



BEFORE THE
COMPETITION COMMISSION OF PAKISTAN

FIRST PHASE REVIEW

IN THE MATTER OF ACQUISITION OF % PAID UP SHARE CAPITAL OF M/S.
LUNA PAKISTAN (PRIVATE) LIMITED BY M/S. SEARLE COMPANY LIMITED

CASE: 1097/Merger-CCP/20

Commission

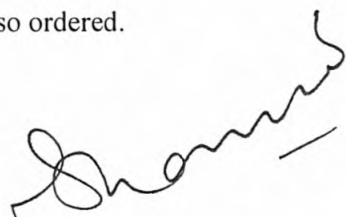
Ms. Shaista Bano
Member



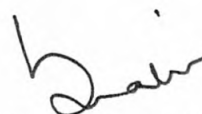
Ms. Bushra Naz Malik
Member

ORDER

1. The Competition Commission of Pakistan ("**Commission**") is in receipt of a pre-merger application ("**Application**") sent by M/s. Searle Company Limited ("**Searle**" or "**Acquirer**") notifying the Commission of its acquisition of $\quad\quad\quad$ % paid up share capital of M/s. Luna Pakistan (Private) Limited ("**Luna**" or "**Target**"), pursuant to Section 11 of the Competition Act, 2010 ("**Act**") read with Regulation 6 of the Competition (Merger Control) Regulations, 2016 ("**Merger Regulations**").
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 concerned parties are:
 - a. For the Acquirer: Importing, manufacturing and selling pharmaceutical products.
 - b. For the Target: Holding Company.
 - ii. As per the Application, Searle intends to acquire $\quad\quad\quad$ ordinary shares (*comprising 1 % of the paid-up share capital*) in Luna (*Holding Company*). The consideration for this acquisition is PKR $\quad\quad\quad$, which is the transaction value in this case.
 - iii. The relevant product market is that of importing, manufacturing and selling pharmaceutical products, while the relevant geographic market is Pakistan. The Target is active in the pharmaceutical sector through its subsidiary M/s. OBS Pakistan (Pvt.) Ltd ("**OBS**"). The Acquirer has a current market share, in terms of sales value, of approximately $\quad\quad\quad$ % in the relevant market, while the Target, through OBS, has a share, in terms of sales value, of approximately $\quad\quad\quad$ % in the relevant market.
 - iv. The transaction is not likely to result in the creation or strengthening of dominant position in the relevant market. The intended transaction does not meet the presumption of dominance as determined under Section (2) (1) (e) read with Section 3 of the Act.
3. In conclusion, the proposed transaction is unlikely 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)
Member



(Ms. Bushra Naz Malik)
Member



Islamabad the July 15th 2020