



ΚΥΠΡΙΑΚΗ ΔΗΜΟΚΡΑΤΙΑ



Decision CPC: 34/2018

Case Number: 8.13.018.15

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

**Notification of a concentration concerning the acquisition of the share capital of  
PET Engineering S.r.l. by Sidel Participations SAS**

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-Panagiotis Charalambides	Member

Date of decision: 25 July 2018

**SUMMARY OF THE DECISION**

On the 24<sup>th</sup> of June 2018, the Commission for the Protection of Competition (hereinafter the “Commission”) received on behalf of Sidel Participations SAS (hereafter “Sidel”) 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 by Sidel of the share capital of PET Engineering S.r.l. (hereafter “PET” or the “Target”).

Sidel is registered under the Laws of France and belongs to Tetra Laval Group of Companies. This group of companies consists of the following industrial clusters: DeLaval which develops, manufactures and distributes equipment and integrated solutions for milk production and livestock production internationally, Tetra Pak, which is engaged in processing and packaging food and Sidel, which is an international supplier of equipment and solutions for formatting engines with tension for blowing pet bottles and filling machines for plastic and glass bottles and cans.

PET is registered under the Laws of Italy. PET is active in the design of pet products packaging equipment and pet products blowing moulds, with special focus on design packaging development services, leading to the production of pet products blowing moulds and line conversions and services.

The transaction is based on a Sale and Purchase Agreement between an individual (Seller) και Sidel (buyer). According the above mentioned agreement, Sidel will acquire the the share capital of the PET, from the seller. 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 (a) the supply of PET blowing moulds and the supply of related services (b) the supply of stretch blow moulding machines or «SBM» for the formation of PET bottles and the related after sales service support. 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 relationship in the relevant products markets in Cyprus.

According to the notification, there is a vertical relationship in this concentration, since the participating enterprises operate at different levels of trade since Sidel is engaged in manufacture of SBM machines in which PET's formatting molds can be use. Therefore, there is a potential client-vendor relationship between them. In addition, the relationship between the two activities may be also neighboring, as customers who buy the machines manufactured Sidel may purchase and the molds that produce PET produces. However, the market share of the undertakings concerned is less than 25%, a threshold which is set by the Law in order for a market to constitute an affected market.

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