



ΚΥΠΡΙΑΚΗ ΔΗΜΟΚΡΑΤΙΑ



ΕΠΙΤΡΟΠΗ ΠΡΟΣΤΑΣΙΑΣ
ΤΟΥ ΑΝΤΑΓΩΝΙΣΜΟΥ

Decision CPC: 63/2019

Case Number: 8.13.019.45

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

**Notification of a concentration concerning the acquisition of Novio Packaging
Group BV share capital by B.G. Holding S.p.A.**

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: 2 December 2019

SUMMARY OF THE DECISION

On the 29th of October 2019, the Commission for the Protection of Competition (hereinafter the “Commission”) received on behalf of B.G. Holding S.p.A. (hereafter “B.G. Holding”) 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 Novio Packaging Group B.V. (hereafter “Novio” or the “Target”) by B.G. Holding.

B.G. Holding S.p.A. is company duly registered under the laws of Italy and is a subsidiary of Berlin Packaging Holdings L.L.C. B.G. Holding S.p.A. is a hybrid packaging company that offers packaging solutions made of glass, plastic, metal, closures and distribution systems.

Novio Packaging Group BV is company duly registered under the laws of the Netherlands and is active in the packaging solutions industry and particularly with the provision of plastic and glass containers.

The transaction is based on the «sale and purchase agreement» dated 17/10/2019, (hereafter the “Agreement”) between B.G. Holding and Maer Beheer B.V. and HABA Holding ApS. According to the Agreement, B.G. Holding will acquire the 100% share capital of the Target.

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 market as the provision of (a) glass packaging for pharmaceuticals, (b) glass packaging for liquid food, (c) rigid plastic packaging and (d) closures for bottles. For the purposes of the present case, the geographic market for all relevant markets was defined as that of the Republic of Cyprus.

According with the undertaking concerned, this concentration does not lead to a horizontal overlap in the above markets. Therefore, the Commission concluded that there is no affected market.

In addition, there is no vertical relationship or other markets which the notified concentration may have 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 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