Section 57 of the Competition Act (Cap. 50B)

Grounds of Decision issued by the Competition and Consumer Commission of Singapore

In relation to the notification for decision on the proposed acquisition of PPD, Inc. by Thermo Fisher Scientific, Inc.

Date: 25 November 2021

Case number: CCCS 400/140/2021/006

Confidential information in the original version of this Decision has been redacted from the published version on the public register. Redacted confidential information in the text of the published version of the Decision is denoted by [✂].

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I. Introduction

1. On 1 October 2021, the Competition and Consumer Commission of Singapore ("**CCCS**") accepted a notification, pursuant to section 57 of the Competition Act (Cap. 50B) (the "**Act**"), by Thermo Fisher Scientific, Inc. ("**Thermo Fisher**") for a decision as to whether the proposed acquisition by Thermo Fisher of 100% of the shareholding of PPD, Inc. ("**PPD**") ("**the Proposed Transaction**") will infringe section 54 of the Act, if carried into effect.

2. In assessing the Proposed Transaction, CCCS conducted a public consultation, which included gathering feedback from the customers and competitors of Thermo Fisher and PPD (collectively, "**the Parties**"). CCCS contacted eighteen (18) competitors[1] of Thermo Fisher, six (6) competitors[2] of PPD, twenty-six (26)[3] end-customers and eight (8)[4] of Thermo Fisher's distributors. Responses were received from twenty-two (22) of these third parties. All except four (4)[5] indicated that they do not have concerns with the Proposed Transaction.

3. At the end of the consultation process and based on the information received, CCCS has assessed that the Proposed Transaction, if carried into effect, will not infringe section 54 of the Act.

II. The Parties

Thermo Fisher

4. Thermo Fisher is the ultimate parent company of the group of companies that comprise the Thermo Fisher Scientific group. Thermo Fisher is a global manufacturer and supplier of a broad range of analytical, research and bioprocessing products, and pharmaceutical contract development and manufacturing services. Thermo Fisher serves customers such as pharmaceutical and biotech companies, among others. Its product portfolio includes, in particular, analytical instruments, laboratory equipment, software, services, consumables, reagents, chemicals and supplies, many of which are offered in Singapore.[6]

5. According to Thermo Fisher's submission, its Clinical Trial Division ("**CTD**") is the only part of its business with activities that create a non-negligible vertical link with PPD in Singapore. In particular, CTD provides the following support services for clinical trials.[7]

[1] [✂]
[2] [✂]
[3] [✂]
[4] [✂]
[5] [✂]
[6] Paragraph 8.1 and 10.5 of Form M1, Paragraph 10.17 of Form M1
[7] Paragraph 10.7 of Form M1.

(a) Clinical Trial Comparator Sourcing Services. This involves the sourcing of marketed drugs or placebos to be used as comparators in clinical trials and procuring drugs directly from originators, generics companies and third parties such as wholesalers.

(b) Clinical Trial Ancillaries Sourcing Services. This involves the sourcing of all products, other than drugs, that are needed at clinical trial sites that enable the administration of drugs to the patient. These are products such as consumables (e.g., needles, syringes, gloves, masks, dispensers for medication), equipment (e.g., freezers, centrifuges), diagnostics devices (e.g., thermometers), and any other product needed to support a clinical trial.[8]

(c) Clinical Trial Packaging Services. This involves a broad range of activities in primary and secondary packaging. Primary packaging refers to packaging that "touches the drug" e.g. packing bulk tablets into bottles. Secondary packaging refers to other packaging services e.g. inserting booster packs and instructions into wallets, creating kits with vials and labelling materials for randomisation.[9]

(d) Clinical Trial Supply Storage, Distribution, and Other Logistics Services. These are specialised logistics services in clinical trials e.g. importing, storage and distribution of investigational and comparator drugs[10] and other supplies.[11]

(collectively "**Clinical Trial Support Services**")

6. In the fiscal year ended 31 December 2020, Thermo Fisher generated worldwide revenue of approximately USD 32.2 billion (SGD 42.6 billion), of which [✂] was accounted for by sales in Singapore.[12]

PPD

7. PPD is the ultimate parent company of the PPD group of companies[13]. PPD's main activity is to provide clinical development services (also known as clinical research organisation services) ("**CRO Services**") to support pharmaceutical and biotech companies (also referred to as "**Sponsors**") in the organisation and evaluation of clinical trials. Clinical research organisations ("**CROs**"), such as PPD, offer customised services, covering certain aspects of clinical testing such as clinical data management, clinical trial monitoring and clinical trial project management. In addition, PPD operates a small

