

***Case No COMP/M.5443 -
OTSUKA
PHARMACEUTICAL /
NARDOBEL***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 05/02/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 05/02/2009
SG-Greffe(2009) D/659
C(2009) 838

PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party

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

**Subject: Case No COMP/M.5443 – OTSUKA PHARMACEUTICAL / NARDOBEL
Notification of 23.12.2008 pursuant to Article 4 of Council Regulation (EC) No
139/2004¹
Publication in the Official Journal of the European Union No C 7, 13.01.2009,
p.13**

1. On 23.12.2008, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Otsuka Pharmaceutical Co. Ltd. ("Otsuka", Japan) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Nardobel SAS ("Nardobel", France) by way of purchase of securities.
2. Otsuka develops and manufactures pharmaceutical products and consumer products.
3. Nardobel is the holding company of the Libra group. Libra is mainly active in the manufacturing and distribution of dietary products such as functional products, slimming products, sport products and organic food products. Besides that, Libra also distributes some plant-based pharmaceuticals.
4. 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

¹ OJ L 24, 29.1.2004, p. 1.

5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004².

5. 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

² OJ C 56, 05.3.2005, p. 32.