



EUROPEAN COMMISSION
DG Competition

***Case M.9925 - LACTALIS
NESTLÉ PRODUITS
FRAIS / CERTAIN
ASSETS OF PARMALAT***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 14/09/2020

***In electronic form on the EUR-Lex website under document
number 32020M9925***



EUROPEAN COMMISSION

Brussels, 14.09.2020
C(2020) 6366 final

PUBLIC VERSION

To the notifying parties

Subject: Case M.9925 – LACTALIS NESTLÉ PRODUITS FRAIS / CERTAIN ASSETS OF PARMALAT
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 August 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings B.S.A. (France) and Nestlé S.A. (Switzerland) acquire within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation joint control over part of undertaking Lactalis Nestlé produits frais ('LNPF', France), by way of purchase of assets.³
2. The business activities of the undertakings concerned are:
 - B.S.A. is the parent company of the Lactalis group which is mainly active in the production and marketing of milk and dairy products;
 - Nestlé S.A. is the parent company of an international group, which is mainly active in the food industry. Nestlé S.A. is primarily involved in the production, marketing and sale of a large variety of food and beverage products, including dairy products; and
 - LNPF manufactures and sells chilled dairy products, i.e., yogurts, fresh cheese and fresh dairy desserts.
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

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 284, 28.8.2020, p. 5.

paragraph 6 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)

Olivier GUERSENT

Director-General

⁴ OJ C 366, 14.12.2013, p. 5.