



**ΕΠΙΤΡΟΠΗ ΠΡΟΣΤΑΣΙΑΣ
ΤΟΥ ΑΝΤΑΓΩΝΙΣΜΟΥ**

**ΚΥΠΡΙΑΚΗ
ΔΗΜΟΚΡΑΤΙΑ**

Decision No: 9/2016

Case Number 8.13.016.02

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

Notification of concentration regarding the acquisition of part of the share capital of Black Forest Distillers GmbH by Pernod Ricard S.A, through its subsidiary Pernod Ricard Deutschland GmbH

Commission for the Protection of Competition:

Mrs. Loukia Christodoulou	Chairperson
Mrs. Eleni Karaoli	Member
Mr. Andreas Karides	Member
Mr. Charis Pastellis	Member
Mr. Theophanis Constandinides	Member

Date of decision: 23rd of March 2016

SUMMARY OF THE DECISION

On the 4th of March 2016, the Commission for the Protection of Competition (hereinafter the «Commission») received a notification of the proposed concentration from Pernod Ricard S.A. (hereinafter «Pernod Ricard»), in accordance with section 10 of the Control of Concentrations between Enterprises Law (Number 83(I)/2014) (hereinafter the «Law»). The concentration concerns the acquisition of 60% of the share capital of Black Forest Distillers GmbH (hereafter the «BFD») by a subsidiary of Pernod Ricard, Pernod Ricard Deutschland GmbH (hereinafter the «PR Deutschland»).

Black Forest Distillers GmbH is a limited liability company, duly registered under the laws of Germany. This company is active in the production and distribution of gin under the trademark 'Monkey 47'.

Pernod Ricard Deutschland GmbH is a subsidiary company of Pernod Ricard which duly registered under the laws of Germany. Pernod Ricard S.A. is an anonymous company, publicly quoted, and duly registered under the laws of France. The said company is worldwide active in the production and distribution of alcoholic beverages, mainly wine and spirits.

The transaction is based on a Share Purchase Agreement dated 28th of January 2016 between Pernod Ricard and the shareholders of BFD, Uwe Muller και Alexander Stein (hereafter the «Agreement»).

With the completion of the proposed concentration, Pernod Ricard will hold 60% of the BFD's share capital.

The Commission, taking into account the facts of this concentration concluded that this transaction constitutes a concentration within the meaning of section 6(1)(α)(ii) of the Law, since it results in the acquisition of sole control of BFD by Pernod Ricard, through its subsidiary PR Deutschland.

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. According to the notification, the aggregate turnover achieved by the Pernod Ricard group of companies, as well as the targeted company BFD, exceeded, in relation to each one of them 3.500.000 euro. Furthermore, both Pernod Ricard group of companies and the targeted company BFD, engaged in commercial activities within the Republic of Cyprus and the total turnover which relates to the supply of goods and services within the Republic exceeded 3.500.000 euro.

The relevant product market in this case was defined as the distribution of the alcoholic beverage gin. The definition of the geographic market of the relevant product market in this case was defined as the Republic of Cyprus.

The Commission noted that, according to the parties of the concentration, both Pernod Ricard group of companies and BFD, have a horizontal relationship as they both operate in the territory of the Republic of Cyprus, in market of distribution of gin.

The Commission, after examining the combined market share of the parties in the relevant market concluded that there is no affected market as it is below the threshold set by the Law which defines the affected market.

The Commission, on the basis of the evidence before it, 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

Chairman of the Commission for the Protection of Competition