

## The CNMC clears five mergers in November

- Four were approved in the first phase of the merger control procedure without commitments.
- The Ebiquity-Mediapath merger was approved in the first phase with commitments.

**Madrid, 15 December, 2023.-** The Spanish National Markets and Competition Commission (CNMC) approved five mergers in November. Four of them were approved in the first phase without commitments. The Ebiquity-Mediapath merger was authorised subject to commitments ([see press release](#)).

## Tecno Fast España, SL acquires exclusive control of Alquibalat, SL

### [C/1409/23 TECNO FAST / ALQUIBALAT](#)

**Tecno Fast** is part of a Chile-based business group dedicated to providing modular construction solutions. In Spain, it operates through its subsidiary Alco Rental Services, SLU (“ALCO”), which focuses on the rental and sale of prefabricated modular buildings and the rental of machinery and equipment in sectors such as construction, industry, public works, events and agriculture.

**Alquibalat** is a company with its registered office in Spain, which is engaged in the manufacture, sale and rental of modular systems, which also provides complementary products and services.

The merger affects the markets for the rental of low-intermediate quality modular buildings and the manufacture and sale of modular buildings.

In the domestic market, the combined market share of the parties is not significant, as there are a large number of competitors with the ability to exert competitive pressure on the resulting organisation.

However, in the geographically relevant market, the regional market, the parties involved in the operation overlap in three Autonomous Communities, giving rise to significant horizontal overlaps in Catalonia and Aragon. In these regions, however, there is a large number of competitors, of varying sizes, some of which are also important at the national level, such as Algeco, which is the leading supplier of modules nationwide and has the capacity to exert competitive

pressure. Moreover, according to the documents obtained, the resulting organisation plans to maintain the lines and specialisation of the two parties.

Given the above, the CNMC found that the merger poses no threat to effective competition.

### **Carrefour, through Supersol, acquires exclusive control of the assets of Supercor, from the El Corte Inglés Group**

#### [4>C/1428/23 CARREFUR/ ACTIVOS SUPERCOR](#)

**Supersol** is a Carrefour group company engaged in retail distribution through supermarkets distributed throughout Spain, mainly in the Communities of Madrid and Andalusia.

The assets acquired from **Supercor** are 47 supermarkets in municipalities in the provinces of A Coruña, Albacete, Alicante, Barcelona, Bizkaia, Castellón, Granada, Lleida, Madrid, Málaga, Murcia, Pontevedra, Sevilla, Tarragona and Valencia.

At the national level, the merger leads to a minor strengthening of the market concentration in the market for the retail distribution of daily consumer products in self-service format. At the municipal level, the combined share of the parties would only be relevant in four municipalities where there are overlaps, and the additions would not be very significant. Likewise, in the geographical markets of Madrid and Barcelona where there are overlaps, and in the markets located on the outskirts of the two cities, the shares of the resulting company or the additions would not be significant.

In view of the above, the CNMC considers that the transaction does not pose a threat to effective competition as it does not lead to significant changes in the current structure of the affected markets.

### **Bluevia Fibra SL (Bluevia) acquires exclusive control of the assets of Free Technologies Excom, SL (Acticos Excom)**

#### [C/1419/23 BLUEVÍA/ACTIVOS EXCOM](#)

**Bluevia**, is a Spanish network operator offering wholesale FTTH (*Fibre to the home*) access services and other connectivity services over fibre technology in rural and other less populated areas in Spain. It is jointly controlled by Predica and Vauban, and by Telefónica.

The assets acquired from **Free Technologies Excom** are two FTTH fibre optic networks, located in two municipalities in Granada, used internally by the vendor to offer retail electronic communications services to end customers.

The merger entails a slight strengthening of Telefónica's position in the national market for wholesale fixed broadband access services, but the added market share is too small to appreciably alter the competitive structure of the market. Although the acquirer was considering among its possible deployment plans for both locations, this roll-out would have been in addition to the existing offer and could have increased the number of operators. However, at the same time, the acquisition of these assets means that Telefónica will have to offer fixed broadband wholesale services to other operators under regulated conditions as the assets are not located in a competitive area, which promotes retail service competition. This means that any interested operator will quickly be able to offer retail services in the area covered by the networks of the assets acquired.

In view of the above, this operation poses no threat to effective competition in the markets.

### **Sony Music Entertainment España, SL (SME España) acquires exclusive control of Altafonte Network, SLU (Altafonte).**

#### [C/1420/23 SME ESPAÑA/ALTAMONTE](#)

The company **SME España** is wholly owned and controlled by the Sony Group and operates in the recorded music sector.

**Altafonte** is a recorded music distribution company, with offices in Spain, Portugal, Italy, the United States, and Latin America (Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, and Peru).

The merger strengthens SME España's position in two markets. On the one hand, in the markets for artist and label signing and support, where the additions are moderate, there are relevant competitors and the parties are not close competitors. On the other hand, in the market for the distribution of recorded music, both in the digital and physical segments, where the share addition is relatively small, there are other relevant competitors as well as independent labels that exert competitive pressure and there is countervailing buyer power, both from digital service providers (such as Spotify or iTunes) and from physical distributors.

In view of all the above, this operation poses no threat to effective competition in the markets.

**[Ebiquity plc \(Ebiquity\) acquires exclusive control of MediaPath Network AB \(Mediapath\) \(press release\).](#)**

[C/1406/23 EBIQUITY-MEDIAPATH](#)

**Related content:**

- [Press release](#) (12/04/2023): The CNMC approves, with commitments, Ebiquity's purchase of Mediapath
- [CNMC Blog](#) (29/09/2023): At the CNMC we monitor mergers between companies
- [List of mergers approved by the CNMC](#)