

***Case No COMP/M.5290 -  
PHOENIX / CERP  
LORRAINE -  
REPARTITION  
FRANCE***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 30/09/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30-9-2008  
SG-Greffe(2008) D/205865  
C(2008) 5663

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

**To the notifying party:**

Dear Madam, Dear Sir,

**Subject: Case No COMP/M.5290 – Phoenix/ CERP Lorraine-Répartition France  
Notification of 26.08.2008 pursuant to Article 4 of Council Regulation (EC) No  
139/2004<sup>1</sup>  
Publication in the Official Journal of the European Union No C 225,  
02.09.2008, p.22**

1. On 26.08.2008, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking RTB Pharma S.A.R.L., France, ("RTB Pharma") controlled by Phoenix Pharmahandel AG & Co KG, Germany, belonging to the Phoenix Group acquires within the meaning of Article 3(1)(b) of the Council Regulation sole control of CERP Lorraine – Répartition France which is operated by the CERP Lorraine Group S.A., France, by way of purchase of assets.

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<sup>1</sup> OJ L 24, 29.1.2004, p. 1.

2. The business activities of the undertakings concerned are :
  - Phoenix is amongst other things active in pharmaceutical wholesale in France.
  - CERP Lorraine – Répartition France is active in pharmaceutical wholesale in France.
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(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>2</sup>.
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

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<sup>2</sup> OJ C 56, 05.3.2005, p. 32.