



EUROPEAN COMMISSION
DG Competition

*Case M.8453 - NESTLE /
BPW*

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 13/10/2017

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EUROPEAN COMMISSION

Brussels, 13.10.2017
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PUBLIC VERSION

To the notifying party

**Subject: Case M.8453 – NESTLE / BPW
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**

Dear Sir or Madam,

1. On 11 September 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of the Merger Regulation by which Nestlé S. A. (Switzerland) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of NESTEA Business in all European countries except Spain, Portugal and Andorra, currently operated by Beverage Partners Worldwide, S. A. (Switzerland), a full-function joint-venture controlled by Nestlé and The Coca-Cola Company (TCCC) (United States), by way of contract.³
2. The business activities of the undertakings concerned are:
 - for Nestlé: the production, marketing and sale of milk products, ice-cream, nutrition and health science, drinks, as well as confectionery and pet care products,
 - for Nestea Business: the distribution and commercialisation of ready-to-drink (RTD) tea beverages, and beverages bases used in their production, under the NESTEA brand.
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

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 310, 19.9.2017, p. 8.

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)

*Johannes LAITENBERGER
Director-General*

⁴ OJ C 366, 14.12.2013, p. 5.