

**COMMISSION DECISION UNDER SECTION 11(1) OF THE COMPETITION ORDINANCE
IN RESPECT OF A PROPOSED PHARMACEUTICAL SALES SURVEY**

Whereas:

- (a) on 31 January 2019, the Competition Commission (“**Commission**”) received an application for a decision (“**Application**”) under section 9(1) of the Competition Ordinance (Cap. 619) (“**Ordinance**”) from the Hong Kong Association of the Pharmaceutical Industry (“**Applicant**”);
- (b) the Application concerns the Applicant’s proposal to collect and process raw data from pharmaceutical companies on their sales of pharmaceutical products in Hong Kong through a “Market Sales Survey”, and produce and publish a “Sales Survey Report” containing the processed data, which will be available for purchase (“**Proposed Survey**”);
- (c) the Applicant seeks a decision from the Commission confirming that the operation of the Proposed Survey is excluded from the first conduct rule as a result of the exclusion in section 1 (*Agreements enhancing overall economic efficiency*) of Schedule 1 to the Ordinance;
- (d) in accordance with section 10 of the Ordinance, the Commission published notice of the Application on its website on 1 February 2019 and separately contacted certain parties in writing, in order to bring the Application to the attention of those the Commission considered likely to be affected by its eventual decision; and
- (e) the Commission has considered the Application, the subsequent submissions from the Applicant and the representations about the Application that were made to it,

In exercise of the powers conferred by section 11(1) of the Ordinance, the Commission makes the following Decision:

Operative Part

- (1) The making or giving effect to the Proposed Survey would not be excluded from the application of the first conduct rule by or as a result of section 1 (*Agreements enhancing overall economic efficiency*) of Schedule 1 to the Ordinance.

Made 26 September 2019.

(Signed)

Samuel CHAN Ka-yan, JP

Chairperson of the Enforcement Committee
for and on behalf of the Competition Commission