EUROPEAN COMMISSION

Brussels, 23.4.2019
C(2019) 3206 final

PUBLIC VERSION

To the notifying party

Subject: **Case M.9311 - BERRY / RPC**
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 27 March 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Berry Global Group, Inc. ('Berry', United States of America) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control of the whole of RPC Group Plc ('RPC', United Kingdom). The concentration is accomplished by way of purchase of shares, by means of a court-sanctioned scheme of arrangement.[3]

2. The business activities of the undertakings concerned are:

   – for Berry: manufacture of plastic packaging, non-woven specialty materials and engineered materials,

   – for RPC: manufacture of plastic products, including packaging and non-packaging.

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(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.[4]

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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 125, 04.04.2019, p. 5.

4 OJ C 366, 14.12.2013, p. 5.

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.

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)
Johannes LAITENBERGER
Director-General