

***Case No COMP/M.3881 -
PHOENIX / A&C
ADIVAR-COMIFAR***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 09/08/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 09.08.2005

SG-Greffe(2005) D/204383

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.3881 — Phoenix / A&C Adivar-Comifar
Notification of 6/7/2005 pursuant to Article 4 of Council Regulation (EC) No.
139/2004¹
Publication in the Official Journal of the European Union No. C-175,
15/07/2005, page 10.**

1. On 6/7/2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Comifar S.p.A. (“Comifar”, Italy), belonging to the Phoenix group (“Phoenix”, Germany) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking A&C Adivar-Comifar S.p.A. (“A&C”, Italy) by way of purchase of shares.
2. The business activities of the undertakings concerned are :
 - for Phoenix : wholesale of pharmaceuticals and connected services to pharmacies throughout Europe;
 - for Comifar : wholesale of pharmaceutical and parapharmaceutical products in Italy;
 - for A&C Adivar-Comifar: wholesale of pharmaceutical and parapharmaceutical products in Italy.

¹ OJ L 24, 29.1.2004 p. 1

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, subparagraph (d) 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 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)
Neelie KROES
Member of the Commission

² OJ C 56, 05.3.2005 p.32