

***Case No COMP/M.5393 -  
TEIJIN PHARMA /  
LABORATORIOS DEL  
DR. ESTEVE /  
OXIMEPLUS***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004  
MERGER PROCEDURE**

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Article 6(1)(b) NON-OPPOSITION  
Date: 07/01/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 7/01/2009  
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PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

**To the notifying parties**

Dear Madam(s) and/or Sir(s),

**Subject: Case No COMP/M.5393 - TEIJIN PHARMA / LABORATORIOS DEL DR. ESTEVE / OXIMEPLUS  
Notification of 24/11/2008 pursuant to Article 4 of Council Regulation (EC) No 139/2004<sup>1</sup>  
Publication in the Official Journal of the European Union No C 307, 02/12/2008, p.8**

1. On 24/11/2008, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which which the undertakings Teijin Pharma Limited ("Teijin Pharma", Japan) belonging to Teijin Limited ("Teijin", Japan) and Laboratorios del Dr. Esteve, S.A. ("Esteve", Spain), acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of Oximeplus, S.A. ("Oximeplus", Spain), which is currently controlled by Esteve, by way of purchase of shares.
2. The business activities of the undertakings concerned are :
  - for Teijin Pharma : solutions for both pharmaceuticals and home health care;

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<sup>1</sup> OJ L 24, 29.1.2004, p. 1.

- for Teijin : ultimate parent company of a group of approximately 160 companies whose main activity is the development and marketing of fibres;
  - for Esteve : manufacturing and marketing of pharmaceutical preparations and drugs intended for human and veterinary uses;
  - for Oximeplus : hospital and home oxygen therapy.
3. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No 139/2004 and of paragraph 5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>2</sup>.
  4. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EC) No 139/2004.

For the Commission

*(signed)*  
Philip LOWE  
Director General

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<sup>2</sup> OJ C 56, 05.3.2005, p. 32.