

***Case No COMP/M.5843 -
ELI LILLY/ CERTAIN
ANIMAL HEALTH
ASSETS OF PFIZER***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 21/05/2010

***In electronic form on the EUR-Lex website under document
number 32010M5843***



EUROPEAN COMMISSION

Brussels, 21.05.2010
SG-Greffe(2010) D/7122
C(2010)3331

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party:

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

**Subject: Case No COMP/M.5843 – ELI LILLY/ CERTAIN ANIMAL HEALTH ASSETS OF PFIZER
Notification of 19.04.2010 pursuant to Article 4 of Council Regulation (EC) No 139/2004
Publication in the Official Journal of the European Union No C 107, 27.04.2010, p. 14**

1. On 19 April 2010 the European Commission received a notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004¹ by which the undertaking Elanco Animal Health Ireland Limited (EU), controlled by Eli Lilly & Co (USA), acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of parts of the undertaking Pfizer Inc (USA) by way of a purchase of assets.
2. The business activities of the undertakings concerned are:
 - for Eli Lilly and Co: research based, global pharmaceutical company engaged in the discovery, development, manufacture and sale of a range of pharmaceutical products for humans and animals,

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.

- Pfizer Assets: rights to animal health products in the areas of multivalent feline vaccines, equine influenza and tetanus vaccines, swine mycoplasma hyopneumoniae vaccines, parasiticides for companion and production animals, oral rehydration salts and tetracycline sprays.
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 139/2004².
 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 European Commission,
(signed)
Alexander ITALIANER
Director General

² OJ C 56, 5.3.2005, p. 32.