



EUROPEAN COMMISSION
DG Competition

Case M.9052 - KIRIN / MITSUI / THORNE

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 24/09/2018

***In electronic form on the EUR-Lex website under document
number 32018M9052***



EUROPEAN COMMISSION

Brussels, 24.09.2018
C(2018) 6319 final

PUBLIC VERSION

To the notifying parties

**Subject: Case M.9052 – Kirin/Mitsui/Thorne
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

Dear Sir or Madam,

1. On 31 August 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Kirin Holdings Company, Limited ('Kirin', Japan) and Mitsui & Co., Ltd. ('Mitsui', Japan) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control over the whole of the undertaking Thorne Holding Corporation ('Thorne', USA) by way of a purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for Kirin: engaging in pharmaceutical, biotechnology and integrated beverages businesses,
 - for Mitsui: a trading house engaging in a number of worldwide commodity and other businesses, including the sale, distribution, purchase, marketing and supply of products in business areas such as iron and steel, coal and non-ferrous metals, machinery, electronics, chemicals, and energy-related commodities,
 - for Thorne: developing, manufacturing and selling high-end nutritional supplements, mainly to healthcare practitioners in the U.S.A. Thorne also sells animal nutritional

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 OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

³ Publication in the Official Journal of the European Union No C 315, 7.9.2018, p. 23.

supplements and self-diagnostic tests for at-home detection of various health problems.

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 paragraphs 5(a) and 5(c) 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 and Article 57 of the EEA Agreement.

For the Commission

(Signed)

Johannes LAITENBERGER

Director-General

⁴ OJ C 366, 14.12.2013, p. 5.