three of Chiesi's patents revoked. Chiesi issued a defence and counterclaim, arguing that Teva is threatening to infringe the three relevant patents. Teva had applied to the court to strike out Chiesi's counterclaim, arguing that disclosure would be a breach of competition law as it would entail disclosure of sensitive information amounting to a concerted practice, which the High Court rejected. In addition, on 3 June 2020, the same High Court Judge rejected Teva's bid to appeal the dismissal of 	<ul style="list-style-type: none"> • Dechra Pharmaceuticals PLC/Osurnia / Elanco Animal Health Inc.: on 20 April 2020, launch of Phase 1 merger inquiry into an anticipated acquisition. The current statutory deadline for the CMA to deliver its Phase 1 decision is 17 June 2020. 	<ul style="list-style-type: none"> • Business cooperation : on 25 March 2020, the CMA published its approach to business cooperation in response to COVID-19, highlighting that in the light of the pandemic, it will not take enforcement action where businesses adopt temporary measures to coordinate, where these measures are (a) appropriate and necessary in order to avoid shortage or ensure security of supply, (b) are clearly in the public interest, (c) contribute to the benefit or wellbeing of consumers, (d) deal with critical issues that arise as a result of the pandemic, and (e) last no longer than necessary. • Covid-19 taskforce : on 20 March 2020, the CMA announced it is launching a taskforce to tackle negative impacts of the COVID-19 	<ul style="list-style-type: none"> • Umbrella UK state aid scheme: on 6 April 2020, the European Commission approved a £50 billion "umbrella" UK state aid scheme, to support SMEs and large corporates in the UK. This allows for aid in the form of, amongst other things: support for coronavirus related research and development (R&D), support for the construction and upscaling of testing facilities to develop and test products useful to tackle the coronavirus outbreak, and

	<p>strike out application. Teva's next course of action to challenge the ruling, should they wish, would be in the Court of Appeal. The patent claim itself is listed for trial in October 2020.</p> <ul style="list-style-type: none"> • Investigation against AMCo (now Advanz Pharma), Morningside Healthcare and Morningside Pharmaceuticals, and Alliance Healthcare: on 7 April 2020, the CMA announced that it had paused the investigation into alleged anti-competitive agreements in relation to the supply of antibiotic Nitrofurantoin. This delay is in order to reallocate resources within the CMA, to focus on urgent work during the COVID-19 pandemic. • Investigation against Focus Pharmaceuticals, Medreich, Alliance Pharmaceuticals and Lexon: on 7 April 2020, the CMA announced that it has also paused the investigation into anti-competitive agreements in relation to the supply of prochlorperazine, a nausea drug. This is again to concentrate resources on urgent work during the COVID-19 pandemic. • CMA v Flynn Pharma Limited and Pfizer Inc case: on 10 March 2020, the UK Court of Appeal (CoA) gave its judgment on CMA v Pfizer and Flynn Pharma into the appeal against the Competition Appeal Tribunal's judgment by Pfizer and Flynn Pharma. The CoA rejected the CMA's argument to reinstate fines of £84.2m and £5.2m to Pfizer and Flynn respectively, in relation to breach of Chapter II of the Competition Act 1998, and Article 102 TFEU for excessive pricing of phenytoin sodium capsules (and anti-epilepsy drug). The question of abuse and penalties were remitted to the CMA. Further to this, on 12 May 2020, the CoA ruled that there would be no order for the costs, and therefore the pharmaceutical companies were unable to recover the costs for appealing the CMA's decision to the Competition Appeal Tribunal. The CoA Judge stated that the CMA should not be liable for other parties' costs in bringing or defending proceedings and when "acting purely in its regulatory capacity". • Penalties for four companies relating to norriptyline tablets: on 4 March 2020, the CMA 		<p>pandemic. The COVID taskforce will scrutinise market developments to identify harmful sales and pricing practices, and warn businesses where they are suspected of exploiting people's vulnerabilities, through unjustifiable prices or misleading claims (such as in relation to health benefits).