



ΚΥΠΡΙΑΚΗ ΔΗΜΟΚΡΑΤΙΑ



ΕΠΙΤΡΟΠΗ ΠΡΟΣΤΑΣΙΑΣ
ΤΟΥ ΑΝΤΑΓΩΝΙΣΜΟΥ

Decision CPC: 46/2020
Case Number: 8.13.020.22

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

**Notification of a concentration regarding the acquisition of the share capital of
OSIsoft Software LLC by Schneider Electric SE**

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: 3 November 2020

SUMMARY OF THE DECISION

On the 18th of September 2020, the Commission for the Protection of Competition (hereinafter the “Commission”) received on behalf of Schneider Electric SE (hereafter “Schneider”) 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 OSIsoft Software LLC (hereafter the “Target” or “OSIsoft”) by Schneider, via Aveva Group plc SE (hereafter “Aveva”).

Schneider Electric SE is a company duly registered in accordance with the laws of France and is active in the provision of electrical equipment and software solutions for energy management and automation.

Aveva Group plc is controlled by Schneider Electric SE, is duly registered in accordance with the laws of England and Wales and it is registered in London’s Stock Exchange. It is active in the development of mechanical and manufacturing software, and offers management software in the mechanical, study and information sectors.

OSIsoft Software LLC is a company duly registered in accordance with the laws of the State of Delaware of the U.S.A and is active in the development of software for the management of real time operational data.

The transaction is based on the Shares Purchase Agreement and Units dated 25/08/2020, (hereafter the “Agreement”). According to the Agreement, Aveva will acquire directly or indirectly all of the issued shares and pending units of OSIsoft.

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)(α) 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 markets as the provision of software and tools for automation and control. For the purposes of the present case, the geographic market for the relevant market the of sale of pet food and snacks was defined as that of the Republic of Cyprus.

According with the undertaking concerned, this concentration leads to a horizontal overlap in the market of automation and control. According to the parties, the market share of

OSIsoft in the provision of automation and control products in 2019 was [0-5] % and for Schneider [10-20] % respectively. Therefore, the Commission concluded that there is no affected market.

According to the information provided in the notification there is no vertical relationship between the activities of the parties.

There are no other markets which the notified concentration may have a significant impact.

Considering the above, the Commission concludes that there is no affected market based on Annex I of the Law.

The Commission, on the basis of the factual and legal circumstances, unanimously decided that this concentration does not create or strengthen a dominant position 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