

Annex 1 – Glossary

A. Key legal terms

Term	Definition
Legislation	
Act	The Competition Act 1998
Costs Act	Health Service Medical Supplies (Costs) Act 2017
NHS Act	National Health Service Act 2006 (as amended)
TFEU	Treaty on the Functioning of the European Union
Guidance	
Commission Enforcement Priorities Guidance	European Commission Communication: Guidance on the Commission's enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings OJ [2009] C 45/7, 24.2.2009
Commission Notice on Market Definition	European Commission's notice on the definition of relevant market for the purposes of Community competition law OJ [1997] C 372/5 (97/C 372/03)
EU Jurisdictional Notice	European Commission's Consolidated Jurisdictional Notice under Regulation 139/2004
OFT403	OFT guidance on market definition
OFT415	OFT guidance on assessment of market power
Penalty Guidance	CMA's guidance as to the appropriate amount of a penalty (CMA73)
Institutions	
CAT	Competition Appeal Tribunal
CoA	Court of Appeal of England and Wales
General Court	General Court of the European Union
CMA	Competition and Markets Authority
Court of Justice (in quoted materials sometimes 'CJEU')	Court of Justice of the European Union
OFT	Office of Fair Trading

Term	Definition
Concepts	
Akzo presumption	A presumption established in <i>Akzo Nobel v Commission</i> , C-97/08P, EU:C:2009:536 that a parent company exercises influence over its subsidiary
Chapter II prohibition	The prohibition imposed by section 18 of the Competition Act 1998
Reserve Power	Power granted to the Secretary of State by section 262(1) of the NHS Act to limit the price charged by a manufacturer or supplier for the supply of a health service medicine
Statutory Scheme	Power granted to the Secretary of State by section 263(1) of the NHS Act to introduce an industry-wide statutory scheme to control the price of medicines not covered by a voluntary scheme
United Brands test	A test established in <i>United Brands Company and United Brands Continental BV v Commission of the European Communities</i> , 27/76, EU:C:1978:22

B. Key Investigation documents and concepts

Term	Definition
CMA Investigation documents	
2017 SO	Statement of Objections issued to the Parties on 21 November 2017
2019 SSO	Supplementary Statement of Objections issued to the Parties on 30 January 2019
2020 SSO	Supplementary Statement of Objections issued to the Parties on 10 July 2020
DPS	Draft Penalty Statement issued to the Parties on 21 November 2019
Letter of Facts, First Letter of Facts, Second Letter of Facts, Third Letter of Facts, Fourth	Letter of Facts issued on 7 October 2019 Letter of Facts issued on 5 February 2020 Letter of Facts issued on 29 December 2020 Letter of Facts issued on 23 April 2021

Term	Definition
Representations on CMA documents	
RDPS	Response to the DPS
RSO	Response to the 2017 SO
RSSO-2019	Response to the 2019 SSO
RSSO-2020	Response to the 2020 SSO
Key dates	
Cinven Period	31 August 2012 until 20 October 2015
HgCapital Period	30 December 2009 until 30 August 2012
Infringement Period	The period from at least 1 January 2009 to 31 July 2017
Selected key terms	
Cost Plus	Cost plus a reasonable rate of return
Differential	The amounts by which prices exceed Cost Plus
Drug Tariff	The list of reimbursement prices published monthly by the DHSC
Drug Tariff Price Or NHS Reimbursement Price	The price that is reimbursed to the dispenser for fulfilling NHS prescriptions
Infringement	See paragraph 1.4 of this Decision
Levothyroxine Tablets	UK-licensed levothyroxine tablets
Liothyronine Tablets	UK-licensed 20mcg liothyronine sodium tablets
NDT	Natural Desiccated Thyroid
Overseas Liothyronine	Liothyronine tablets licensed in other EEA States

Term	Definition
Parties	Mercury Pharmaceuticals Limited; Advanz Pharma Services (UK) Limited; Mercury Pharma Group Limited; HgCapital LLP; Cinven Capital Management (V) General Partner Limited; Cinven (Luxco 1) S.A.; Cinven Partners LLP; and Advanz Pharma Corp. Limited

