

## **The CNMC is conducting a second phase investigation into the Logista Publicaciones/Distrisur merger.**

- The transaction involves risks for competition in the market for the distribution of periodicals, which is why the Commission will analyse the operation in depth.
- Logista Publicaciones has notified the exclusive acquisition of its subsidiary Distrisur, of which it currently has joint control with Boyacá.

**Madrid, 2 December 2022.-** The CNMC agreed, on 23 November 2022, to initiate the [second phase](#) of the analysis of the Logista Publicaciones/Distrisur merger ([C/1348/22](#)).

The concentration consists of the acquisition by Compañía de Distribución Integral de Publicaciones Logista S.L.U. (“Logista Publicaciones”), through its subsidiary Logista Regional de Publicaciones S.A. (“Logista Regional”), of sole control over Distribuidora de Publicaciones del Sur S.L. (“Distrisur”), a subsidiary over which it currently has joint control with Boyacá.

In consideration for this acquisition—and for two other similar acquisitions in which Boyacá has a minority shareholding—Boyacá will obtain a percentage shareholding in Logista Regional.

As a result, Boyacá will have a seat on the board of Logista Regional, and the structural link between Logista Publicaciones and Boyacá will be strengthened. This could lead to a decrease in competition between the two operators.

### **Risks to competition**

In its initial analysis, the CNMC concluded that Boyacá could have access to sensitive information on the operations of its competitor, Logista Regional. Specifically, Boyacá could have access to strategic information, allowing Boyacá to favour its business in several regional markets or hinder the expansion of Logista Publicaciones in other regional markets.

Furthermore, the presence of competitors on the same board of directors where strategic decisions are made facilitates coordination between them, giving them a stronger incentive to unify their behaviour and the ability to do so.

The high market power of these two players in some regional markets and at the national level, the maturity of the sector, and other barriers to entry are all factors that also facilitate possible collusive behaviour. In fact, the operation already

contemplates or incorporates a number of agreements that could point in this direction.

This coordination could hinder effective competition in the markets, due to the importance of these two operators in terms of market shares and also because they are two of the only three operators with a national presence and the only two that are vertically integrated (they are also active in the national market for the transportation of publications).

### **In-depth analysis**

In view of the above, the CNMC has agreed to carry out a second phase analysis of the transaction. This step does not prejudge the final conclusions that the CNMC may reach in relation to the Logista Publicaciones/Distrisur merger.

During this second phase, the CNMC may request further information from different operators in the affected markets. In addition, the notifying parties and interested third parties may submit arguments in defence of their legitimate interests.

The final decision adopted by the CNMC may authorise, impose commitments or conditions, or prohibit the Logista Publicaciones/Distrisur merger operation.

[C/1348/22](#)

[Click here for further details on the CNMC's assessment of mergers.](#)