

***Case No COMP/M.7716 - PFIZER/ GSK MENACWY
BUSINESS***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 09/09/2015

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EUROPEAN COMMISSION

Brussels, 09.09.2015
C(2015) 6311 final

PUBLIC VERSION
SIMPLIFIED MERGER PROCEDURE

To the notifying party:

Dear Sirs,

Subject: Case M.7716 – PFIZER/ GSK MENACWY BUSINESS
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²

1. On 17 August 2015, the European Commission received notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of the Merger Regulation by which the undertaking Pfizer Ireland Pharmaceuticals ("Pfizer", Ireland) controlled by Pfizer Inc. (USA) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the assets constituting the Nimenrix and Mencevax Meningococcal ACWY vaccines business (the "MenACWY vaccines business") of GlaxoSmithKline Biologicals S.A. ("GSK", Belgium), by way of purchase of assets.³
2. The business activities of the undertakings concerned are:
 - Pfizer : manufacturing of pharmaceutical products including pharmaceutical ingredients, solid dose pharmaceuticals, sterile injectables, nutritionals, vaccines and biopharmaceuticals, commercial human prescription, animal health and consumer health products businesses.

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 OJ L 1, 3.1.1994, p. 3 ("the EEA Agreement").

³ Publication in the Official Journal of the European Union No C 280, 25.08.2015, p. 9.

- GSK's MenACWY vaccines business: two Meningococcal ACWY vaccines, Mencevax, a polysaccharide MenACWY vaccine, and Nimenrix, a conjugate MenACWY vaccine.
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(b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴
 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 and Article 57 of the EEA Agreement.

*For the Commission
(Signed)*

*Johannes LAITENBERGER
Director-General*

⁴ OJ C 366, 14.12.2013, p. 5.