



**Australian
Competition &
Consumer
Commission**

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

Our Ref: A91150
Contact Officer: Monica Bourke
Contact Phone: 02 6243 1351

*This letter, with
enclosures, was sent
to the attached list of
interested parties.*

MB 7.7.09

7 July 2009

Dear Sir/Madam

**Medicines Australia Limited application for revocation and substitution A91150
- interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application for reauthorisation (application for revocation and substitution) from Medicines Australia Limited (Medicines Australia) for its Code of Conduct Edition 16. The ACCC invites you to comment on the application. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

The Code of Conduct sets standards for the advertising and promotion of pharmaceutical products. Compliance with the Code of Conduct is a requirement of membership of Medicines Australia.

The application for reauthorisation in respect of Edition 16 of the Code of Conduct relates to the making and giving effect to a contract, arrangement or understanding that may be an exclusionary provision or that may constitute exclusive dealing, and the making and giving effect to a contract, arrangement or understanding that may have the purpose or effect of substantially lessening competition.

Background

Authorisations A90994 – A90996 were granted to Medicines Australia for the 15th edition of its Code of Conduct in 2006 by the ACCC. The Australian Competition Tribunal affirmed the decision in 2007, subject to some variation to the conditions of authorisation. Medicines Australia has amended its Code of Conduct and is subsequently seeking authorisation for Edition 16 of its Code of Conduct.

Medicines Australia submit that Edition 16 of its Code of Conduct would result in greater public benefit than Edition 15 and submit that it will not result in any material anti-competitive detriment or other public detriment, consistent with the Tribunal's findings.

A full copy of the application for reauthorisation is available on the ACCC's website <www.accc.gov.au>. Alternatively, you can contact Monica Bourke on (02) 6243 1351 to

obtain a hard copy of the application, supporting submission and the Code of Conduct Edition 16.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

If you intend to provide a submission in relation to Medicines Australia's application for authorisation, please do so by **29 July 2009**.

Alternatively, if you would like to provide comments orally, please contact Monica Bourke on (02) 6243 1351 to organise a suitable time.

Submissions, including a record of oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

30 June 2009	Lodgement of application and supporting submission.
7 July 2009	Public consultation process begins.
29 July 2009	Closing date for submissions from interested parties.
August 2009	Applicant responds to issues raised in the public consultation process.
September/October 2009	Draft determination.
October/November 2009	Public consultation on draft determination including any conference if called.
November/December 2009	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Monica Bourke on (02) 6243 1351.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', written on a light grey rectangular background.

Dr Richard Chadwick
General Manager
Adjudication Branch

Application for revocation and substitution A91150 - Interested parties consulted 6 July 2009

Abbott Australasia Pty Ltd	Kendle Pty Ltd
Actelion Pharmaceuticals	KPMG
Alcon Laboratories (Australia) Pty Ltd	Pretium Pty Ltd
Allergan Australia Pty Ltd	Princeton Publishing Pty Ltd
AMGEN Australia Pty Ltd	PriceWaterhouseCoopers
AstraZeneca Pty Ltd	Quintiles Pty Ltd
Baxter Healthcare Pty Ltd	AFA Healthcare Communications Council
Bayer Australia Ltd	Australian Medical Association
Biogen Idec Australia Pty Ltd	CHOICE
Boehringer Ingelheim Pty Ltd	Dr Ken Harvey
Bristol-Myers Squibb Australia	Ferring Pharmaceuticals Pty Ltd
Celgene Pty Limited	Generic Medicines Industry Association
CSL Ltd	Haystac Public Affairs
Eli Lilly Australia Pty Ltd	Mr Henry Ko
Genzyme Australia	Medical Update Pty Ltd
Gilead Sciences Pty Ltd	Mental Illness Fellowship of Australia
GlaxoSmithKline Australia	National Prescribing Service Ltd
Ipsen Pty Ltd	Palliative Care Australia
Janssen-Cilag Pty Ltd	The Pharmaceutical Society of Australia
Lundbeck Australia Pty Ltd	Royal Australian College of General Practitioners
Merck Serono Australia Pty Ltd	Royal Australasian College of Physicians
Merck Sharp & Dohme (Aust) Pty Ltd	The Heart Foundation
Mundipharma Pty Ltd	Mr Tom Simpson
Novartis Pharmaceuticals Australia Pty Ltd	Wolters Kluwer Health
Novo Nordisk Pharmaceuticals Pty Ltd	Pharmaceutical Health and Rational Use of Medicines
Nycomed Pty Ltd	Department of Health and Ageing, Therapeutic Goods Administration
Pfizer Australia	Office of Prescription Medicines, Department of Health and Ageing, Therapeutic Goods Administration
Roche Products Pty Ltd	Healthy Skepticism Inc
sanofi-aventis Group	Consumers' Health Forum of Australia
Schering-Plough Pty Ltd	Department of Health (ACT)
Servier Laboratories (Aust) Pty Ltd	Department of Health (New South Wales)
Shire Australia Pty Limited	Department of Health (South Australia)
Solvay Pharmaceuticals	Department of Health (Queensland)
Stiefel Laboratories Pty Ltd	Department of Health (Western Australia)
UCB Pharma	Department of Health and Community Services (Northern Territory)
Wyeth Australia Pty Ltd	Department of Health and Human Services (Tasmania)
iNova Pharmaceuticals Pty Ltd	Australasian Society of Clinical and Experimental Pharmacologists and Toxicologists
Norgine Pty Ltd	Doctors' Reform Society
PharmaLink Pty Ltd (Innovex)	Australian Nursing Federation
Sanofi Pasteur Pty Ltd	Department of Health and Community Services
Smith & Nephew Pty Ltd	Pharmacy Guild of Australia
IDT Australia Limited	The Society of Hospital Pharmacists of Australia
Commercial Eyes Pty Ltd	Divisions of General Practice - ACT

Covance Pty Ltd	Kendle Pty Ltd
IMS Health Australia Pty Ltd	Galderma Australia Pty Ltd
Australian Advertising Federation	GroPep Pty Ltd
Therapeutic Guidelines Limited	Hexal Australia Pty Ltd
COTA (ACT)	Key Pharmaceuticals Pty Ltd
Health Consumers of Rural and Remote Australia Inc	Link Medical Products Pty Ltd
Dr Peter Eng	Linotar Pty Ltd
Consumers' Federation of Australia	Collagen Biomedical Pty Ltd
Public Interest Advocacy Centre	Medical Developments Australia
School of Pharmacy and Medical Sciences	Alchemia Limited
Ms Melissa Raven, Flinders University	CMPMedica Australia Pty Ltd
Arana Therapeutics Limited	Sigma Pharmaceuticals Limited
Biological Therapies	Parexel Australia
Biomet Australia Pty Ltd	Probiotec (Australia) Pty Ltd
AusBiotech Ltd	Progen Industries Ltd
Circadian Technologies Ltd	Regulatory Concepts
Datapharm Australia	Virax Holdings Ltd
ExGenix Operations Pty Ltd	National Health and Medical Research Council
Mayne Pharma Pty Ltd	