

CMA helps NHS secure price and supply commitment for cancer drugs

News story

The CMA has worked to ensure that pharmaceutical company Aspen's commitments to reduce prices for life-saving cancer medicines can be enforced in the UK following its exit from the European Union.



The European Commission opened an investigation into Aspen in 2017 to investigate concerns that the company had engaged in excessive pricing for 6 off-patent cancer medicines. Last year the European Commission accepted commitments by Aspen to reduce prices for the 6 medicines to address these concerns.

As a result, Aspen reduced its prices across Europe – including in the UK – by an average of approximately 73%. In addition, Aspen guaranteed the supply of the 6 cancer medicines for a period of 5 years, and, for an additional 5-year period, will either continue to supply or make its marketing authorisation available to other suppliers. This means that over the 10-year period, Aspen cannot charge more than the price set out in the commitments.

Although these commitments were offered while the UK was a part of the European Union, the commitments became legally binding under EU law after the UK was no longer part of the EU.

The CMA has now assisted the NHS to secure binding undertakings from Aspen, under the law of England and Wales, which enshrine the UK elements of the commitments and are enforceable by UK courts, including in relation to the supply of these drugs in Northern Ireland and Scotland. This means that the NHS will have effective mechanisms to monitor and ensure compliance by Aspen following the UK's exit from the EU.

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