

TDLC FINED LABORATORIO SANDERSON, FRESENIUS KABI AND BIOSANO FOR COLLUDING.



On November 8th, 2018 the Tribunal for the Defense of Free Competition (TDLC) accepted the request for collusion filed by the National Economic Prosecutor's Office (FNE) against Fresenius Kabi Chile Ltda., Laboratorio Biosano S.A. and Laboratorio Sanderson S.A. The TDLC estimated that those required "(...) violated Article 3, first paragraph and subsection, second letter a) of DL No. 211, by entering into and executing agreements with the purpose of affecting litigation processes for smaller injectables called by Cenabast from, at least, 1999 until at least 2013".

The ruling supports the existence of a single agreement that affected various bidding processes, since the coordination between the parties maintained the same object, form of implementation and group of executives in charge, who were contacted in the same way and in the same place during the entire period of the accusation.

The investigation of the FNE began based on complaints filed by the Comptroller General's Office and the Ministry of Health. The evidence of the case was obtained both from the carrying out of intrusive proceedings (entry, search and seizure, interception and recording of communications) and from the background provided by Laboratorio Biosano, who availed himself of the benefit of the leniency program.

The judgment establishes fines that exceed USD 26 million. Laboratorio Biosano, in its capacity as informer, was granted immunity. The ruling is subject to revision of the Supreme Court of Chile.

We hope this information is of interest to you.

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