

Prior notification of a concentration**(Case COMP/M.3544 — BAYER HEALTHCARE/ROCHE (OTC BUSINESS))**

(2004/C 248/04)

(Text with EEA relevance)

1. On 29 September 2004, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking Bayer HealthCare AG (Germany) controlled by Bayer AG (Germany) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of parts of the worldwide Roche OTC ⁽²⁾ business ('Orion', Switzerland) belonging to the undertaking Roche Holding AG (Switzerland) by way of purchase of shares and assets.

2. The business activities of the undertakings concerned are:

- for Bayer HealthCare: healthcare products, notably OTC medication and nutritional supplements,
- for Bayer: healthcare, crop science and polymers products,
- for Orion: OTC medication.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (fax No +32/2/2964301 or 2967244) or by post, under reference number COMP/M.3544 — BAYER HEALTHCARE/ROCHE (OTC BUSINESS), to the following address:

European Commission
Directorate-General for Competition,
Merger Registry
J-70
B-1049 Bruxelles/Brussel

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

⁽²⁾ OTC : over the counter.