

EN  
E-001137/2018  
Answer given by Ms Vestager  
on behalf of the Commission  
(13.6.2018)

The Commission has approved, subject to conditions, under the EU Merger Regulation the acquisition of Monsanto by Bayer. The merger is conditional on the divestiture of an extensive remedy package, which addresses the parties' overlaps in seeds, traits, pesticides and digital agriculture.

The decision was adopted on 21 March 2018, well within the legal deadline of the case set at 5 April 2018.<sup>1</sup>

The Commission's assessment showed that the transaction as notified would have significantly reduced competition on price and innovation in Europe on a number of different markets. The commitments submitted by Bayer address these competition concerns in full: (i) they remove all of the parties' existing overlaps in vegetable seeds, broad acre crop seeds, broad acre crop traits and pesticides markets, (ii) they cover Bayer's global research and development organisation for seeds and traits as well as Bayer's research activities to develop a challenger product to Monsanto's glyphosate, and cover certain Monsanto assets related to nematocide seed treatment which in the future would have competed with a Bayer seeds treatment; (iii) they include a worldwide licence to Bayer's entire global digital agriculture product portfolio and pipeline to ensure continued competition on this emerging market.

Bayer has designated BASF as a potential purchaser. The Commission has verified in a merger procedure whether the divestment to BASF raises new competition concerns.<sup>2</sup> The Commission has also carefully reviewed whether BASF meets all the suitable purchaser requirements. On 29 May 2018, the Commission concluded that BASF meets all these requirements and approved BASF as a suitable purchaser.

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<sup>1</sup> Commission's press release on the conditional approval of the transaction: [http://europa.eu/rapid/press-release\\_IP-18-2282\\_en.htm](http://europa.eu/rapid/press-release_IP-18-2282_en.htm)

<sup>2</sup> Commission's press release on the conditional approval of the transaction: [http://europa.eu/rapid/press-release\\_IP-18-3622\\_en.htm](http://europa.eu/rapid/press-release_IP-18-3622_en.htm)