EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

Subject: **Case M.9525 - EPE / OCH / OMNICARE**
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004[1] and Article 57 of the Agreement on the European Economic Area[2]

Dear Sir or Madam,

1. On 04 September 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Equistone Partners Europe Limited ("Equistone", United Kingdom) and Mr. Oliver TAMIMI, through Omnicare Holding GmbH & Co. KG ("OCH", Germany), acquire within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation joint control over Omnicare Beteiligungen GmbH ("Omnicare", Germany) by way of purchase of shares.[3] Omnicare is currently exclusively controlled, through OCH, by Mr. Olivier TAMIMI.

2. The business activities of the undertakings concerned are:

   – Equistone is a private equity investment firm active in the United Kingdom, France, Germany and Switzerland. Funds controlled by Equistone are investing in companies from various business sectors such as consumer and travel, financial services, specialist engineering and support services;

   – Mr. Oliver TAMIMI controls several economic undertakings, including notably (i) my Pharmacy Gmbh, which provides various services to pharmacies in Germany (e.g. accounting services and quality management), (ii) Sovelio, which is specialised in home care, and (iii) MP Immobilien, which owns and leases real estate in Munich;

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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 307, 11.09.2019, p. 11.

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– Omnicare is mainly active in: (i) specialty pharma distribution (oncological pharmaceutical products), (ii) services for compounding pharmacies, (iii) holding of participations in certain outpatient oncological medical centres and (iv) clinics for treatment of mental and psychosomatic disorders and diseases.

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(b) 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)
Cecilio MADERO VILLAREJO
Acting Director-General

4 OJ C 366, 14.12.2013, p. 5.