

## Global Fair Competition Policy Summary

This Policy is global in scope and applies to Mylan Inc., all of its subsidiaries and affiliates (collectively the “Company”) around the world, and all employees, officers, directors, and agents acting on behalf of the Company (collectively, “Company Personnel”).

The purpose of this policy is to reinforce and clearly state Company policy on complying with applicable competition and antitrust laws and regulations for all regions in which the Company conducts its business.

Antitrust and fair competition laws and regulations around the world are intended to preserve fair, honest, and vigorous competition in the marketplace. Although antitrust and fair competition laws vary from place to place, and some practices that may be allowed in certain places may also be forbidden in others, generally, these laws prohibit (1) agreements between competitors to improperly monopolize or divide markets, control prices, limit production, or otherwise unreasonably restrain trade or engage in unfair business practices, (2) unilateral conduct that constitutes monopolization, attempted monopolization and abuse of a dominant position in any market, and (3) discriminatory pricing.

Mylan is committed to compliance with applicable antitrust and fair competition laws. To uphold this commitment, Company Personnel shall at all times comply with applicable fair competition and antitrust laws of the countries in which the Company conducts business.

Due to the complex nature of antitrust and fair competition laws and regulations and the potential civil and criminal consequences of violating them, Company Personnel are required to consult with their regional Chief Compliance Officer or Legal Department if they encounter a situation that may implicate any of these laws or regulations. Furthermore, Company Personnel shall promptly and fully disclose any actual or potential violations of fair competition or antitrust laws that they become aware of to an appropriate Company representative.

Company Personnel that are contacted by a government enforcement official concerning a possible competition law violation must promptly notify the Legal Department.

### Definitions

*Competitor.* Any business or individual that is developing, producing, marketing or selling a product or service that competes with a product or service marketed, distributed, under development, or provided by the Company.

*Customer.* Any entity that has purchased or received, or may potentially purchase or receive, a product or service offered by the Company.

*Proprietary Information.* Information concerning a company’s business operations that is neither public knowledge or readily ascertainable by the public through proper means, and that derives independent value (actual or potential) from being unknown to the public. Examples include but are not limited to all forms of financial, strategic, business, scientific, technical, or economic information, including strategic

plans, programs, formulas, devices, designs, prototypes, methods, techniques, processes, procedures, and codes, whether tangible or intangible, and irrespective of how it is stored, compiled, or memorialized.

### Prohibited Behavior

Company Personnel must always act lawfully and with integrity when conducting Company business. Company Personnel must promote Company products in a truthful and accurate manner and consistent with applicable laws and regulations. Conversely, Company Personnel must not improperly disparage Competitors to Customers or other third parties. Discussions with Customers should focus on the quality and value of Company products.

Company Personnel must not attempt to obtain a Competitor's Proprietary Information from any unauthorized source.

Company Personnel must not provide any third party with any Company Proprietary Information except pursuant to a written, executed Confidentiality Agreement approved in advance by the Legal Department. Company Personnel must be especially cautious about disclosing Company Proprietary Information to any Competitor, even if a confidentiality agreement is in place.

From time to time, Company Personnel may find themselves in the presence of Competitors (i.e., at industry trade shows, educational conferences, etc.) or otherwise in situations involving communications with Competitor personnel. Company Personnel are strictly prohibited from discussing or sharing Proprietary Information with a Competitor. If a discussion with a Competitor turns to discussion of Proprietary Information or other competitively sensitive information such as prices, bids, etc., Company Personnel must:

- i. Inform the Competitor that he/she will not discuss such information;
- ii. Immediately end the conversation; and
- iii. Promptly notify their regional Chief Compliance Officer, the Office of Global Compliance, or the Mylan Legal Department.