</p> <ul style="list-style-type: none"> • Covid-19 taskforce: on 24 March 2020, the CMA said it has contacted 187 companies over complaints of "large" price rises for personal-hygiene products during the coronavirus pandemic, such as hand sanitiser and food products. • Open letter to the pharmaceutical industry: on 20 March 2020, the CMA published an open letter to the pharmaceutical industry and the food and drinks industry, warning them not to capitalise on the COVID-19 pandemic, such as by charging unjustifiably high prices or making misleading claims about products' efficiency. • CMA's annual plan: on 23 January 2020, the CMA published its annual plan for 2020-21, and confirmed that it will continue to have a strong focus on the UK pharmaceutical sector, to ensure that the NHS does not pay significantly more than it should for essential medicines and treatments, and that consumers who depend on these drugs and treatments do not lose out. 	<p>support for the production of products relevant to tackle the coronavirus outbreak.</p>
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	<p>issued 2 infringement decisions, fining four pharmaceutical companies (Auden Mckenzie – now controlled by Accord-UK Ltd, King Pharmaceuticals Limited, Lexon (UK) Ltd, and Alissa Healthcare Research Ltd) for market sharing and exchanging competitively sensitive information relating to nortriptyline tablets, an antidepressant drug. They were fined over £3m, and a payment of £1m directly to the NHS, in addition to a director disqualification of 7 years. This disqualification brought the CMA's total director disqualifications to 13, reflecting its increasing inclination to go after key personnel at companies, as well as corporate entities themselves. On 28 May 2020 Lexon and Amit Patel (a former Auden Mckenzie director) launched legal challenges against the CMA's decision.</p> <ul style="list-style-type: none"> • Investigations into hydrocortisone tablets: on 12 February 2020, the CMA issued a Supplementary Statement of Objections in relation to its hydrocortisone investigations. The CMA had been dealing with three separate pricing investigations into hydrocortisone tablets (a drug used to treat Addison's disease) but decided to bring the three investigations together into one consolidated investigation, due to the interrelationship of the facts and allegation. The CMA is investigating excessive and unfair pricing, anti-competitive agreements, and abusive conduct in relation to the supply of the tablets. • Investigation into the private healthcare sector over suspected anticompetitive agreements (started in July 2019). A further update is expected for the end of July 2020. 			
Germany	<ul style="list-style-type: none"> • The German Parliament passed legislation to make companies fined by the German competition authorities benefit from a relief from paying interest on fines, in the form of deferrals or payment instalments, to ease their financial burden. 	<ul style="list-style-type: none"> • Alexion Pharmaceuticals Inc. / Portola Pharmaceuticals Inc: on 20 May 2020 the BKA cleared in phase I the acquisition of all shares in Portola Pharmaceuticals Inc. • Klinge Pharma / GSK: on 24 April the BKA cleared in phase I proceedings the acquisition of three skincare products from 	N/A	<p>COVID-19 – Federal Framework “Aid for Covid-19 related R&D, investments in testing infrastructures and production facilities”: On 28 April 2020, the European Commission approved the German “umbrella” scheme to support research, development, testing and production of coronavirus relevant products.</p>

