



Decision CPC: 23/2022

Case Number: 08.05.001.022.013

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

**Notification of a concentration concerning the acquisition of Alchemer LLC
by KKR & Co. Inc., via Alpha Purchaser LLC**

Commission for the Protection of Competition:

Mrs. Loukia Christodoulou,	Chairperson
Mr. Andreas Karydis	Member
Mr. Panayiotis Ousta	Member
Mr. Aristos Aristeidou Palouzas	Member
Mr. Polynikis-Panagiotis Charalambides	Member

Date of Decision: 18th of April 2022

SUMMARY OF THE DECISION

On 23/03/2022, the Commission for the Protection of Competition (hereinafter the “Commission”) received on behalf of Alpha Purchaser LLC (hereinafter “Alpha Purchaser”), 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 a concentration concerning the acquisition of Alchemer LLC (hereinafter “Alchemer” or the “Target”) by KKR & Co. Inc. (hereinafter “KKR” or the “Purchaser”), via Alpha Purchaser.

The participating parties are the following:

- KKR & Co. Inc. is listed on the New York Stock Exchange. It is an international investment firm offering alternative asset management, capital markets and insurance solutions. It finances investment funds that invest in private equity, energy, credit and real estate and has strategic partners that manage hedge funds. Funds sponsored by KKR invest in companies in various sectors. KKR also provides capital procurement solutions for the company, its affiliated holding companies and other clients.
- Alpha Purchaser LLC (hereinafter “Alpha Purchaser”) is a company duly registered under the laws of Delaware, USA, which is wholly owned by funds, investment vehicles and/or separately managed accounts advised and/or managed by one or more subsidiaries of KKR. It is a special purpose vehicle, with no prior business activities, established to act as an acquisition vehicle for the purposes of the Transaction.
- Alchemer LLC is the Target in this merger act. It is a limited liability company of the State of Colorado, United States of America. Alchemer provides a research and customer experience platform delivered as software as a service (SaaS) to customers in organizations around the world. Its technology is used across industries and companies for various use cases, including Marketing, Market Research, Product, Customer Experience (CX), HR and Customer Service. From survey software to enterprise customer feedback management, Alchemer helps organizations understand and transform the way they treat their markets, customers and employees.

This concentration is based on the Securities Purchase and Rollover Agreement (hereinafter the “Agreement”) dated 15/03/2022. As stated in the Agreement, through various stages, Alpha Purchaser will acquire all the share capital of the Target.

The Commission, taking into account the facts of the concentration, has concluded that KKR, upon completion of this merger, will have sole control over the Target Company in accordance with the provisions of section 6 (1)(a)(ii) of the Law.

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 concentration was of major importance falling within the scope of the Law.

The relevant product/services market in this case was defined as the market for the provision of Customer Relationship Management (CRM) software. In addition, the Commission concluded that the geographical market is defined, for the relevant market under reference, as that of the Republic of Cyprus.

The Service, after sending a questionnaire, asked the parties involved to indicate whether there is a horizontal, vertical or other relationship with the activities of the companies BMC Software, Inc, Cloudera, Corel, Exact Software and OneStream Software in the Republic of Cyprus and which are controlled by the KKR & Co. Inc..

According to the responses of the parties involved, the above-mentioned companies had a turnover in Cyprus, which falls within the relevant market for the provision of CRM software.

Based on the above, there is a horizontal overlap in the activities of the parties involved in the relevant market for the provision of Customer Relationship Management ("CRM") software in the territory of the Republic of Cyprus.

However, the Parties' combined market share of the software market in Cyprus in 2020 would be well below 15% from a horizontal perspective.

Taking into account the above, the Commission concludes that in this concentration no affected market is created based on Annex I of the Law. In addition, there are no other markets in which the notified concentration may have a significant effect.

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