EUROPEAN COMMISSION

Brussels, 9.10.2019
C(2019) 7376 final

PUBLIC VERSION

To the notifying parties

Subject: **Case M.9405 — CPF/Itochu/HyLife**
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004[1] and Article 57 of the Agreement on the European Economic Area[2]

Dear Sir or Madam,

1. On 16 September 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Charoen Pokphand Foods Public Company Limited ('CPF', Thailand) and Itochu Corporation ('Itochu', Japan) acquire within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation joint control of the whole of HyLife Group Holdings Ltd ('HyLife Group', Canada), currently jointly controlled by HyLife Investments Ltd (Canada) and Itochu. The concentration is accomplished by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for CPF: breeding and farming of livestock (swine, chicken, duck) and aquaculture (shrimp, fish), manufacturing of feed for livestock and aquaculture, as well as production of processed and ready-to-eat meat and ready meal products, as well as operating food retail outlets and restaurants,

   – for Itochu: active across a wide range of industries including textiles, machinery, metals and minerals, energy and chemicals, general products, information technology and communications, financial and insurance, as well as food,

   – for HyLife Group: breeding, raising and slaughtering of swine livestock and production and distribution of pork products (fresh, chilled and frozen pork meat).

---

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 318, 23.9.2019, p. 20.

Commission européenne, DG COMP MERGER REGISTRY, 1049 Bruxelles, BELGIQUE
Europese Commissie, DG COMP MERGER REGISTRY, 1049 Brussel, BELGIË

Tel: +32 229-91111. Fax: +32 229-64301. E-mail: COMP-MERGER-REGISTRY@ec.europa.eu.

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 paragraph 5(a) 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)
Cecilio MADERO VILLAREJO
Acting Director-General

4 OJ C 366, 14.12.2013, p. 5.