[8] Paragraph 15.3 of Form M1.
[9] Paragraph 15.3 of Form M1.
[10] Based on the US Food and Drug Administration's website, an investigational drug can also be called an experimental drug and is being studied to see if a disease or medical condition improves while taking the drug.
[11] Paragraph 15.1.3 of Form M1.
[12] Paragraph 10.14 of Form M1.
[13] Annex 6 of Form M1. PPD's shares are listed on the NASDAQ Global Select Market and it is not controlled solely or jointly by any undertaking. Following closure of the Proposed Transaction, these shares will be retired/cancelled, with shareholders entitled to a cash consideration of $47.50 per share.

number of laboratories where it offers a range of testing services.[14] In Singapore, PPD has operations in relation to CRO Services and laboratory testing services.

8. In the fiscal year ended 31 December 2020, PPD's worldwide revenue is approximately USD 4.7 billion (SGD 6.2 billion), of which [✂] is attributed to CRO Services and the remainder to laboratory testing services. Approximately [✂] of PPD's worldwide revenue in 2020 was recorded in Singapore.[15]

III. The Proposed Transaction

9. The Proposed Transaction will involve Powder Acquisition Corp., a special-purpose wholly-owned subsidiary of Thermo Fisher, merging with and into PPD, with the latter being the surviving entity. Thermo Fisher will consequently own 100% of PPD's shares with PPD being a wholly-owned subsidiary of Thermo Fisher.[16]

10. CCCS considers that the Proposed Transaction constitutes a merger pursuant to section 54(2)(b) of the Act as Thermo Fisher will acquire sole direct control of PPD.

IV. Competition Issues

No Competitive Overlap in Products and Services

11. Based on Thermo Fisher's submissions and third party feedback, there is no competitive overlap in products and services between the Parties and there were no competition concerns raised in relation to horizontal effects. In view of the absence of competitive overlap in products and services between the Parties, CCCS's assessment focused on whether the Proposed Transaction would lead to vertical effects that would substantially lessen competition ("**SLC**") in any market in Singapore.

Vertical Links in relation to Clinical Trial Support Services

12. CCCS notes that Thermo Fisher provides Clinical Trial Support Services to PPD and other CROs in Singapore and there is a relevant vertical link between the Parties in relation to Singapore for these services.[17]

Vertical links in relation to other Thermo Fisher products

13. Besides Clinical Trial Support Services, Thermo Fisher submitted that it sells a broad range of different products to CROs and laboratories that arguably compete with PPD in

[14] Paragraphs 8.2, 10.12 and 10.13.1 of Form M1.
[15] Paragraphs 10.13.1, 10.13.2 and10.14 of Form M1.
[16] Paragraphs 11.11 to 11.3 of Form M1.
[17] Paragraph 15.4 of Form M1.

Singapore.[18] CCCS notes that no competition concerns were raised regarding most of Thermo Fisher's products. Feedback from two (2) CROs, however, suggested that substitutes are more limited for the following Thermo Fisher products that are supplied to CROs and/or laboratories[19]:

(a) Phadia system[20]
(b) Ion Torrent Genexus system[21]
(c) Sample collection & storage tubes[22]
(d) DNA isolation tubes and products used for DNA Extraction Tissue services and Hepatitis C Genotyping ("**Hepatitis C Genotyping Products**")[23]

(collectively the "**Identified Products**").

14. Based on information received, however, CCCS notes that PPD does not use the Identified Products, or only to a negligible extent, to provide services in relation to Singapore.[24] CCCS therefore considers that a vertical link between the Parties with respect to the Identified Products that relates to Singapore is absent or limited.

