



BEFORE THE  
COMPETITION COMMISSION OF PAKISTAN

FIRST PHASE REVIEW

IN THE MATTER OF ACQUISITION OF \_\_\_% SHAREHOLDING BY M/S. PCF  
COMMUNICATION INVESTMENTS (PRIVATE) LIMITED AND \_\_\_%  
SHAREHOLDING BY M/S. JS BANK LIMITED IN M/S. AIR LINK  
COMMUNICATION LIMITED

CASE: 1084/Merger-CCP/20

Commission

Ms. Shaista Bano Gilani  
*Acting Chairperson*




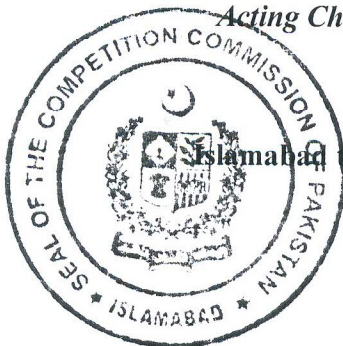
Ms. Bushra Naz Malik  
*Member*

## ORDER

1. On 6<sup>th</sup> March 2020 the Competition Commission of Pakistan ("**Commission**") received a pre-merger application ("**Application**") of a proposed acquisition pursuant to Section 11 of the Competition Act, 2010 ("**Act**") read with Regulation 6 of the Competition (Merger Control) Regulations, 2016 ("**Merger Regulations**") from M/s. Air Link Communication Limited ("**Target**" or "**Applicant**") for the intended acquisition of 100% shareholding by M/s. PCF Communication Investments (Private) Limited ("**Acquirer 1**") and 75% shareholding by M/s. JS Bank Limited ("**Acquirer 2**") in the Target.
2. The Commission has examined the Application as well as all the documents attached therewith, the market scenario, and its observations on the basis of independent research/investigation in the relevant market. The Phase I competition assessment of the intended transaction has resulted in the following findings:
  - i. The business activities of the undertakings concerned are:
    - a. For the Acquirer 1: Invests in communication and related sectors in Pakistan.
    - b. For the Acquirer 2: Scheduled commercial bank
    - c. For the Target: Imports, distributes, and wholesale of cellular mobile/smart phones, tablets, laptops, accessories and allied products.
  - ii. The proposed transaction involves the Acquirer 1 proposing to buy 100% and Acquirer 2 proposing to buy 75% of ordinary share capital of the Target. The transaction consideration is PKR 100 million.
  - iii. The Target belongs to the relevant product market of "**Distribution and Retail segment within the Telecommunication Industry**" having a geographic market identified as of "**Pakistan**". Based on the information provided by the Applicant, the Target currently has a market share of 100% in the relevant market.
  - iv. Post-transaction, there will be no impact in the relevant market as there are no overlaps in the relevant market between the merger parties.
  - v. The transaction is not likely to result in the creation or strengthening of a dominant position in the relevant market. The intended merger does not meet the presumption of dominance as determined under Section (2) (1) (e) read with Section 3 of the Competition Act 2010 ("**Act**").
3. In conclusion, the proposed transaction is not likely to substantially lessen competition through the creation or strengthening of a dominant position in the relevant market. The proposed transaction is hereby authorized under Section 31 (1) (d) (i) of the Act.
4. It is so ordered.

  
(Ms. Shaista Bano Gilani)  
*Acting Chairperson*

  
(Ms. Bushra Naz Malik)  
*Member*



Islamabad the MAY 08, 2020.