

The CNMC approves with commitments the acquisition of medical assets of the B. Braun Group by BSC

- The transaction concerns the sale of endoscopic vacuum therapy (EVT) devices in Spain.
- The CNMC has identified risks of portfolio effects, which pose a barrier to entry and to the expansion of competitors.
- BSC must comply with the offered commitments for five years.
- Among others, it cannot tie the public and private procurement of its EVT products to that of other devices in its portfolio.

Madrid, 14 March 2024.-The CNMC has approved with commitments the acquisition of endoscopic vacuum therapy (EVT) assets of the B. Braun Group by Boston Scientific Corporation (BSC) ([C/1421/23](#)).

Specifically, BSC has acquired the following products manufactured by B. Braun: Endo-Sponge, Eso-Sponge and Endo-Sponge Fistula, along with their respective spare parts and accessories. These products are used to treat anastomotic leaks and perforations in the upper gastrointestinal tract and colorectal area.

Market investigation

The acquisition of these assets affects the market for the development, manufacturing and marketing of endoscopic vacuum therapy medical devices, which allow for secretion drainage, fistula closure and inflammation reduction.

This is a market with strong growth prospects. Until 2022, B. Braun was the only operator selling EVT devices in Spain. That year, the EVT assets acquired by BSC had a market share of 90-100%. At the end of 2023, a new competitor entered the market, and two potential competitors are expected in the near future.

Risks to competition

The transaction does not give rise to horizontal or vertical overlaps. However, the CNMC has identified risks of portfolio effects, stemming from the existence of certain tying practices in the procurement of endoscopy devices in public and private hospitals.

These portfolio effects represent a significant barrier to entry and expansion for competitors (current and/or potential), as they significantly hinder their ability to compete in the market.

Commitments offered by BSC

The CNMC considers that the commitments offered by BSC are sufficient to remedy the competition concerns identified. The company must comply with these commitments for **five years**.

- **Not tying** the public/private procurement of EVT products to the purchase of other endoscopy devices in BSC's portfolio. Therefore, BSC cannot participate in procurement procedures where it must submit joint or tied bids.
- **Informing its clients**(public and private hospitals) of the content and scope of the commitments.

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