

Illumina offers EU concessions over Grail deal as merger-review clock restarts

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US biotech company Illumina has today offered to change the terms of its deal to acquire cancer-testing specialist Grail in a bid to assuage EU competition concerns over the transaction, according to an update to the European Commission's website this evening. The clock is officially restarted on the review, with a new deadline of Sept. 12.

US biotech company Illumina has today offered to change the terms of its deal to acquire cancer-testing specialist Grail in a bid to assuage EU competition concerns over the transaction, according to an update to the EU regulator's website this evening.

The review clock also officially restarted today, after the European Commission accepted that Illumina had fulfilled missing information requirements. The review of the deal had been officially suspended since Feb. 3.

The regulator decision deadline is now Sept. 12.

The commission's substantive review of the transaction is now back in full swing after a court victory last week and a separate accusation today that Illumina had closed the transaction prematurely.

The regulator opened an in-depth probe into the \$8 billion deal a year ago, citing concerns that it may reduce competition and innovation in the emerging market for cancer-detection tests based on sequencing technologies.

In the first phase of the review, Illumina offered commitments that mirror those made to US antitrust authorities in April 2021. There, the California-based company's "open letter" binds it to continue providing "unfettered access" to its gene-sequencing product over 12 years and commits to cut its sequencing price by more than 40 percent by 2025.

Outside of the specifics of the transaction, Illumina's approach has tested the legal underpinnings of the EU's merger control regime.

Last week, the bloc's lower-tier court said the commission did have the power to review the transaction in the first place, given the combined revenues didn't trigger a formal notification in Brussels or in some EU countries (see [here](#)).

And, today, the commission formally charged Illumina with closing its transaction last August before the EU services had taken a final decision (see [here](#)). Competition commissioner Margrethe Vestager said this breach could result in "hefty fines."

The commission's case file number is M.10188.

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