Input foreclosure concerns are unlikely for Identified Products

15. For completeness, CCCS considers that input foreclosure concerns are also unlikely to arise in relation to the Identified Products from information received, as Thermo Fisher is unlikely to have the ability and incentive to foreclose PPD's competitors:

(a) The Identified Products (with the exception of sample collection and storage tubes) are required for only a small proportion of clinical trials and related

[18] Paragraphs 48.15 and 48.16 of Thermo Fisher's response dated 1 November 2021 to CCCS RFI dated 14 October 2021.
[19] [✂] response dated 27 October 2021 to CCCS RFI dated 13 October 2021, [✂] response dated 25 October 2021 to CCCS RFI dated 13 October 2021.
[20] Thermo Fisher's Phadia system is used to perform laboratory in-vitro diagnostics ("**IVD**") allergy tests and IVD autoimmune tests.
[21] The Ion Torrent Genexus system is an integrated cabinet next generation sequencing ("**NGS**") instrument introduced by Thermo Fisher in 2019. NGS is a technique used to rapidly sequence the genetic information in a biological sample.
[22] Sample collection and storage tubes are plastic cylindrical containers used for sample collection and storage purposes.
[23] CCCS understands that in order to perform Hepatitis C Genotyping from a sample, customers require (i) a product to isolate the genetic material from the sample, and (ii) an assay that tests the isolated genetic material for Hepatitis C. Regarding (i), Thermo Fisher submitted that it does not offer any isolation tubes or isolation products that are specific for use in the context of Hepatitis C Genotyping. Instead, normal sample collection and storage tubes are used and certain of its isolation products for blood/tissue samples can be used for this purpose. Regarding (ii), Thermo Fisher also submitted that it does not offer any ready-made assays for Hepatitis C Genotyping but offers components that customers can use to prepare their own Hepatitis C Genotyping assays.
[24] Of the Identified Products, PPD [✂] purchases sample collection and storage tubes for use in Singapore from Thermo Fisher. However, Thermo Fisher's sales of sample collection and storage tubes to PPD and its competitors in Singapore from 2018 to 2020 were limited at [✂], of which there were only sales to PPD in 2020 of [✂].

laboratory testing services so any attempt by Thermo Fisher to engage in input foreclosure is unlikely to impede PPD's competitors materially.[25]

(b) As end-customers would face difficulties to switch to PPD in the middle of existing clinical trials due to regulatory processes, there is a risk that PPD would not gain sufficient additional revenues from end-customers switching that would compensate for the sales lost by Thermo Fisher if it were to restrict the supply of the Identified Products to CROs competing with PPD.

(c) The cost of Thermo Fisher's Identified Products is likely to make up a small proportion of the downstream costs such that an input price increase is unlikely to result in a substantial price increase that will result in significant end-customers switching to PPD.

(d) There are likely to be alternative suppliers of viable substitutes for the Identified Products post-merger.

(e) There is the possibility for CROs to continue supplying CRO Services by outsourcing the required laboratory testing to third party clinical trial and diagnostic laboratories. PPD does not compete in diagnostic testing[26] and therefore, Thermo Fisher has no incentive to foreclose diagnostic laboratories. Diagnostic laboratories purchase allergy testing products[27] and sample collection and storage tubes for clinical trial testing and diagnostic testing, but predominantly the latter type of testing. Given that Thermo Fisher is not able to discriminate between purchases that are for diagnostic testing and clinical trial testing, there is little incentive for Thermo Fisher to engage in input foreclosure that would cause it to risk losing sales of products for diagnostic testing without increasing PPD's revenue (as PPD does not compete in diagnostic testing).

Conclusion

16. In view of the above considerations, CCCS has focused its subsequent assessment on the vertical links between the Parties involving CRO Services and the following Clinical Trial Support Services that bear a potential nexus to Singapore.[28]

[25] The information available suggests a broad clinical trial/CRO Services market because customers generally ask CRO providers to cater to a spectrum of clinical trials and related laboratory testing and suppliers are able to move resources between different types of clinical trials and laboratory testing services.
[26] Diagnostic testing is done to confirm or rule out conditions and diseases.
[27] One of which is the Phadia system.
[28] Given that the focus of the assessment is on Clinical Trial Support Services which are inputs to the CRO Services market, and there is no need to further assess other upstream products in relation to input foreclosure, CCCS considers that it is not necessary to further assess the supply of laboratory testing services by PPD and its competitors. For completeness, CCCS notes that there are no customer foreclosure concerns given that PPD's market shares in laboratory testing services overall, and in each of its individual laboratory testing services segments are estimated to be below 15%.

(a) Clinical Trial Comparator Sourcing Services;

(b) Clinical Trial Ancillaries Sourcing Services;

(c) Clinical Trial Packaging Services; and

(d) Clinical Trial Supply Storage, Distribution and Other Logistics Services.

V. Counterfactual

17. CCCS considers the appropriate counterfactual to be the prevailing conditions of competition prior to the Proposed Transaction. There is no evidence to suggest that the market structure or competition dynamics in the counterfactual would differ from the status quo.