		<p>GlaxoSmithKline Consumer Healthcare Holdings (No. 2) Ltd., GlaxoSmithKline Brasil Produtos Para Consumo E Saúde Ltda. and Stiefel Consumer Healthcare (UK) Ltd; Stiefel Laboratories Inc. (USA).</p> <ul style="list-style-type: none"> • STADA Arzneimittel AG / GSK: on 30 March 2020, the BKA approved phase 1 of the acquisition of assets relating to a portfolio of non-prescription medicinal products of GlaxoSmithKline Consumer Healthcare Holdings (No. 2) Limited. • Essity Hygiene und Health AB / ABIGO Medical AB : on 31 March 2020, the BKA approved the phase 1 of the acquisition of 75% of the shares in and sole control over ABIGO Medical AB. • Becton, Dickinson and Company / Straub Medical AG : on 1 April 2020, the BKA approved phase 1 of the acquisition of all shares in and sole control over Straub Medical AG. • European Medco Development 4 S.à r.l. (Lux) (Bridgepoint Group Limited)/ PharmaZell-Gruppe : on 19 March 2020, the BKA approved phase 1 of the acquisition of all shares in and sole control over Wild River Corporation S.à r.l. (Lux) (PharmaZell-Gruppe). • Cheplapharm Arzneimittel GmbH / Sanofi : on the 16 March 2020, the BKA approved phase 1 of the acquisition of the business 		<p>The scheme intends to support investments in research and development activities needed for the production of crucial products to fight the coronavirus outbreak, such as medicines, vaccines, ventilators and protective clothing.</p>
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Belgium	<ul style="list-style-type: none"> Investigations into Roche and hospitals: on 8 October 2019, dawn-raids at Roche and at hospitals for suspicion of having implemented practices aimed at limiting, preventing or even denying the entry of biosimilars. Investigation into pharmaceutical and para-pharmaceutical sectors: on 21 November 2016, dawn-raids at several companies active in the wholesale distribution of pharmaceutical and para-pharmaceutical products to pharmacies. Investigation into Leadiant’s allegedly excessive prices for chenodeoxycholic acid (used to treat a rare disease) after a consumer organisation has filed a complaint. 	N/A	<ul style="list-style-type: none"> Protection equipment: on 23 March 2020, in addition to announcing the prohibition of sales of personal protection equipment (masks, etc.) except by pharmacists and by prescription, the government warned consumers for online fraudulent sales. 	<ul style="list-style-type: none"> R&D scheme of Brussels Capital Region “R&D Projects – Covid-19”: on 27 April 2020, the EC approved a €4 million direct grant scheme for the Brussels-Capital region to support R&D projects carried out by undertakings from Brussels-Capital Region that can help in the context of coronavirus outbreak. It could support projects targeting to innovate and develop vaccines, drugs and treatments, medical devices, hospital and medical products and equipment (including ventilators, protective clothing and diagnostic tools, disinfectants and their intermediate products). On 12 May 2020, the Commission approved €25 million Belgian aid scheme to support Covid-19 related research and development activities in Wallonia.
Netherlands	<ul style="list-style-type: none"> Investigation on Roche: following media reports, the ACM looked into a possible abuse of dominant position by Roche as regards shortages of COVID-19 testing material. On 3 April 2020, the ACM 	N/A	N/A	N/A

	<p>decided not to continue its investigation as Roche had shared its recipe for a certain testing component with the government and had committed to constructively cooperate to ensure sufficient supply.</p> <ul style="list-style-type: none"> • Investigation into Leadiant’s medicine for a rare disease: in 2019, the ACM started an investigation into possible excessive pricing in relation to a medicine for a rare disease. • Investigation in a hospital: in that same year, the ACM also began an investigation into the discount structure of a hospital medicine with a high market share. • Survey into rheumatic drugs: In September 2019 the ACM additionally published the results of its sector survey into rheumatic drugs. • The ACM announced that cooperation between competitors to ensure supply of essential pharmaceuticals during COVID-19 pandemic is allowed. 			
