

On 22 February 2007, the Commission decided to initiate antitrust proceedings in case COMP/B2/39246 – Boehringer within the meaning of Article 11(6) of Council Regulation No 1/2003 and Article 2(1) of Commission Regulation No 773/2004.

The proceedings were opened with a view to adopting a decision in application of Chapter III of Council Regulation No 1/2003 and concern misuse of the patent system in order to exclude potential competition in the area of chronic obstructive pulmonary disease (COPD) drugs. Alleged infringements (within the meaning of Article 82 of the EC Treaty and Article 54 of the EEA Agreement) were allegedly committed by C.H. Boehringer Sohn and Boehringer AG, its subsidiaries and all companies under their control, including Boehringer Ingelheim Pharma GmbH & Co. KG and Boehringer Ingelheim GmbH.

The initiation of proceedings does not imply that the Commission has conclusive proof of an infringement – it only signifies that the Commission is dealing with the case as a matter of priority.