VI. Relevant Markets

18. CCCS is of the view that it is not necessary to conclude on precise market definitions as it does not affect the competition assessment of the Proposed Transaction. Nonetheless, based on Thermo Fisher's submissions and third party feedback, CCCS is of the view that the following relevant markets serve as a useful frame of reference for assessing this Proposed Transaction in relation to the vertical links between the Parties with respect to the supply of Clinical Trial Support Services and CRO Services:

<u>Upstream market</u>

(a) The global[29] supply of Clinical Trial Comparator Sourcing Services;
(b) The global supply of Clinical Trial Ancillaries Sourcing Services;
(c) The global supply of Clinical Trial Packaging Services;
(d) The global supply of Clinical Trial Supply Storage, Distribution and Other Logistics Services; and

<u>Downstream market</u>

(e) The global supply of CRO Services.

(collectively, the "**Relevant Markets**")

[29] Global supply refers to the global supply of the relevant product to customers globally.

VII. CCCS's Assessment

a) Market Shares and Market Concentration

19. In focusing CCCS's assessment on vertical effects, CCCS considered market shares in assessing whether the merged entity would have market/buyer power in the upstream markets (each of the Clinical Trial Support Services) and downstream market (CRO Services). In this regard, Thermo Fisher's market share[30] is less than 10% for Clinical Trial Ancillaries Sourcing Services and less than 20% for Clinical Trial Supply Storage, Distribution and Logistics Services, while PPD's market share is less than 10% for CRO Services. While the market shares of Thermo Fisher exceed 30% for Clinical Trial Comparator Sourcing Services and Clinical Trial Packaging Services, CCCS notes that there are other suppliers with double-digit market shares for these services[31]. Moreover, the figures indicate that pharmaceutical companies are able to self-supply a substantial portion of the Clinical Trial Support Services. CCCS further notes that third party feedback generally corroborate Thermo Fisher's submissions that the Parties do not have high market shares in the markets for all Clinical Trial Support Services or CRO Services and even customers that procure a substantial proportion of their total purchases from Thermo Fisher for certain Clinical Trial Support Services submitted that there are sufficient choices of alternative suppliers to Thermo Fisher.

b) Barriers to Entry and Expansion

Clinical Trial Support Services

20. Based on Thermo Fisher's submissions and third party feedback, CCCS considers that the barriers to entry to the Clinical Trial Support Services markets are moderately high given the high capital investment and importance of regulatory approvals, operational know-how and specialist knowledge, but they are not insurmountable. That said, barriers to entry into the Clinical Trial Comparator Sourcing Service market could possibly be lower as only a small skilled workforce is required and the initial capital investment outlay to enter the Clinical Trial Comparator Sourcing Services market is lower.

21. In relation to barriers to expansion in the Clinical Trial Support Services markets, CCCS notes feedback that Thermo Fisher's competitors are currently not facing any capacity constraints and will be able to meet increased demand for Clinical Trial Support Services

[30] Thermo Fisher had submitted the market shares for Clinical Trial Support Services including PPD and other CROs to show that PPD's market shares would in any event be minimal if PPD is considered a competitor for these services. Conservatively, CCCS has excluded PPD and CROs from the market share figures for each of the Clinical Trial Support Services to better reflect the market shares of direct suppliers of each of the Clinical Trial Support Services, since CROs do outsource the supply of Clinical Trial Support Services in the clinical trials they manage (self-supply by end-customers has also been excluded).

[31] For Clinical Trial Comparator Services, the market share of the largest competitor to Thermo Fisher differs from that of Thermo Fisher by no more than [0% to 10%]. For Clinical Trial Packaging Services, there are at least four competitors of Thermo Fisher that each possess a market share between [10% to 20%] and [10% to 20%].

and, further, that they have the resources to expand their capacity if there is sufficient increased demand for Clinical Trial Support Services.

CRO Services

22. In relation to CRO Services, CCCS is of the view that barriers to entry and expansion could be moderate to moderately high based on Thermo Fisher's submissions and third party feedback. In this regard, CCCS notes that high capital outlay and substantial time could be needed to enter or to expand from a small, limited service CRO to a full-fledged CRO. However, the small market share of each supplier and feedback that there are a large number of suppliers suggest that barriers to entry are not very high. Third party feedback further indicates that existing suppliers of CRO Services have the capacity to increase supply.

