

Case No COMP/M.7692 - FERRERO/ THORNTONS

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004
MERGER PROCEDURE**

Article 6(1)(b) NON-OPPOSITION

Date: 13/08/2015

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EUROPEAN COMMISSION

Brussels, 13.8.2015
C(2015) 5868 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying party:

Dear Sirs,

**Subject: Case M.7692 - FERRERO/ THORNTONS
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

1. On 22 July 2015, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Ferholding UK Limited (United Kingdom), controlled by Ferrero International SA ("Ferrero", Luxembourg), acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of the undertaking Thorntons PLC ("Thorntons", United Kingdom), by way of public bid announced on 22 June 2015.³
2. The business activities of the undertakings concerned are:
 - for Ferrero: the manufacturing and supply of confectionery and other sweet products (e.g. chocolate confectionery, candies, snacks and sweet spreadable products) worldwide,

¹ OJ L 24, 29.1.2004, p. 1 (the "Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

² OJ L 1, 3.1.1994, p. 3 ("the EEA Agreement").

³ Publication in the Official Journal of the European Union No C 249, 30.7.2015, p. 13.

- for Thorntons: the manufacturing and sale of chocolate confectionery and other sweet products. In addition to supplying its products through third party retailers, Thorntons owns and operates a network of retail shops, predominantly in the United Kingdom, through which it supplies its own-brand products.
3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴
 4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation and Article 57 of the EEA Agreement.

For the Commission

(Signed)

Alexander ITALIANER
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.