



COMPETITION COMMISSION OF INDIA
(Combination Registration No. C-2013/04/119)

06.06. 2013

Notice u/s 6 (2) of the Competition Act, 2002 given by:

- Mylan Laboratories Limited

Order under Section 31(1) of the Competition Act, 2002

1. On 4th April, 2013, the Competition Commission of India (hereinafter referred to as the “**Commission**”) received a notice under sub-section (2) of Section 6 of the Competition Act, 2002 (hereinafter referred to as the “**Act**”) given by Mylan Laboratories Limited (hereinafter referred to as “**Mylan/Acquirer**”).
2. The proposed combination comprises acquisition by Mylan, of a newly established Finished Dosage Forms (hereinafter referred to as “**FDFs**”) manufacturing facility located in a Special Economic Zone in Dhar district in the state of Madhya Pradesh, from Unichem Laboratories Limited (hereinafter referred to as “**Unichem**”). The notice was filed pursuant to the execution of a Business Transfer Agreement on 11th March, 2013 between Unichem and Mylan. The proposed combination falls under Section 5 (a) of the Act.
3. In terms of Regulation 14 of the Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Regulations, 2011, vide letter dated 11th April, 2013, the Acquirer was required to remove defects and provide certain information regarding the notice. The Acquirer filed its response on 27th May, 2013.
4. Mylan, a company incorporated under the Companies Act, 1956, is stated to be a pharmaceutical company having 11 manufacturing



facilities in India, of which 8 facilities are for manufacture of Active Pharmaceutical Ingredients (“API”); 2 facilities are for manufacture of FDFs; and 1 facility for manufacture of injectibles. Mylan is also stated to have two dedicated Research & Development facilities in India. Mylan is stated to be engaged in the development, manufacture and marketing of APIs and solid oral dosage forms of pharmaceuticals.

5. Unichem, a company incorporated under the Companies Act, 1956, is stated to be a pharmaceutical company having 7 manufacturing facilities in India, of which 2 facilities are for manufacture of APIs and 5 facilities are for manufacture of FDFs. It is also stated in the notice that while FDFs form the core of Unichem’s business, it also manufactures APIs.
6. From the information provided in the notice, it is observed that the proposed combination comprises acquisition by Mylan, of a newly established FDF manufacturing facility located in SEZ, from Unichem, with the intent to export products to be manufactured at the said facility. It is also observed that the proposed combination will not affect any market in India as Mylan is neither acquiring any shares, voting rights or control in Unichem nor any brands or intellectual property rights from Unichem. In view of the foregoing, the proposed combination will not give rise to any adverse competition concern in India.
7. Considering the facts on record and the details provided in the notice given under sub-section (2) of Section 6 of the Act and the assessment of the combination after considering the relevant factors mentioned in sub-section (4) of Section 20 of the Act, the Commission is of the opinion that the combination is not likely to have an appreciable adverse effect on competition in India and therefore, the Commission hereby approves the combination under sub-section (1) of Section 31 of the Act.
8. This approval is without prejudice to any other legal/statutory obligations as applicable.



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9. This order shall stand revoked if, at any time, the information provided by the parties to the combination is found to be incorrect.

10. The Secretary is directed to communicate to the Acquirer accordingly.