



EUROPEAN COMMISSION
DG Competition

***Case M.8838 - KERRY GROUP / KORYS INVESTMENTS /
PROPARENT***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 13/04/2018

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EUROPEAN COMMISSION

Brussels, 13.04.2018
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PUBLIC VERSION

To the notifying parties

**Subject: Case M.8838 - KERRY GROUP / KORYS INVESTMENTS / PROPARENT
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 19 March 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Kerry Group PLC ('Kerry', Ireland) and Korys Investments NV ('Korys', Belgium), belonging to the Colruyt Group, acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of the whole of the undertaking Proparent NV ('Proparent', the Netherlands) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for Kerry : manufacture of food ingredients and flavours for the food, beverage and pharmaceutical industry;
 - for Korys : investments in a wide range of companies active in software solutions, sustainable energy and medical applications. Also part of the same Group, Colruyt is active in the retail distribution of daily consumer goods in Belgium, Luxembourg and France;
 - for Proparent : development and manufacture of plant based protein products that serve as meat and fish replacement.

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 117, 03.04.2018, p. 4.

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)

Johannes LAITENBERGER
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.