



EUROPEAN COMMISSION
COMPETITION DG

Directorate R
Unit R.2 COMP-MEETINGS

OPINION

of the ADVISORY COMMITTEE on MERGERS

AT ITS MEETING OF 30 April 2021

CONCERNING A PRELIMINARY DRAFT DECISION RELATING TO

CASE M.8181 – Merck / Sigma-Aldrich – Art. 14(1) procedure

Rapporteur: ROMANIA

1. The Advisory Committee (13 Member States) agrees with the Commission's assessment that Sigma-Aldrich submitted incorrect and/or misleading information, within the meaning of Article 14(1)(a) of Council Regulation (EC) No 139/2004 (the "Merger Regulation"), in Section 5.3 of the Final Form RM submitted on 12 June 2015 pursuant to Article 20(1a) of Commission Regulation (EC) No 802/2004 (the "Implementing Regulation").
2. The Advisory Committee (13 Member States) agrees with the Commission's assessment that Sigma-Aldrich submitted incorrect and/or misleading information, within the meaning of Article 14(1)(b) of the Merger Regulation, in reply to the 29 May 2015 request for information made pursuant to Article 11(2) of the Merger Regulation.
3. The Advisory Committee (13 Member States) agrees with the Commission's assessment that Sigma-Aldrich submitted incorrect and/or misleading information, within the meaning of Article 14(1)(b) of the Merger Regulation, in reply to the 2 June 2015 request for information made pursuant to Article 11(2) of the Merger Regulation.
4. The Advisory Committee (13 Member States) agrees with the Commission's assessment that Sigma-Aldrich intentionally or at least negligently infringed Article 14(1)(a) of the Merger Regulation by submitting incorrect and/or misleading information in Section 5.3 of the Final Form RM submitted on 12 June 2015 pursuant to Article 20(1a) of the Implementing Regulation.
5. The Advisory Committee (13 Member States) agrees with the Commission's assessment that Sigma-Aldrich intentionally or at least negligently infringed Article 14(1)(b) of the Merger Regulation

by submitting incorrect and/or misleading information in reply to the 29 May 2015 request for information made pursuant to Article 11(2) of the Merger Regulation.

6. The Advisory Committee (13 Member States) agrees with the Commission's assessment that Sigma-Aldrich intentionally or at least negligently infringed Article 14(1)(b) of the Merger Regulation by submitting incorrect and/or misleading information in reply to the 2 June 2015 request for information made pursuant to Article 11(2) of the Merger Regulation.
7. The Advisory Committee (13 Member States) agrees with the Commission that a fine should be imposed on Sigma-Aldrich pursuant to Articles 14(1)(a) and 14(1)(b) of the Merger Regulation.
8. The Advisory Committee (13 Member States) agrees with the factors taken into consideration by the Commission for the purposes of determining the level of the fine to be imposed on Sigma-Aldrich pursuant to Articles 14(1)(a) and 14(1)(b) of the Merger Regulation.
9. The Advisory Committee (13 Member States) agrees with the actual level of the fine proposed by the Commission to be imposed on Sigma-Aldrich pursuant to Articles 14(1)(a) and 14(1)(b) of the Merger Regulation.
