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European Commission makes Sanofi commitments binding over alleged disparagement of competing flu vaccine

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At a glance

On 13 October 2026, the European Commission (the "Commission") **made commitments offered by Sanofi S.A. ("Sanofi") legally binding under EU antitrust rules,** addressing preliminary concerns regarding **alleged disparagement campaigns** in Germany and France against *Fluad*, the only enhanced flu vaccine for vulnerable patients competing with Sanofi's *Efluelda* in Germany and France (AT.40998). These commitments do not amount to an admission of liability.

I. Background and Commission's concerns

The Commission raised preliminarily concerns that Sanofi may hold a dominant position in the national markets for enhanced seasonal influenza vaccines in Germany and France and may have abused that position, contrary to Article 102 TFEU, by disseminating misleading messages to healthcare professionals that could have impeded the uptake of *Fluad*.

The alleged misleading communication campaign targeted at healthcare professionals (HCPs) lasted from 2024 until at least autumn 2025, and consisted of:

- suggesting that the evidentiary basis for *Fluad* is weaker than that for *Efluelda*, in contradiction to the findings of the European Centre for Disease Control and national immunisation technical advisory groups in Germany and France;
- misrepresenting national vaccination recommendations;
- suggesting that the national vaccination recommendations for *Fluad* in Germany remain subject to unresolved scientific objections from medical professional societies.

II. The commitments

Sanofi committed, until March 2030:

- not to use statements in its promotional materials directed at HCPs in Germany and France that: (i) criticise, cast doubt upon or contradict national vaccination recommendations; (ii) highlight negatively *Fluad* or unduly suggest that Sanofi's vaccine *Efluelda* is safer or more effective; (iii) suggest or imply that the evidence base supporting *Fluad* is weaker than the one supporting *Efluelda*;
- not to use such statements when providing input to so-called Key Opinion Leaders (KOLs) for their interactions with HCPs in France and Germany concerning the flu vaccines at stake; and
- in Germany specifically, include, in most of its promotional material related to *Efluelda*, a sufficiently comprehensive and legible reference to the most recent national vaccination recommendations.

In addition, Sanofi will:

- publish, for 24 months, a statement on its German and French websites, acknowledging and clarifying that the applicable national

vaccination recommendations treat *Fluad* and *Efluelda* as equivalent in protecting elderly people against the flu, both having a robust evidence base; and

- send such statement to HCPs and KOLs in Germany who had been previously targeted by Sanofi's disparagement campaign against *Fluad.*

Key takeaways

Sanofi is the latest in a series of recent cases in which the Commission has scrutinised disparagement practices in the pharmaceutical sector under Article 102 TFEU. Following *Vifor* (AT.40577) and *Teva Copaxone* (AT.40588), the case signals the Commission's focus on promotional practices capable of influencing healthcare professionals' choices in a misleading way and hindering the uptake of competing medicines.

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