

***Case No COMP/M.2419 -
APAX / SCHERING /
METAGEN***

Only the English text is available and authentic.

**REGULATION (EEC) No 4064/89
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION
Date: 14/05/2001

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14/05/2001 *288517

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying party

Dear Sirs,

**Subject: Case No. COMP/M. 2419 - APAX / SCHERING / METAGEN
Notification of 04.04.2001 pursuant to Article 4 of Council Regulation (EEC)
No. 4064/89¹
Publication in the Official Journal of the European Communities No. C 111,
12.04.2001, page 11.**

1. On 04.04.2001, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89² by which the undertaking Apax Europe IV-A L.P , controlled by Apax Europe IV GP Co Ltd which is controlled by Hirzell Trust (all: Guernsey, Channel Islands) acquire from Schering AG (GER) within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking metaGEN, Gesellschaft für Genomforschung GmbH (“metaGen”, GER) by way of purchase of shares.

On 04.05.2001 the parties submitted a modification of the notification which replaces Apax Europe IV-A L.P by Apax Europe V-A L.P, also controlled by Hirzell Trust (all: Guernsey, Channel Islands).

The business activities of the undertakings concerned are :

- Apax Europe V-A, L.P. is an investment fund.

¹ OJ L 395, 30.12.1989 p. 1; corrected version OJ L 257 of 21.9.1990, p. 13, as last amended by Regulation (EC) No 1310/97, OJ L 180, 9.7.1997, p. 1, corrigendum in OJ L 40, 13.2.1998, p. 17.

² OJ L 395, 30.12.1989 p. 1; corrigendum OJ L 257 of 21.9.1990, p. 13; Regulation as last amended by Regulation (EC) No 1310/97 (OJ L 180, 9. 7. 1997, p. 1, corrigendum OJ L 40, 13.2.1998, p. 17).

- Schering AG is active in the development, manufacturing and sale of pharmaceuticals.
 - MetaGen is a biotechnology company focussing on cancer therapeutics and diagnostics.
2. After examination of the notification, the Commission has concluded that the notified operation as modified falls within the scope of Council Regulation (EEC) No. 4064/89 and of paragraph 4, subparagraph a, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89³.
 3. 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 (EEC) No. 4064/89.

For the Commission
(Signed)
Mario MONTI
Member of the Commission

³ OJ C 217, 29.07.2000, p. 32.