Spain	<ul style="list-style-type: none"> • The CNMC has received over 500 complaints and queries the mailbox set up during the Covid-19 crisis. Several queries have been introduced in relation to cooperation agreements between competitors in the hospital and health products and services (masks, respirators and hydroalcoholic gels) sectors. The CNMC is currently assessing the compatibility of those agreements with the Defence of Competition Spanish Act. 	N/A	<ul style="list-style-type: none"> • Investigation of the CNMC into substantial increasing in the prices of certain healthcare products, especially sanitising gels and raw materials used to manufacture them, as well as shortages on the market. • Spain’s government has announced that surgical masks and hand sanitizer gels will have a price cap to avoid commercial abuses. • The has issued last 4 June a Guidance on the treatment of confidential information and personal data in competition proceedings. 	<ul style="list-style-type: none"> • Second Spanish « umbrella » scheme : on 24 April 2020, the EC approved the Second National Temporary Framework for State aid related to the containment of the covid-19 outbreak. It covers support to accelerate relevant R&D, testing and upscaling infrastructures, as well as production investments that contribute to developing covid-19 relevant products needed to respond to the pandemic.
Italy	<ul style="list-style-type: none"> • Investigation against Leadiant bioscences/farmaco per la cura della xantomatosi cerebrotendinea (Case A524) : on 8 October 2019, the ICA opened a proceeding which is still ongoing. Alleged 	<ul style="list-style-type: none"> • Clessidra sgr-magnetar capital/sisma (C12286): on 10 March 2020, the ICA approved the Clessidra and Magnetar’s joint control acquisition over SISMA 	<ul style="list-style-type: none"> • Farmaco coronavirus.it-kaletra : on 17 March 2020, the ICA took interim measures related to the communications, on the website https://farmacocoronavirus.it, promoting the product “generico Kaletra”, sold at 634,44 €. 	<ul style="list-style-type: none"> • On 22 March, the Commission approved €50 million Italian support scheme for production and supply of medical equipment

	<p>abuse of dominance for excessive prices: In a nutshell, the case relates to Leadiant's behaviour in negotiating with AIFA (Agenzia Italiana del Farmaco) the price for an orphan drug. The relevant active ingredient was used since the 90s against biliary stones and then proved to be effective against Cerebrotendinous xanthomatosis (CTX,) a rare genetic metabolic disorder of cholesterol and bile acid metabolism that results in systemic and neurologic abnormalities. In negotiating the price with the Italian agency, Leadiant allegedly proposed excessive and not justifiable prices, refusing to produce documentation on costs supporting its request and refusing AIFA's counterproposals.</p> <ul style="list-style-type: none"> On 24 April 2020, the ICA has issued guidance on how companies can cooperate on a temporary basis to address challenges arising from Covid-19 without breaching antitrust law. On 27 May 2020 the ICA, in application of the guidance on how companies can cooperate on a temporary basis (see above), has examined a cooperation project relating to the distribution of single-use surgical masks through pharmacies and para-pharmacies. The project was brought to the ICA attention by the two main Italian associations of pharmaceutical products' distributors (Associazione Distributori del Farmaco and Federfarma). <p>The agreement, entered into by pharmacists associations and the Covid-19 Emergency Commissioner, consists in a joint purchase and in a pro-quota sharing of the quantities purchased at the price agreed with suppliers. The scheme will last until 20 June 2020.</p> <p>Since the scheme falls within UE laws, the ICA – also for the purpose of ensuring legal certainty – has consulted the European Commission before deciding.</p>	<p>S.p.A., active (also) in the production and sale of personal care products and of parapharmaceutical products. No horizontal or vertical overlap.