

Case No COMP/M.6888 - OTSUKA/ MITSUI/ CLARIS

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 17/05/2013

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EUROPEAN COMMISSION

Brussels, 17.5.2013
C(2013) 3002

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

**Subject: Case No COMP/M.6888 - OTSUKA/ MITSUI/ CLARIS
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 18 April 2013, the European Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Otsuka Pharmaceutical Factory Inc. ("Otsuka", Japan), which is part of the Otsuka group companies held under Otsuka Holdings Co., Ltd.(Japan), Mitsui & Co. Ltd ("Mitsui", Japan) and Claris Lifescience Limited ("Claris", India) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of a 100% subsidiary of Claris, Claris Otsuka Limited (the "JV", India), by way of purchase of shares.²
2. The business activities of the undertakings concerned are:
 - Otsuka: pharmaceuticals, nutraceuticals³ consumer products, distribution and packaging;
 - Mitsui: sale, distribution, purchase, marketing and supply of products in areas such as: iron, steel, non-ferrous metals, machinery, electronics, chemicals,

1 OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). 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 C120, 26/04/2013, p.25.

3 "Nutraceutical" refers to a line of products combining "nutrition" and "pharmaceuticals".

- energy-related commodities, foods and retail, lifestyle and consumer service, sale of motor vehicles and motorcycles;
- Claris: manufacturing and distribution of intravenous infusion products, generic drugs, research based products and therapies for acute illnesses and surgical situations;
 - Claris Otsuka Limited (the JV): manufacturing, marketing and trading infusion products infusion solutions, anti-infectives and plasma volume expanders.
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 139/2004.⁴
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 Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the Commission
(signed)
Alexander ITALIANER
Director General

4 OJ C 56, 5.3.2005, p. 32.