C. Key entities relevant to the Parties in this Investigation

Term	Definition
Advanz	The undertaking as defined at paragraph 1.2 of this Decision
Advanz Pharma Corp	Advanz Pharma Corp. Limited
Advanz Pharma Services	Advanz Pharma Services (UK) Limited
Advanz Pharma Group	The Mercury Pharma Companies and Advanz Pharma Corp
AMCo Group	AML and all those entities ultimately wholly owned by AML during the Cinven Period
AMCo or Amdipharm Mercury	The merged Amdipharm and Mercury Pharma groups
AML	Amdipharm Mercury Limited
Cinven	A private equity group of which the Cinven Entities form a part
Cinven Entities	Cinven Capital Management (V) General Partner Limited, Cinven (Luxco 1) S.A. and Cinven Partners LLP
Cinven Limited Partnerships	Fifth Cinven Fund (No. 1) Limited Partnership, Fifth Cinven Fund (No. 2) Limited Partnership, Fifth Cinven Fund (No. 3) Limited Partnership, Fifth Cinven Fund (No. 4) Limited Partnership, Fifth Cinven Fund (No. 5) Limited Partnership and Fifth Cinven Fund (No. 6) Limited Partnership
Cinven MGP	Cinven Capital Management (V) General Partner Limited
Cinven Partners	Cinven Partners LLP
Debtco	Midas Debtco Limited

Term	Definition
Equityco	Midas Equityco S.à.r.l.
Fifth Cinven Fund	Fifth Cinven Fund (No. 5) Limited Partnership
Focus	Focus Pharmaceuticals Ltd
Goldshield	Goldshield Group PLC
HgCapital	HgCapital LLP
HgCapital 6 Fund	HgCapital 6 mid-market buyout private equity fund
HgCapital Limited Partnerships	Seven limited partnerships forming part of the HgCapital 6 Fund
Lead Investors	The HgCapital Limited Partnerships
Luxco 1	Cinven (Luxco 1) S.A.
Mercury Pharma Companies	Mercury Pharmaceuticals Limited, Advanz Pharma Services (UK) Limited and Mercury Pharma Group Limited
Mercury Pharma group	Equityco and all those entities ultimately wholly-owned by Equityco during the HgCapital Period
Primegen	Primegen Limited

D. Other entities referred to in this Decision

Term	Definition
AAH	AAH Pharmaceuticals Limited, a wholesaler
Alliance	Alliance Healthcare (Distribution) Limited
Alloga	Alloga UK Ltd
BGMA	The British Generic Manufacturers Association
BTA	The British Thyroid Association
CCGs	Clinical commissioning groups
CHM	The Commission on Human Medicines

Term	Definition
CMOs	Contract Manufacturing Organisations
[X]	[X]
DHSC (in quoted materials sometimes 'DH' or 'DoH')	The Department of Health and Social Care
EPhMRA	European Pharmaceutical Market Research Association
ETA	The European Thyroid Association
Glaxo	Glaxo Operations UK Ltd
Medeva	Medeva PLC
MHRA	Medicines and Healthcare products Regulatory Agency
Morningside	Morningside Healthcare Limited
NHS	National Health Service
NHS BSA	NHS Business Services Authority
NHSCC	NHS Clinical Commissioners
NICE	National Institute for Health and Care Excellence
Phoenix Healthcare	Phoenix Healthcare Distribution Ltd
Teva	Teva Pharmaceuticals Europe BV
[X]	[X]
Waymade	Waymade PLC
WHO	World Health Organisation
Wockhardt	Wockhardt UK Limited

E. Other abbreviations used in the Decision

Term	Definition
ABC	Activity-based costing
API	Active pharmaceutical ingredient
ASP	Average selling price
ATC	Anatomical Therapeutic Chemical
BSV	Batch specific variation
CAPM	Capital asset pricing model
CKS	Clinical knowledge summary
dm+d	NHS Dictionary of Medicines and Devices
DROP-List	List of Drugs to Review for Optimised Prescribing issued by PrescQIPP
EEA	European Economic Area
EPMU	Equi-proportional mark-up
ERP	Equity risk premium
ETA	The European Thyroid Association
MA	Marketing Authorisation
NIC	Net ingredient cost
PCA	Prescription Cost Analysis
PPRS	Pharmaceutical Price Regulation Scheme
QALY	Quality adjusted life year
RFR	Risk-free rate
ROCE	Return on capital employed
SMPC	Summary of Product Characteristics
SSNIP	Small but significant and non-transitory increase in price
WACC	Weighted average cost of capital