# **EU MERGER CONTROL**Interventions from December 2019



Since December 2019, 58 transactions were approved with remedies (of which 41 were cleared in Phase 1 and 17 after an in-depth Phase 2 investigation). Remedies can be structural (such as full divestments), quasi-structural (e.g. data silos) or behavioural (such as access or interoperability conditions). Three transactions were approved in Phase 2 without remedies, and 12 transactions were abandoned while under in-depth review, five of which after a Statement of Objections had been issued. Three proposed transactions have been prohibited.

Varta AG acquires Energizer's divested business

## BATTERIES AND PORTABLE LIGHTING

Phase 1 Commitments Decision Commitment: supply hearing-aid batteries globally Danaher Corporation acquires General Electric's Healthcare Life Sciences Biopharma Business

#### **BIOPROCESSING**

Phase 1 Commitments Decision

Divestment: 5 biotech equipment
and consumables businesses
around the world

AbbVie acquires Allergan

## BIOLOGICAL TREATMENTS FOR INFLAMMATORY BOWEL DISEASES

Phase 1 Commitments Decision Divestment: pipeline R&D project in inflammatory bowel diseases Synthomer acquires Omnova

#### SPECIALTY CHEMICALS

Phase 1 Commitments Decision Divestment: Synthomer's global VP Latex business Assa Abloy acquires Agta Record

## PEDESTRIAN AND INDUSTRIAL AUTOMATIC DOORS

Phase 1 Commitments Decision
Divestment: door businesses in
certain EU countries and the UK

3 December 2019

18 December 2019

10 January 2020

15 January 2020

27 February 2020

Merger of Mylan and Pfizer's Upjohn Division

#### PHARMACEUTICAL PRODUCTS AND PREPARATIONS

Phase 1 Commitments Decision Divestment: Mylan's business in several relevant markets

Johnson & Johnson

acquires Tachosil

### HAEMOSTATIC PATCHES

Opening of phase 2 investigation on 25 March 2020 Abandonment of concentration on 8 April 2020 Gategroup acquires Lufthansa Service Group (LSG EU)

#### IN-FLIGHT CATERING SERVICES

Phase 1 Commitments Decision Divestment: overlap businesses, including intangible assets United Technologies Corporation (UTC) acquires Raytheon

## DEFENCE COMMUNICATION EQUIPMENT

Phase 1 Commitments Decision

Divestment: Military

communications businesses

in the United States

Telecom Italia and Vodafone acquire joint control of INWIT

#### **TELECOMMUNICATIONS**

Phase 1 Commitments Decision Commitment: Make space available on 4,000 towers in Italy for third parties

22 April 2020

8 April 2020

3 April 2020

13 March 2020

6 March 2020

### Aurubis acquires Metallo

#### METAL RECYCLING (COPPER)

Phase 2 (Article 8(1))
Concentration cleared
without remedies

Creation of JVs by Boeing and Embraer

#### AIRCRAFT MANUFACTURE

Opening of phase 2 investigation on 4 October 2019 Abandonment of concentration on 8 May 2020 Elanco Animal Health Inc. acquires Bayer AG's animal health division

## PHARMACEUTICAL PRODUCTS FOR PETS AND LIVESTOCK

Phase 1 Commitments Decision Divestment: Products/pipeline assets for certain products in the EEA/UK, and for certain products globally

#### **PKN Orlen acquires Lotos**

## CRUDE/REFINED OIL, NATURAL GAS, MOTOR/JET FUEL

Phase 2 commitments decision Divestment/Commitment: various assets in Poland; make jet fuel available to competitors in the Czech Republic Alstom acquires Bombardier Transportation

#### VERY HIGH SPEED TRAINS, MAINLINE TRAINS AND SIGNALLING

Phase 1 Commitments Decision Divestment: assets in "Zefiro V300" assets in France and Germany, supply of legacy OBUs to NL

4 May 2020 8 May 2020 8 June 2020 14 July 2020 31 July 2020

### **Google acquires Fitbit**

## WEARABLE DEVICES AND ASSOCIATED APPS, SOFTWARE

Phase 2 Commitments Decision Commitment: Data silo keeping Fitbit user data separate from Google advertising, Web API access and Android OS interoperability

