



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Statement of Commissioners Noah Joshua Phillips and Christine S. Wilson

Regarding Grant of Prior Approval Application of Sartorius Stedim Biotech S.A. for the Acquisition of Novasep Process SAS

February 1, 2022

On January 31, 2022 the Commission granted approval to Sartorius Stedim Biotech S.A. to purchase Novasep Process SAS. The companies compete and innovate together to develop and market chromatography technologies, which assist in the production of pharmaceuticals. Sartorius was subject to a prior approval for any future acquisition of Novasep as part of the Commission's March 2020 Danaher/GE Health consent, where Sartorius was the Commission-approved divestiture buyer.¹ This grant is the first prior approval grant in recent years affirmatively approving a merger,² and follows the Commission's adoption of a policy concerning prior approval in October.³ We commend staff for conducting a thorough investigation and detailed analysis of the facts in this matter. The Commission has determined the transaction is unlikely substantially to lessen competition in the market for resin-based low-pressure liquid chromatography continuous systems used in bioprocessing.

¹ FTC Press Release, FTC Requests Public Comment on Petition from Sartorius Stedim Biotech S.A. for Agency Approval of Its Acquisition of Chromatography Equipment Business of Novasep Process SAS (Nov. 2, 2021), <https://www.ftc.gov/news-events/press-releases/2021/11/ftc-requests-public-comment-petition-sartorius-stedim-biotech-sa>.

² The Commission has granted prior approval applications for the sale or acquisition of divested assets. *See e.g.*, FTC Press Release, FTC Approves Supervalu Inc.'s Application to Sell 2 Supermarkets Operating under the Shop 'n Save Banner in Virginia and West Virginia (Feb. 25, 2019), <https://www.ftc.gov/news-events/press-releases/2019/02/ftc-approves-supervalu-incs-application-sell-2-supermarkets>; FTC Press Release, FTC Approves Sycamore Partners II, L.P. Application to Sell 323 Family Dollar Stores to Dollar General (April 27, 2017), <https://www.ftc.gov/news-events/press-releases/2017/04/ftc-approves-sycamore-partners-ii-lp-application-sell-323-family>.

³ Statement of the Commission on Use of Prior Approval Provisions in Merger Orders (Oct. 25, 2021), https://www.ftc.gov/system/files/documents/public_statements/1597894/p859900priorapprovalstatement.pdf. *But see* Dissenting Statement of Commissioners Christine S. Wilson and Noah Joshua Phillips Regarding the Statement of the Commission on Use of Prior Approval Provisions in Merger Orders (Oct. 29, 2021), https://www.ftc.gov/system/files/documents/public_statements/1598095/wilson_phillips_prior_approval_dissenting_statement_102921.pdf.