

**Prior notification of a concentration****(Case M.8453 — Nestlé/BPW)****Candidate case for simplified procedure****(Text with EEA relevance)**

(2017/C 310/06)

1. On 11 September 2017, the Commission received notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of Council Regulation (EC) No 139/2004 <sup>(1)</sup>.

This notification concerns the following undertakings:

- Nestlé S. A. (Nestlé) (Switzerland),
- Beverage Partners Worldwide, S. A. (BPW) (Switzerland), a full-function Joint-venture controlled by Nestlé and The Coca-Cola Company (TCCC) (United States).

Nestlé 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 BPW.

The concentration is accomplished by way of contract of management or any other means.

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 BPW: the distribution and commercialisation of ready-to-drink (RTD) tea beverages, and beverages bases used in their production, under the NESTEA brand.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 <sup>(2)</sup> it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.8453 — Nestlé/BPW

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

Email:

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Postal address:

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

<sup>(2)</sup> OJ C 366, 14.12.2013, p. 5.