

EN

***Case No COMP/M.7247 - FRESENIUS SE & CO /
SISTEMA JSFC / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 18/06/2014

***In electronic form on the EUR-Lex website under document
number 32014M7247***



EUROPEAN COMMISSION

Brussels, 18.06.2014
C(2014) 4224 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party:

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

**Subject: Case M.7247 - FRESENIUS SE & CO / SISTEMA JSFC / JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

- ^{1.} On 02.06.2014, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Fresenius Kabi Deutschland GmbH, an indirectly wholly owned subsidiary of Fresenius SE & Co. KGaA ("Fresenius", Germany), and Sistema JSFC ("Sistema", Russian Federation) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of a newly created company constituting a joint venture, Fresenius Kabi Binnopharm GmbH & Co. KG ("Fresenius Kabi Binnopharm") by way of purchase of shares.²
- ^{2.} The business activities of the undertakings concerned are:
 - for Fresenius: a health care group, active in the development, marketing and sales of medicines and technologies for infusion, transfusion and clinical nutrition, with main focus on dialysis treatments, including hospital care and medical care of patient at home, globally.

¹ OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

² Publication in the Official Journal of the European Union No C 164, 29.05.2014, p. 22.

- for Sistema: an equity investment group active in the fields of telecommunications, oil, electric power, consumer goods, high tech, including biotechnology and pharmaceuticals, and other industries, mainly in the Russian Federation.
 - for Fresenius Kabi Binnopharm: active in the fields of manufacture and distribution of pharmaceutical products, hepatitis B vaccines and a range of biotech medications as well as infusion and blood substitution solutions, parenteral and enteral nutrition and generic oncological treatments in the Russian Federation and Commonwealth of Independent States.
3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.³
 4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the Commission

*Alexander ITALIANER
Director General*