Company Personnel are strictly prohibited from engaging in any behavior, either independently or through discussions or agreements with others, that is aimed at, or could be construed as, causing an unreasonable restraint or limitation on competition. Behavior, discussions and agreements prohibited by this Policy include that which may result, or could be construed as resulting, in the following:

- a. *Monopolization of a market or abuse of a dominant market position.* Depending on local law and the particular facts, a company could be deemed to monopolize a market if it has sufficient market power over a particular product or service to control significantly the terms on which others should have access to it. In many jurisdictions, competition and antitrust laws place significant restrictions on monopolies. Typically, holding a monopoly in a market is not in itself illegal, but many types of behavior, if undertaken by a monopolist, may be illegal even if they would not be illegal if the company lacked a monopoly. It is not unlawful for a company to achieve or maintain monopoly position through the exercise of superior skill, foresight, and industry or through government sanction such as a patent or grant of market exclusivity. A company could be found to abuse its dominant market position, however, when it operates in a market that is unoccupied by a serious Competitor and uses that market dominance to control prices and other business terms on Customers, or limit production of a product.
- b. *Product dumping or predatory pricing.* Product dumping may occur when a company sells its product in a market at a price which is below the marginal cost of production in order to gain market share. Predatory pricing may involve the sale of a product at a price below cost for a

- temporary length of time, with the intent to drive a Competitor out of the market for selling that product. These practices may or may not be unlawful depending on the laws of the particular country where this occurs, of whether the sale takes place across national borders.
- c. *Division or allocation of markets, territories or customers.* Market division or allocation schemes are agreements in which Competitors divide markets or allocate specific customers, products, or territories among themselves, thereby restricting trade within that market. This sort of arrangement could be considered per se illegal in some countries.
  - d. *Discussion of prices, terms of sale, contracts, particular customer, output or marketing plans for any Company or Competitor product.* Discussing prices (including business information affecting prices), terms of sale, output and/or marketing plans for a Company product with a Competitor may result in, or be construed as, a form of price fixing, an invitation to collude, or other illegal restraint on trade or competition.
  - e. *Agreements to limit production or refrain from competition.* Agreements among Competitors to increase, decrease, or maintain production levels or services; limit production quality; accelerate or delay the introduction of new products and services; discontinue old products and services; or refrain entirely from competing within a defined market may be illegal and prohibited as illegal restraints on competition. These arrangements may also be permitted in certain circumstances; therefore, Company Personnel must obtain legal advice from the Mylan Legal Department before entering into any such discussion or arrangement.
  - f. *Price fixing and bid rigging.* A price fixing arrangement is any agreement among competitors to raise, fix, or otherwise maintain the price at which their goods or services are sold. Bid rigging is an advance arrangement between Competitors regarding which of them will submit the winning bid on a contract being proposed through a competitive bidding process; it encompasses bid suppression (abstaining from or withdrawing a bid to ensure that the bid is awarded to a Competitor), complementary bidding (submitting bids that are unlikely to be accepted to create the appearance of a genuine competitive bidding process), bid rotation (agreeing with Competitors to take turns being the low bidder), and collusive subcontracting (agreeing to purposely submit a losing bid, or withdraw from bidding, in exchange for an award of a subcontract by a Competitor). Such practices are considered per se illegal in many countries.
  - g. *Boycotting of third parties.* Boycotts are agreements between Competitors to refuse to purchase from other Competitors or third parties or to refuse to sell to particular Customers.
  - h. *Discriminatory Pricing.* Discrimination in prices on the sales of the same goods to equally situated Customers may violate antitrust and fair competition laws. This does not mean, however, that the Company must always charge the same price for a product to every customer, as there are many lawful reasons to charge different prices, or to offer different business terms. Company Personnel should obtain legal advice from the Mylan Legal Department in situations where different prices may be charged for the same goods or services.
  - i. *Restrictions on EU Cross-Border Trade.* EC competition laws strictly prohibit agreements or conduct that (directly or indirectly) restrain the flow of goods or services across EU member state borders, such as bans on exports to other member states or restrictions on “parallel” imports, i.e., prohibiting the sale of a good to anyone who would resell it into another member state.

Company Personnel that become aware of any actual or potential violations of competition or antitrust laws must, if applicable, immediately cease participating in the prohibited or questionable behavior, activity or relationship and report the actual or potential violation to the Mylan Legal Department, the regional Chief Compliance Officer, or the Office of Global Compliance. Company Personnel may also choose to anonymously report actual or potential violations by contacting the Company’s “Compliance Line.”



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Mylan reserves the right to amend or rescind, in whole or in part, this policy at any time and without notice. Neither this policy, nor its terms, nor its enforcement shall constitute or be construed or relied on as a contract of employment, or as a promise or commitment of benefits or continued employment. Failure to comply with the terms of this policy may subject the individual to disciplinary action, up to and including termination of employment.