

PRESS RELEASE

The CNMC authorised 10 concentration operations in September

- All of them were approved in the first phase, since they are not expected to alter the market significantly.

Madrid, 1 October 2019 - The CNMC (National Commission on Markets and Competition) authorised 10 concentration operations over the course of September, all in the first phase after determining that they did not hamper competition in the markets in question.

Concentrations approved in September

- [JUST EAT / CANARY \(C/1046/19\)](#)

On 10 September 2019, the CNMC authorised, in the first phase, the concentration involving the acquisition by Just Eat Spain, S.L. of exclusive control of Canary Delivery Company, S.L., formalised by way of the purchase agreement signed by the parties in April 2019.

The operation meets the requirements contained in the Anti-Trust Law (ATL) by exceeding the market share threshold specified in Article 8.1.a) therein.

The operation affects the management of food orders for home delivery placed through online platforms, which are accessed via internet or mobile applications.

To find out more about this operation, you can read this [CNMC blog](#)

- [TAKEAWAY / JUST EAT \(C/1061/19\)](#)

Also involving Just Eat¹, on 19 September 2019, the Board authorised, in the first phase, the operation through which Takeaway.com N.V. acquired exclusive control of Just Eat PLC.

The operation meets the requirements contained in the Anti-Trust Law (ATL) by exceeding the market share threshold specified in Article 8.1.a) therein. The operation affects the management of food orders for home delivery placed through online platforms, which are accessed via internet or mobile applications.

- [MSM GROUP / SANTA BARBARA SISTEMAS -ACTIVOS- \(C/1055/19\)](#)

¹ See [JUST EAT / CANARY \(C/1046/19\)](#).

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On 10 September 2019, the CNMC authorised, in the first phase, the concentration consisting of the acquisition by MSM Group, S.R.O. of exclusive control of one of the business branches of Santa Barbara Sistemas, S.A.U. To carry out the transaction, the company Fábrica de Municiones de Granada, S.L.U. was formed, all the shares of which will be owned by MSM Group, S.R.O.

The operation meets the requirements contained in the Anti-Trust Law (ATL) by exceeding the market share threshold specified in Article 8.1.a) therein.

The economic sector affected is the defence sector, mainly the manufacture of explosives, weapons and ammunition.

- [MUTUA MADRILEÑA / SILDOSCAN \(C/1056/19\)](#)

Also on 10 September 2019, the CNMC authorised, in the first phase, the joint acquisition of control in Sildoscan Spain, S.L. by Mutuamad Innovación, S.L.U. and Debal Investments, S.L.U. This entailed Mutuamad acquiring 80% of its share capital, currently owned by Portobello III, with the remaining 20% being held by Debal Investments, S.L.U.

The operation reported satisfies the requirements contained in the ATL, as it exceeds the thresholds specified in article 8.1.b) therein.

The sector affected by the operation is the provision of vehicle rental services, in which the acquired company operates.

- [ADVENT / ICE \(C/1058/19\)](#)

The CNMC authorised, in the first phase, Advent International Corporation to acquire exclusive control of Industria Chimica Emiliana SpA, through a special-purpose vehicle called AI ICE Acquisition S.r.l., on 10 September 2019.

The operation meets the requirements contained in the Anti-Trust Law (ATL) by exceeding the market share threshold specified in Article 8.1.a) therein.

The economic sector affected is the manufacture and sale of animal-based pharmaceutical active ingredients.

- [RENOLIT / IBW / ANJA FISCHER \(C/1059/19\)](#)

On the same date, the CNMC also authorised, in the first phase, the operation involving the acquisition of joint control of Renolit SE by Industriebeteiligungen

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Worms GmbH & Co. KG and a private individual through the purchase of shares.

The operation meets the requirements contained in the Anti-Trust Law (ATL) by exceeding the market share threshold specified in Article 8.1.a) therein.

The economic sector involved in the operation is the development, production and sale of thermoplastic sheets for industrial use, which is the main area of activity of the purchased company.

- [UVESCO / SIMPLY -ACTIVOS- \(C/1057/19\)](#)

On 19 September, the CNMC authorised, in the first phase, the operation through which Uvesco, S.A. took exclusive control of the assets associated with the operation of 11 retail establishments for the distribution of daily consumer goods owned by the Auchan group under the Simply brand.

The operation meets the requirements contained in the Anti-Trust Law (ATL) by exceeding the market share threshold specified in Article 8.1.a) therein.

The economic sector involved in the operation is the retail commercial distribution of daily consumer goods using a self-service format.

- [ARTÁ CAPITAL / GRUPO PREVING \(C/1060/19\)](#)

On 19 September, the CNMC also authorised, in the first phase, Artá Capital Sgeic, S.A. to acquire exclusive control of Preving Investments, S.L. and the other companies in its group, through a special-purpose vehicle called Marsala Directorship, S.L.

The operation reported satisfies the requirements contained in the ATL, as it exceeds the thresholds specified in article 8.1.b) therein.

The economic sector affected by the operation is the provision of occupational risk prevention services.

- [VINCI ENERGIES ESPAÑA S.A.U. / SISTEM MELESUR ENERGÍA S.A.U. / SISTEM INFRAESTRUCTURAS Y OPERACIONES EPC S.L.U. \(C/1062/19\)](#)

On the same date, the CNMC authorised, in the first phase, the operation consisting of the acquisition, by Vinci Energies España, S.A.U., of exclusive control of Sistem Melesur Energía, S.A.U. and Sistem Infraestructuras y Operaciones EPC, S.L.U., by purchasing 75% of their share capital, currently owned by Solar Lightning, S.L.

The operation reported satisfies the requirements contained in the ATL, as it

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exceeds the thresholds specified in article 8.1.b) therein.

The economic sectors affected by the operation are the electrical installations sector, the activities of headquarters and the combined administrative services sector.

- [PROA CAPITAL / GRUPO GALLO \(C/1063/19\)](#)

On 19 September, the Board authorised, in the first phase, Proa Capital de Inversiones S.G.E.I.C., S.A., through its subsidiary, IPA Capital, S.L.U., to acquire exclusive control of Productos Alimenticios Gallo, S.L. (Gallo Group).

The operation meets the requirements contained in the ATL by exceeding the market share threshold specified in Articles 8.1.a) and b) therein.

The economic sector affected by the operation is the production and marketing of food products.

Rules and procedures for overseeing concentrations.

The CNMC evaluates those concentrations involving companies whose turnover or market share exceed certain thresholds ([Article 8 of the Anti-Trust Law](#)), so as to prevent operations that significantly hamper competition.

According to the Anti-Trust Law, these thresholds are based on:

- Whether the resulting company acquires or increases its market share by a certain amount (Art. 8.1 a) of Law 15/2007), generally taken to be 30% of the relevant market (product and geographical).
- Whether it exceeds a certain turnover (Art. 8.1 b), such that the sum of the turnover of both in the most recent fiscal year exceeds 240 million, provided that at least two of the participants individually have a turnover of more than 60 million euros in Spain.

The Law also considers a series of exemptions in the oversight of concentrations in certain cases. Once the operation is reported, the CNMC has one month to decide whether to approve it (phase I) or initiate a detailed investigation (phase II).

[More information on the concentration analysis procedure.](#)

[CNMC list of concentrations.](#)

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