Vertically Integrated Services

23. The vertical integration resulting from vertical mergers could also create barriers to entry that raise competition concerns. Generally, three conditions are necessary (but not sufficient) for this problem to exist: (i) the degree of vertical integration between the two markets must be so extensive that entrants to one market (the "**primary market**") would also have to enter the other market (the "**secondary market**") simultaneously, (ii) the requirement of entry into the secondary market must make entry at the primary market significantly more difficult and less likely to occur; and (iii) the structure and other characteristics of the primary market must be otherwise so conducive to anti-competitive behaviour that the increased difficulty of entry is likely to affect the market's performance.[32]

24. CCCS has assessed that the vertical integration of the Parties' Clinical Trial Support Services and CRO Services would not create or raise barriers to entry that raise competition concerns. First, third party feedback indicates that customers assess suppliers for the supply of each Clinical Trial Support Services and CRO Services separately. Second, there are end-customers that do not purchase Clinical Trial Support Services and CRO Services as a bundle as they carry out certain Clinical Trial Support Services and CRO Services activities internally. Last, the largest CROs globally are non-vertically integrated which demonstrates that non-vertically integrated companies are not disadvantaged.

c) Countervailing Buyer Power

25. As with horizontal mergers, a firm's ability to exercise vertical market power may be constrained if there is buyer power. In this case, the merged entity's ability to exercise vertical market power (for example, forcing end-customers to purchase vertically

[32] Paragraph 6.17 of the *CCCS Guidelines on the Substantive Assessment of Mergers 2016.*

integrated services) may be constrained if there is buyer power from Sponsors. Additionally, Thermo Fisher's ability to exercise market power in the upstream Clinical Trial Support Services markets to foreclose downstream competition in CRO Services may be constrained if there is countervailing buyer power from CROs.

26. CCCS notes that end-customers contribute to a significantly higher proportion of Thermo Fisher's revenue than CROs in relation to Clinical Trial Support Services, and therefore are likely to have relatively greater countervailing buyer power. End customers also provided feedback that they assess suppliers for the supply of each Clinical Trial Support Services and CRO Services separately. Where they procure a combination of Clinical Trial Support Services and/or CRO Services from the same supplier, the decision to purchase multiple services from the same provider is driven by operational efficiency considerations and not due to these services being sold as a bundle. There is also mixed feedback on whether customers are able to self-supply each of the Clinical Trial Support Services and CRO Services.

27. In light of the above, CCCS is of the view that some customers which are larger and more sophisticated, more commercially significant to the merged entity, or have the capability to build in-house capabilities, would have some level of countervailing buyer power vis-à-vis the Parties. In contrast, smaller customers are likely to have less countervailing buyer power to constrain the Parties post-merger in the supply of their services.

d) Vertical effects

28. In assessing whether a vertical merger could result in a substantial lessening of competition in a market, CCCS will consider whether the vertically-integrated merged entity may be able to foreclose rivals from either an upstream market for selling inputs or a downstream market for distribution or sales.[33]

29. Based on Thermo Fisher's submissions and third party feedback, CCCS assesses that customer foreclosure concerns do not arise in respect of each of the Relevant Markets for Clinical Trial Support Services. In particular, CCCS notes the following:

    (a) Given the significant costs and time involved with changing suppliers of Clinical Trial Support Services in the middle of a clinical trial, the likelihood of PPD shifting its purchases of Clinical Trial Support Services away from Thermo Fisher's competitors for existing clinical trials is low.

    (b) For new clinical trials, Thermo Fisher's competitors are still able to supply to many alternative CROs that make up a large majority of the CRO market, even if PPD shifts its purchases of Clinical Trial Support Services to Thermo Fisher. This is further supported by customer feedback that PPD is not in a stronger

[33] Paragraph 6.11 of the *CCCS Guidelines on the Substantive Assessment of Mergers 2016.*

market position than its competitors and that PPD's competitors, not PPD, account for a large majority of their purchases of CRO Services globally and in Singapore, thus suggesting that customer foreclosure concerns are unlikely to arise.

