



ΚΥΠΡΙΑΚΗ ΔΗΜΟΚΡΑΤΙΑ



ΕΠΙΤΡΟΠΗ ΠΡΟΣΤΑΣΙΑΣ
ΤΟΥ ΑΝΤΑΓΩΝΙΣΜΟΥ

Decision CPC: 6/2020

Case Number 8.13.019.57

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

Notification of a concentration concerning the acquisition of part of the share capital and the sole control of Webpros Holdco B.V. by CVC Capital Partners SICAV-FIS S.A. via CVC Fund VII

Commission for the Protection of Competition:

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

Date of decision: 24/1/2020

SUMMARY OF THE DECISION

On the 23/12/2019, the Commission for the Protection of Competition (hereinafter the “Commission”) received on behalf of CVC Capital Partners SICAV-FIS S.A. (hereinafter «CVC»), 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, according to which, CVC will acquire part of share capital of WebPros Holdco B.V. (hereinafter the “Target”), through CVC Fund VII and Particle Investments S.a.r.l. (hereinafter «Particle») and Particle Holdings S.a.r.l. (hereinafter «Particle Topco»).

CVC is a company duly registered under the laws of Luxembourg. The company, together with its subsidiaries and affiliated companies constitute the “CVC Network”. Their activities pertain to the provision of investment advice and/or investment management on behalf of certain investment funds and platforms (“the CVC Funds”), including CVC Fund VII. CVC Funds hold investments in companies active in a range of fields, including chemicals, common utility services, processing, retail and distribution.

Particle and Particle Topco are special purpose vehicles which belong to the CVC Network, which were established for the purpose of this merger.

The target in this merger is WebPros. The company mainly provides web hosting automation software focusing on small and medium sized enterprises as end users. WebPros is a provider of SaaS (software as a service) for web hosting, billing automation, infrastructure, server management and online marketing software solutions. Currently WebPros comprises of cPanel, Plesk, SolusVM, WHMCS and XOVI.

The concentration is based on the Share Purchase Deed (hereinafter the "Agreement"). Particle Topco and Particle intend to acquire the part of the issued share capital of WebPros by the Sellers.

The Commission, taking into account the facts of the concentration, the method of decision-making of the target's Board of Directors and its voting rights, the share capital of the target, etc. and having evaluated them on the basis of the concept of concentration as specified in section 6, 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 concentration was of major importance falling within the scope of the Law.

The relevant product market in this case was defined as the market of web-hosting and the geographic market was defined as the Republic of Cyprus.

There is no horizontal overlap or vertical relationship nor neighboring markets between the activities of the enterprises involved.

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