



ΚΥΠΡΙΑΚΗ ΔΗΜΟΚΡΑΤΙΑ



ΕΠΙΤΡΟΠΗ ΠΡΟΣΤΑΣΙΑΣ  
ΤΟΥ ΑΝΤΑΓΩΝΙΣΜΟΥ

Decision CPC52/2019

Case Number: 8.13.019.35

**THE CONTROL OF CONCENTRATIONS BETWEEN ENTERPRISES LAW  
No. 83(I)/2014**

**Notification of a concentration concerning the acquisition of Sky Plastic Group AG  
share capital by GreenCycle Alpha GmbH**

Commission for the Protection of Competition:

Mrs. Loukia Christodoulou	Chairperson
Mr. Andreas Karidis,	Member
Mr. Panayiotis Oustas,	Member
Mr. Aristos Aristidou Palouzas,	Member
Mr. Polinikis Panayiotis Charalambides	Member

Date of decision: 20 September 2019

**SUMMARY OF THE DECISION**

On the 23rd of August 2019, the Commission for the Protection of Competition (hereinafter the “Commission”) received on behalf of GreenCycle Alpha GmbH (hereafter “GreenCycle Alpha”) a notification of a proposed concentration. The notification was filed according to Section 10 of the Control of Concentrations between Enterprises Law 83(I)/14 (hereinafter the “Law”).

The notification concerns the acquisition of the share capital of Sky Plastic Group AG (hereafter “Sky Plastic” or the “Target”) by GreenCycle Alpha.

Sky Plastic Group AG is a company duly registered under the laws of Austria. Sky Plastic Group AG is active in the production of recyclable polypropylene (PP), recyclable polyethylene (PE) and recyclable polystyrene (PS) which can be used as secondary raw materials in furniture, construction, gardening, packaging, electrical appliances, automotive, automotive, post-industrial and post-consumer waste.

GreenCycle Alpha GmbH is a limited liability company duly registered under the laws of Germany and it is part of the Schwarz Group. The Schwarz Group is active in the food retail sector through two independently managed groups, Lidl and Kaufland, respectively. In addition, the group is active in the design, recycling, disposal and innovation of plastic packaging, in the collection, treatment and disposal of waste. It also produces chocolates, bakery products, soft drinks and ice creams.

The transaction is based on the «Share Purchase Agreement». (hereafter the “Agreement”) between Cudos Capital AG & Co KG, Cudos EF II AG & Co KG, Mr Clemens Stockreiter, HPMG Srl, as the sellers and GreenCycle Alpha as the purchaser.

According to the agreement GreenCycle Alpha will acquire the share capital of Sky Plastic.

The Commission, taking into account the facts of the concentration, has concluded that this transaction constitutes a concentration within the meaning of section 6(1)(a)(ii) of the Law, since it leads to a permanent change of control of the Target.

Furthermore, based on the information contained in the notification, the Commission found that the criteria set by section 3(2)(a) of the Law were satisfied and therefore the notified transaction was of major importance under the Law.

The Commission, for the purposes of evaluating this concentration, defined the relevant product/service market as the provision of recyclable polypropylene (PP). For the purposes of the present case, the geographic market was defined as that of the Republic of Cyprus.

According with the undertaking concerned, this concentration does no lead to any horizontal overlap or vertical relationships.

Considering the above, the Commission concludes that there is no affected market based on Annex I of the Law. In addition, there are no other markets which the notified concentration may have significant impact.

The Commission, on the basis of the factual and legal circumstances, unanimously decided that this concentration does not create or strengthen a dominant position as there is no affected market and therefore the concentration does not raise serious doubts as to its compatibility with the operation of the competition in the market.

Therefore, the Commission, acting in accordance with section 22 of the Law, unanimously decided not to oppose the notified concentration and declare it as being compatible with the operation of the competition in the market.

LOUKIA CHRISTODOULOU

Chairperson of the  
Commission for the Protection of Competition