30. Based on Thermo Fisher's submissions and third party feedback, CCCS also assesses that input foreclosure concerns do not arise because Thermo Fisher does not have the ability or incentive to engage in input foreclosure of CRO Services, as explained below:

    (a) Third party feedback indicates that the Clinical Trial Support Services of other competitors are viable substitutes to Thermo Fisher and that there are sufficient choices of alternative suppliers post-merger. In this regard, CCCS notes that Thermo Fisher's market shares for each of the Clinical Trial Support Services is below 40% with other suppliers also holding significant shares. Customer feedback generally indicates that Thermo Fisher's competitors account for a large majority of the proportion of their total purchases of Clinical Trial Support Services globally and in Singapore, and even customers that currently purchase a large proportion of certain Clinical Trial Support Services from Thermo Fisher submitted that there are sufficient alternative suppliers and that they can switch if necessary. In particular, third party feedback suggests that switching to alternative suppliers between clinical trials is relatively easy.

    (b) While there may be difficulties switching suppliers for Clinical Trial Support Services in the middle of a clinical trial, CCCS notes that end customers also face the same difficulties when switching CRO Services providers during clinical trials. As such, there is little incentive for Thermo Fisher to engage in input foreclosure against PPD's competitors for existing clinical trials because any foreclosure strategy will be unlikely to result in a significant number of end customers switching to PPD to make it worthwhile for Thermo Fisher.

    (c) Third party feedback from competing suppliers indicates that there are no capacity constraints to absorb demand from customers that switch away from Thermo Fisher.

31. In view of the above considerations, CCCS is of the view that the Proposed Transaction is unlikely to give rise to customer and input foreclosure concerns in relation to the vertical links pertaining to each of the Clinical Trial Support Services and CRO Services.

e) Coordinated Effects

32. As highlighted in paragraph 6.14 of the *CCCS Guidelines on the Substantive Assessment of Mergers 2016,* in rare cases, vertical integration may facilitate collusion. For instance, a vertical merger may create or strengthen coordinated effects in the following way:

(a) A vertical merger may allow the merged entity to gain access to commercially sensitive information about the activities of non-integrated rivals. This may facilitate collusion;

(b) A vertical merger that results in foreclosure could reduce the number of players in an affected market, making it easier for the remaining players to co-ordinate. A vertical merger may increase the level of symmetry and/or transparency in the markets. For example, where vertical integration affords the merged entity better knowledge of selling prices in the upstream or downstream market, this may facilitate tacit collusion in either of the markets;

(c) A vertical merger may better align the incentives of firms in the market to maintain co-ordination (e.g. by enabling the vertically integrated firm to punish deviation more effectively if it becomes an important supplier to, or customer of, other firms in the market after the merger). A vertical merger may also increase barriers to entry, which can reduce the scope for entry to disrupt co-ordination, or it may reduce buyer power if it involves the acquisition of a customer who would otherwise disrupt co-ordination.

33. Based on Thermo Fisher's submissions and third party feedback, CCCS considers that the Proposed Transaction is unlikely to result in coordinated effects in the Relevant Markets due to the following:

(a) The Proposed Transaction is unlikely to result in the foreclosure of Thermo Fisher's or PPD's competitors. As such, the number of players in each of the Relevant Markets is unlikely to be reduced and the ability of the players to coordinate would not increase;

(b) Prices are not transparent, and contracts are highly customised to each clinical trial's complex and varied requirements;

(c) There is no evidence to suggest that barriers to entry and expansion will increase following the Proposed Transaction or that PPD is a customer that has significant countervailing buyer power.

a) Conclusion on Competition Assessment

34. Based on the above considerations, CCCS assesses that the Proposed Transaction will not lead to an SLC in the Relevant Markets in Singapore.

VIII. Efficiencies

35. Thermo Fisher submitted that the Proposed Transaction will combine Thermo Fisher's and PPD's highly complementary business. These combined capabilities will further enhance Thermo Fisher's value proposition to pharmaceutical and biotech customers and enable new solutions for customers that create the potential to reduce the time and cost of the drug development process.[34]

36. Given that there are no SLC concerns, it is not necessary to make an assessment on the claimed efficiencies by Thermo Fisher.

IX. Conclusion

37. For the reasons above and based on the information available, CCCS has assessed that the Proposed Transaction will not lead to an SLC in Singapore if carried into effect, and accordingly, will not infringe section 54 of the Act.

38. In accordance with section 57(7) of the Act, the decision will be valid for a period of one (1) year from the date of CCCS's decision.

Sia Aik Kor
Chief Executive
For and on behalf of Competition and Consumer Commission of Singapore

[34] Paragraphs 12.1 and 12.2 of Form M1.