

***Case No COMP/M.4423 -
MERCK / SERONO***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 15/12/2006

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EUROPEAN COMMISSION
Competition DG

Brussels, 15-XII-2006

SG-Greffe(2006) D/208051

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

PUBLIC VERSION

To the notifying parties

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

**Subject: Case No. COMP/M.4423 - Merck/ Serono
Notification of 13.11.2006 pursuant to Article 4 of Council Regulation (EC) No. 139/2004¹
Publication in the Official Journal of the European Communities No. C 283, 21-11-2006, page 6.**

1. On 13 November 2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004¹ by which the undertaking Merck KGaA (“Merck”, Germany) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the undertaking Serono S.A. (“Serono”, Switzerland) by way of purchase of shares.

¹ OJ L 24, 29.1.2004 p. 1.

2. The business activities of the undertakings concerned are:
 - for undertaking Merck: a global research-based pharmaceutical and chemical company;
 - for undertaking Serono: a global research-based pharmaceutical company.
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 c, 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
Philip LOWE
Director General

² OJ C 56, 05.3.2005 p. 32.