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***Case No COMP/M.6708 - BMS/ ASTRAZENECA/ AMYLIN
BUSINESS***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION

Date: 01/03/2013

***In electronic form on the EUR-Lex website under document
number 32013M6708***



EUROPEAN COMMISSION

Brussels, 01/03/2013
C(2013)1299

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

**Subject: Case No COMP/M.6708 - BMS/ ASTRAZENECA/ AMYLIN BUSINESS
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 28 January 2013, the European Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ("Merger Regulation") by which the undertakings Bristol-Myers Squibb Company ("BMS", USA) and AstraZeneca Pharmaceuticals LP ("AZ", UK) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Amylin Collaboration Business ("Amylin Business", USA) by way of acquisition of certain governance rights.²

¹ OJ L 24, 29.1.2004, p. 1. 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.

² Publication in the Official Journal of the European Union No C 35, 7.2.2013, p. 5.

2. The business activities of the undertakings concerned are:
- AZ : primarily engaged in the discovery, development, manufacture and commercialization of prescription medicines for gastrointestinal, cardiovascular, neuroscience, respiratory and inflammation, oncology and infectious diseases;
 - BMS : active in the development and commercialization of treatments in several areas, in particular cardiovascular, virology (including HIV infection), oncology, neuroscience, immunoscience, and metabolics treatments;
 - Amylin Business : joint development and commercialization of four Amylin compounds, namely exenatide, pramlintide, metreleptin and AC165198.
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(a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004³.
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 Agreement⁴. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the Commission
(signed)
Alexander ITALIANER
Director General

³ OJ C 56, 5.3.2005, p. 32.

⁴ The Commission considers that the acquisition of sole control by BMS over Amylin Pharmaceuticals Inc. and the acquisition of joint control by AZ and BMS over Amylin Business are unitary in nature and thus constitute a single concentration within the meaning of the Merger Regulation.