#### DIC Corporation acquires BASF Colours and Effects

## PRODUCTION AND SALE OF PIGMENTS

Phase 1 Commitments Decision Divestment: DIC's pigment manufacturing facility

## Altice, Allianz and Omers acquire Covage

## FIBRE OPTIC TELECOMMUNICATION NETWORKS

Phase 1 Commitments Decision Divestment: Local fibre loop business in 25 subsidiaries in France

### Worldline acquires Ingenico

#### PAYMENT SERVICES SECTOR

Phase 1 Commitments Decision
Divestment: POS businesses in
Austria and Belgium.
Merchant acquiring businesses in
Austria, Belgium and Luxembourg

## Mastercard acquires Nets' account-to-account payment business

## ACCOUNT-TO-ACCOUNT PAYMENT SERVICES

Phase 1 Commitments Decision Divestment: global license of Nets' Realtime 24/7 technology

### 17 December 2020

### 7 December 2020

### 27 November 2020

## 30 September 2020

### 17 August 2020

## Fiat Chrysler Automobiles N.V. merges with Peugeot S.A.

## MOTOR VEHICLES, SPARE PARTS, ACCESSORIES

Phase 2 commitments decision

Commitment: extension of cooperation agreement (PSA/Toyota) in the EU. Amendment to "repair and maintenance" agreements.

## The London Stock Exchange Group (LSEG) acquires Refinitiv

#### ADMINISTRATION OF FINANCIAL MARKETS AND CERTAIN AUXILIARY ACTIVITIES

Phase 2 commitments decision

Divestment: 99.9% in Borsa Italiana Group; continue global OTC IRD clearing services; data access to downstream competitors.

## Acquisition of Chantiers de l'Atlantique by Fincantieri

BUILDING OF SHIPS AND FLOATING STRUCTURES

Opening of phase 2 investigation on 30 October 2019 Abandonment of concentration on 2 February 2021

### Mitsui acquires Belchim

PESTICIDES, AGROCHEMICAL PRODUCTS, CHEMICAL PRODUCT WHOLESALE

Phase 1 Commitments Decision

Commitments: Transfer Mitsui distribution agreement and customer relationships for potato PGRs. If failure, transfer of Belchim agreement for PGR product.

### Novelis/Aleris

#### **ALUMINIUM PRODUCTS**

Adoption of measures to Preserve Divestment following Phase 2 Commitments Decision of October 2019

### 21 December 2020

### 13 January 2021

### 2 February 2021

### 11 February 2021

## 18 February 2021

#### The Schwarz Group acquires Suez Waste Management of DE, LUX, NL and PL

#### WASTE MANAGEMENT

Phase 1 Commitments Decision
Divestment: Entirety of
Suez's LWP sorting business
in the Netherlands

### Acquisition of Transat by Air Canada

SCHEDULED PASSENGER AIR TRANSPORT SERVICES

Opening of phase 2 investigation on 25 May 2020 Abandonment of concentration on 2 April 2021

## EssilorLuxottica acquires GrandVision

## EYEWEAR AND OPTICAL PRODUCTS

Phase 2 Commitments Decision
Divestment: Retail operations
in Belgium, Italy and
the Netherlands

### Danfoss acquires Eaton Hydraulics

#### HYDRAULIC COMPONENTS

Phase 2 Commitments Decision
Divestment: parts of HSU/
ESV/orbital motors businesses
in Poland, Germany and the US.
Transfer production lines and
assets for medium power
orbital motors.

