

# DETERMINATION OF MERGER NOTIFICATION M/24/070 - ARRABAWN CO-OPERATIVE SOCIETY LIMITED/TIPPERARY CO-OPERATIVE CREAMERY LIMITED

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## Section 21 of the Competition Act 2002

### Proposed merger of Arrabawn Co-Operative Society Limited and Tipperary Co-Operative Creamery Limited

Dated: 20 February 2025

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#### Introduction

1. On 14 November 2024, in accordance with section 18(1)(a) of the Competition Act 2002, as amended (the “Act”), the Competition and Consumer Protection Commission (the “Commission”) received a notification of a proposed transaction whereby Arrabawn Co-Operative Society Limited (“Arrabawn”) would merge with Tipperary Co-Operative Creamery Limited (“Tipperary”) (together the “Parties”) (the “Proposed Transaction”).

#### The Proposed Transaction

2. The Proposed Transaction is to be implemented pursuant to a merger agreement, dated 21 October 2024, between Arrabawn and Tipperary (the “Agreement”). Under the terms of the Agreement, Arrabawn and Tipperary will be amalgamated to form a new industrial and provident society called Arrabawn Tipperary Co-Operative Society Limited (the “Merged Entity”) pursuant to the provisions of section 53(1) of the Industrial and Provident Societies Act, 1893.<sup>1</sup> Following implementation of the

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<sup>1</sup> Industrial and provident societies are registered under the Industrial and Provident Societies Acts 1893-2021. Once registered, the members of an industrial and provident society enjoy limited liability akin to other

Agreement, 75.5% of the shareholdings of the Merged Entity are to be allocated between members of Arrabawn and the remaining 24.5% are to be allocated among the members of Tipperary.

### **Ancillary Restraints**

3. No ancillary restraints were notified to the Commission.

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corporate entities, but each member generally has only one governing vote. This type of organisation is common in the agricultural sector.

## **Determination**

The Competition and Consumer Protection Commission, in accordance with section 21(2)(a) of the Competition Act 2002, as amended, has determined that, in its opinion, the result of the proposed transaction, whereby Arrabawn Co-Operative Society Limited would merge with Tipperary Co-Operative Creamery Limited, will not be to substantially lessen competition in any market for goods or services in the State, and, accordingly, that the merger may be put into effect.

For the Competition and Consumer Protection Commission

**Úna Butler**

**Member**

**Competition and Consumer Protection Commission**