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AUST. COMPETITION &  
CONSUMER COMMISSION  
CANBERRA

6 DEC 2012

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# **Competition and Consumer Act 2010**

Variation to an Undertaking given to the  
Australian Competition and Consumer  
Commission under section 87B

Given by Pfizer Inc and Pfizer Australia Pty Limited

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## 1 Persons giving this Variation

- 1.1 These Variations are given to the Australian Competition and Consumer Commission (ACCC) by Pfizer Inc and Pfizer Australia Pty Limited (**Pfizer**).
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## 2 Background

- 2.1 On 30 September 2009 the ACCC accepted an undertaking pursuant to section 87B of the then *Trade Practices Act 1974* (now the *Competition and Consumer Act 2010*) from Pfizer in connection with Pfizer's Proposed Acquisition of Wyeth Corp (the **Undertaking**).
- 2.2 Pfizer has applied to the ACCC to vary the Undertaking to:
- (a) remove the obligation on Pfizer to do everything in its power to assist the Approved Purchaser in transferring the manufacture of the M.hyo Swine Vaccines to the Approve Purchaser; and

- (b) 
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## 3 Commencement

- 3.1 This Variation comes into effect when:
- (a) this Variation is executed by Pfizer; and
  - (b) the Commission accepts this Variation so executed.
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## 4 Variations to Clause 6 –Sale of Livestock Business

- 4.1 Clause 6(b)(iv) of the Undertaking is amended by:
- (a) inserting the word "and" after the word "cattle" in subclause 6(b)(iv)(B);
  - (b) deleting subclause 6(b)(iv)(D); and
  - (c) deleting subclause 6(b)(iv) (E).
- 4.2 The varied Clause 6(b)(iv) of the Undertaking will accordingly read as follows:
- "interim arrangements for the supply or toll manufacturing of:
- (a) Cydectin injection for cattle;
  - (b) Cydectin long acting injection for cattle; and
  - (c) the moxidectin active pharmaceutical ingredient;
- and which are described further in clause (c) and Schedule 2."
- 4.3 Clause 6(e) is to be deleted and replaced with "[paragraph deleted]".

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## 5 Schedule 1. Part 8 – M. hyo Swine Vaccine Business

5.1 Part 8 is to be deleted entirely and replaced with “[part deleted].”

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## 6 Schedule 2. Confidential Divestiture Details

6.1 Clause 6 - M.hyo Swine Vaccine Business and [REDACTED] Business) is amended by deleting subparagraphs (h) and (i) and inserting “[paragraph deleted].”

6.2 [REDACTED]

6.3 [REDACTED]

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## 7 Schedule 4 – Dictionary

7.1 The definition of **M. hyo Swine Vaccine** is to be amended by deleting the words “is defined in Part 8 of Schedule 1 to this Undertaking and inserting “[definition deleted].”

7.2 The definition of **M. hyo Swine Vaccine Business** is to be amended by deleting the words “is defined in Part 8 of Schedule 1 to this Undertaking” and inserting “[definition deleted].”

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## 8 Defined terms and interpretation

8.1 Any term defined in the Undertaking and not defined in this Variation has the meaning given in the Undertaking, unless the contrary intention appears.

8.2 **Variation** means this variation to the Undertaking.

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## 9 Counterparts

This Variation may be executed in any number of counterparts. All counterparts together will be taken to constitute one instrument.

Executed as a variation to the Undertaking

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Executed by Pfizer Inc by its authorised representative:

Signature of authorised representative

Name of authorised representative (print)

Position of authorised representative (print)

Date

Executed by Pfizer Australia Pty Limited pursuant to section 127(1) of the *Corporations Act 2001* by:

Signature of director

Gennie Small

Name of director (print)

Date

3-December 2012

Signature of a director / company secretary

TONY GEORGE

Name of director / company secretary (print)

Date

3/12/12

Accepted by the Australian Competition and Consumer Commission pursuant to section 87B of the *Competition and Consumer Act 2010* on:



Date:

12/12/12

And signed on behalf of the Commission:

Chairman

Date

