



BEFORE THE
COMPETITION COMMISSION OF PAKISTAN

FIRST PHASE REVIEW

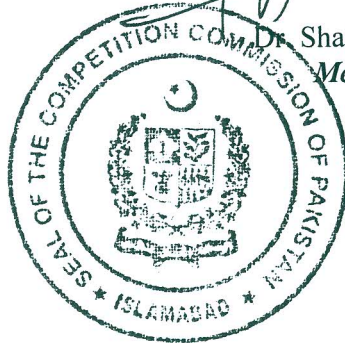
IN THE MATTER OF ACQUISITION OF . % SHAREHOLDING IN M/S. OPAL
LABORATORIES (PRIVATE) LIMITED BY MR. DANISH ELAHI FROM M/S.
WELLINNOVA LIFE SCIENCES (PRIVATE) LIMITED

CASE: 1069/Merger-CCP/19

Commission

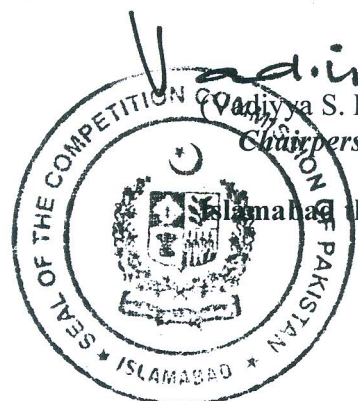
Ms. Vadiyya S. Khalil
Chairperson

Dr. Shahzad Ansar
Member



ORDER

1. On 19th December 2019 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**") through which Mr. Danish Elahi ("**Acquirer**") intends to acquire _____% shareholding in M/s. Opal Laboratories (Private) Limited ("**Target**") from M/s. Wellinnova Life Sciences (Private) Limited ("**Seller**") in accordance with the terms of the Investment Agreement. All the requisite information/documentation pertaining to the application was completed by the applicant on 21st February 2020.
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 acquisition has resulted in the following findings:
 - i. The business activities of the undertakings concerned are:
 - a. For the Acquirer: Business Individual.
 - b. For the Target: Manufacturing and trading of medicine and drugs.
 - c. For the Seller: Mandated to carry on the business of, *inter alia*, trading and distribution of medicine and drugs.
 - ii. The proposed transaction consists of acquisition of _____% shareholding in the Target by the Acquirer from the Seller. The relevant product market has been set as of "**Manufacturing and trading of medicine and drugs**" in which the Target is currently operating within **Pakistan**, where the conditions of competition are sufficiently homogeneous.
 - iii. Pharmaceutical Industry operates in a heavily regulated environment, stringent and closely monitored and administered by Drug Regulatory Authority of Pakistan (DRAP).
 - iv. Currently, the Target has a share of approximately _____%. Post-transaction, the market dynamics will remain unchanged as the Acquirer is not operating in the relevant product market. The consideration for the transaction is estimated to be PKR 3 _____ 1.
 - 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.



Vadiya S. Khalil
Vadiya S. Khalil
Chairperson
Islamabad the 9th MARCH, 2020.

(Dr. Shahzad Ansar)
(Dr. Shahzad Ansar)
Member