</p>	<p>The claims suggest that the product is the “only drug against Coronavirus”. In addition, apparently the seller presents itself as an “online pharmacy”. After having assessed both <i>periculum in mora</i> and <i>fumus boni iuris</i>, ICA imposed interim measures, and in particular decided to inhibit access to the website and to require the suspension (until the decision on the merits) of any activity to divulge the contents present in the website.</p> <ul style="list-style-type: none"> Rapid test Covid-19: on 22 March 2020, the ICA decided interim measures related to the divulgement, on the website https://testcoronavirus.shop/it, of a communication to promote the product “Rapid Test Covid-2019”, sold at 24,86 €. The claims induce consumers to believe that using the product it is possible to efficiently and precisely self-diagnose the contagion. After having assessed both <i>periculum in mora</i> and <i>fumus boni iuris</i>, ICA imposed interim measures, and in particular decided to inhibit access to the website and to require the suspension (until the decision on the merits) of any activity to divulge the contents present in the website. Carlita shop-integratori antivirali: on 22 March 2020, the ICA decided interim measures related to the divulgement, through the Instagram profile carlitashop_online and the Instagram profile of the influencer Carlitadolce, of communications to promote detergent products, cosmetics products and integrators (sold on the website https://carlitashop.com), using the hashtag #coronavirus and pretending such products have antiviral properties and are useful against COVID-19. After having assessed both <i>periculum in mora</i> and <i>fumus boni iuris</i>, ICA imposed interim measures, and in particular the deletion of any reference to properties against Covid-19 Farmaciamaschile.It-Kaletra: on 27 March 2020, the ICA decided interim measures not only related to the sale without authorization of certain products, but also to communications, 	<p>and masks during the Covid-19 outbreak.</p>
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	<p>The ICA decided not to open an investigation, taking into account: i) that the scheme is aimed at ensuring an efficient and homogenous supply of surgical masks throughout the Italian territory, so to allow individuals to purchase such personal protection products; ii) the exceptional situation of sanitary emergency; and iii) the limited duration of the scheme.</p>		<p>on the website https://farmaciamaschile.it, promoting the “generico Kaletra”, sold at 384 € (60 flacons) and at 659 € (120 flacons). The claims suggest that the product is effective against the Coronavirus. After having assessed both <i>periculum in mora</i> and <i>fumus boni iuris</i>, ICA imposed interim measures, and in particular decided to inhibit access to the website and to require the suspension (until the decision on the merits) of any activity to divulge the contents present in the website.</p> <ul style="list-style-type: none"> • Farmacia-Generica.It-Kaletra – on 27 March 2020, the ICA took interim not only related to the sale without authorization of certain products, but also to communications, on the website http://farmacia-generica.it, promoting the “generico Kaletra”, sold at 384 € (60 flacons) and at 659 € (120 flacons). The claims suggest that the product is effective against the Coronavirus. After having assessed both <i>periculum in mora</i> and <i>fumus boni iuris</i>, ICA imposed interim measures, and in particular decided to inhibit access to the website and to require the suspension (until the decision on the merits) of any activity to divulge the contents present in the website. • Oxystore-Vendita On Line Prodotti Emergenza Sanitaria: on 27 March 2020, the ICA took interim measures related to the divulgement, through the website www.oxystore.it, of communications to promote oxygen therapy products pretending such products have antiviral properties and are useful against COVID-19. On the same website, protective masks (previously sold at less than 0.10 €) are sold at prices ranging from 1.20 € each (100 pieces pack) to 1.10 € each (1,000 pieces pack). After having assessed both <i>periculum in mora</i> and <i>fumus boni iuris</i>, ICA imposed interim measures, and in particular to delete (until the decision on the merits) any reference to the preventive and therapeutic effectiveness against Covid-19 of the products. 	
