



ΚΥΠΡΙΑΚΗ ΔΗΜΟΚΡΑΤΙΑ



ΕΠΙΤΡΟΠΗ ΠΡΟΣΤΑΣΙΑΣ  
ΤΟΥ ΑΝΤΑΓΩΝΙΣΜΟΥ

Decision CPC: 11/2020

Case Number: 8.13.020.04

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

**Notification of a concentration concerning the acquisition by Polska Grupa  
Lotnicza SA of the share capital of Condor Flugdienst GmbH, through AcquiCo  
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: 3 March 2020

**SUMMARY OF THE DECISION**

On the 3<sup>rd</sup> of February 2020, the Commission for the Protection of Competition (hereinafter the "Commission") received on behalf of Polska Grupa Lotnicza SA (hereinafter "PGL") 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 Condor Flugdienst GmbH share capital, (hereinafter the "Target" or "Condor ") by PGL via AcquiCo GmbH.

Polska Grupa Lotnicza SA is a company duly registered in accordance with Polish laws. This company is the parent of the airline group PGL, which consists of Polish airlines LOT under the corporate name Polskie Linie Lotnicze SA, LOT Aircraft Maintenance Services Sp. Zo.o and LA Technics Sp. Zo.o which provide maintenance and repair services and LS Airport Services SA that provides ground handling services.

AcquiCo GmbH will be established as a limited liability company, duly registered in accordance with the laws of the Federal Republic of Germany. This company is an investment vehicle controlled by Polska Grupa Lotnicza SA.

Condor Flugdienst GmbH is a company duly registered under the laws of the Federal Republic of Germany, which operates short, medium and long-haul flights, with its own fleet of aircrafts.

The transaction is based on an Investment Agreement dated 24/01/2020, (hereafter the "Agreement"). According to the Agreement, PGL will acquire the share capital of the Target and its subsidiaries companies.

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 for scheduled flight services. For the purposes of the present case, the geographic market of the relevant markets was defined as the nonstop routes Paphos and Larnaca to Frankfurt, Paphos and Larnaca to Munich, Paphos and Larnaca to Dusseldorf and Paphos and Larnaca to Leipzig.

According with the undertaking concerned, this concentration does not lead to a horizontal overlap in the above markets. 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