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			<ul style="list-style-type: none"> • Oxystore-Vendita On Line Prodotti Emergenza Sanitaria: on 8 April 2020, ICA confirmed that the measures adopted by the party were in line with the ICA request (see previous decision) • Tiger Shop/Vendita On Line Prodotti Emergenza Sanitaria : on 8 April 2020, the ICA took interim measures related to the divulgement, through the website https://www.tigershop.it, of communications to promote PPEs (in particular, FFP2 masks), attributing to such products - also using images and descriptions improperly referring to well-known brands – technical and qualitative characteristics that the products actually delivered do not have. Moreover, the products are sold at very high prices. After having assessed both <i>periculum in mora</i> and <i>fumus boni iuris</i>, ICA imposed interim measures, and in particular the suspension (until the decision on the merits) of the promotion and sale through the website of PPEs that differ from those actually advertised or that are not available for delivery within the timeframe indicated in the website. On <u>29 April 2020</u> the ICA – after having analysed the measures adopted and the clarifications provided by Tiger (and in particular by the company Tiger Group S.r.l.) – considered that Tiger has not cured the issues emerged and therefore confirmed the interim measures previously imposed. • Wish-Vendita On Line Prodotti Emergenza Sanitaria: on 8 April 2020, the ICA took a decision related to the divulgement (on the platform wish.com) of advertising communication relating to the sale of FFP2 masks and a kit 2/5/10pcs KN95 Soft Mouth Masks, expressly presented as “anti-coronavirus” and as “Coronavirus Medical Respirator”). Similar claims have been identified in relation to gloves and other PPEs. Also, the case concerns claims referring to diagnosis kits and indicating the possibility to 	
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			<p>identify antibodies. In addition, the above mentioned products were apparently sold at high prices (that were in addition presented as discounted prices). ICA decided NOT to impose interim measures, since the companies owning the platform www.wish.com, and providing the market place services to consumers within Europe committed to implement several measures, including: i) training operators selling through the platform; ii) monitoring the activity on the platform; iii) verifying effectiveness of control activities; and iv) intervening in case of need. The companies also drafted new guidelines on sales relating to COVID-19.</p> <ul style="list-style-type: none"> • Investigations against Amazon and Ebay (cases PS PS11716-PS11717): on 12 March, the ICA has initiated two proceedings against Amazon and Ebay for unfair commercial practices in relation to the sale of products such as hand sanitizers and disposable respiratory protection masks in the context of the Covid19 emergency. The alleged practices relate to deceptive claims and excessive prices for products sold by third parties on the two platforms. • Investigation against private hospitals and labs: on 17 March 2020 the ICA has published a press release indicating that it has sent request for information to a group of private hospitals and analysis labs that advertised the sale of serology tests aimed at identifying SARS-Co-V-2 antibodies at extremely high prices. The request is aimed at clarifying type, mode and price level of the blood tests. • Injunctive relief against search engines and browsers: on 21 March 2020 the ICA has published a press release indicating that it has decided to involve search engines and browsers (Google, Apple, Italiaonline, Microsoft, Verizon (Yahoo), Mozilla, DuckDuckGo) in tackling unfair commercial 	
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			<p>practices that leverage on the current sanitary emergency. This is due to the high number of <i>url</i> (361 webpages, banners, hyperlinks) identified that malevolently introduced on websites and addressing to “abusive pharmacies”. ICA decided to transmit such <i>url</i> to the above mentioned search engines and browsers, inviting them to remove such <i>url</i> from search results.</p> <ul style="list-style-type: none"> • Investigations against Vova.com (case PS11752): on 29 April 2020, the ICA has started proceedings against Vova.com for unfair commercial practices in relation to the sale on such platform of COVID 19 prevention and/or diagnosis products. Proceedings relate not only to the deceptive claims relating to the effectiveness of such products, but also to the high level of prices recorded in recent weeks. • Investigation launched into price increases for food and detergents, disinfectants and gloves: on 7 May 2020 the ICA has published a press release indicating it has started preliminary investigation by sending requests for information to numerous operators in the GDO. The request for information were aimed at acquiring data on the dynamics of retail prices and wholesale purchase prices of basic foodstuffs, cleansers, disinfectants and disposable gloves, in order to identify any phenomena exploiting the health emergency to increase prices. The requests for information concerned over 3,800 sales outlets. • Braccialetti Anticovid (Anticovid Bracelets) : on 20 May 2020, the ICA took interim measures related to the divulgement, through the website https://www.geolam.info, of communications to promote products such as bracelets and plates, attributing to such products anti-COVID 19 properties. After having assessed both <i>periculum in mora</i> and <i>fumus boni iuris</i>, ICA imposed interim measures, and in particular to delete (until the decision on the merits) any reference to the 	
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			preventive and therapeutic effectiveness of the products against Covid-19.	
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