### Siemens AG acquires Varian Medical Systems

MEDICAL IMAGING AND RADIOTHERAPY SOLUTIONS

Phase 1 Commitments Decision Commitment: Ensure interoperability on medical imaging solutions

14 April 2021 2 April 2021 23 March 2021 18 March 2021 19 February 2021

#### Sigma-Aldrich

#### LABORATORY CHEMICALS

Infringement Decision.
Provision of misleading information during an investigation

### Acquisition of Willis Towers Watson by Aon

## INSURANCE AND INVESTMENT SERVICES

Phase 2 Commitments Decision Divestment: WTW reinsurance/ commercial risk broking business to Gallagher, plus AON's German pension and investment scheme

### Acquisition of Telekom Romania by Orange

## TELECOMMUNICATIONS SERVICES

Phase 1 Commitments Decision Divestment: TKR's 30% shareholding in Telekom Romania

#### Illumina/Grail

#### PHARMACEUTICALS

Final Decision Withdrawn
Statement of Objections
Interim Measures
Alleged breach of the
standstill obligation

### Acquisition of IHS Markit by S&P Global

## COMMODITIES AND FINANCIAL DATA

Phase 1 Commitments Decision
Divestments: businesses
in commodity assessments
and financial data

## 3 May 2021

9 July 2021

28 July 2021

20 September 2021

22 October 2021

### Proposed acquisition of Daewoo Shipbuilding & Marine Engineering by Hyundai Heavy Industries Holdings

## WORLDWIDE CONSTRUCTION OF LARGE LIQUIFIED GAS CARRIERS

Transaction Prohibited

### Acquisition of Air Europa by IAG

FREIGHT AND PASSENGER AIR TRANSPORT SERVICES

Opening of Phase 2 Investigation on 29 June 2021 Abandonment of concentration on 16 December 2021 SO sent on 22 September 2021 SO Sent on 21 October 2021

### Derichebourg Environnement/ Groupe Ecore Holding

#### METAL SCRAP RECYCLING

Phase 1 Commitments Decision
Divestment: 4 recycling plants,
incorporating a shredder and
4 collection sites in France.

### Acquisition of Suez by Veolia

#### WATER COLLECTION, TREATMENT AND SUPPLY

Phase 1 Commitments Decision Divestment: waste and water management activities in France. Mobile water services in the EEA.

Hazardous waste activities.

Illumina/Grail

#### DIAGNOSTIC TESTING

Final Decision Withdrawn Interim Measures following breach of standstill obligation

## 13 January 2022

16 December 2021

16 December 2021

14 December 2021

29 October 2021

### **Acquisition of Ferro by Prince**

## PORCELAIN ENAMEL AND GLASS COATINGS

Phase 1 Commitments Decision
Commitments: Divestment of
businesses in Belgium and Italy.
Transfer of production unit
from UK to Belgium

### Meta acquires Kustomer

## CUSTOMER RELATIONSHIP MANAGEMENT (CRM) SOFTWARE

Phase 2 Commitments Decision Commitment: Access to Meta's messaging channel APIs to competing CRM providers

## Acquisition of Arm by NVIDIA

MANUFACTURE OF SEMI-CONDUCTORS

Opening of Phase 2 investigation on 27 October 2021 Abandonment of concentration on 8 February 2022

## Merger of Cargotec and Konecranes

## CONTAINER AND CARGO HANDLING EQUIPMENT

Phase 2 Commitments Decision Divestment: Cargotec: cranes and straddle/shuttle carrier business, Konecranes: mobile equipment business

### Acquisition of Recticel by Greiner

### **TECHNICAL FOAMS**

Opening of Phase 2 investigation on 25 November 2021 Abandonment of concentration on 3 March 2022

25 January 2022 27 January 2022 8 February 2022 24 February 2022 3 March 2022

#### Acquisition of sole control Illumina/Grail Parker acquires Meggitt Bouyques acquires Equans Ali Group acquires Welbilt of Trimo by Kingspan DIAGNOSTIC TESTING PROFESSIONAL ICE-MAKING **INSULATING PANELS** AFROSPACE COMPONENTS RAILWAY CONTACT LINES **MACHINES** Final Decision Withdrawn Opening of Phase 2 investigation Phase 1 Commitments Decision Statement of Objections on 12 April 2021 Phase 1 Commitments Decision Phase 1 Commitments Decision Divestment: Parker's aircraft Gun-jumping Abandonment of concentration Divestment of Welbilt's global wheels and brakes division Divestment: Colas Rail Belgium ice-making machine business on 21 April 2022 Alleged breach of the standstill obligation SO sent on 31 March 2022 19 July 2022 19 July 2022 17 June 2022 21 April 2022 11 April 2022 Philip Morris International Celanese acquires Dupont's **KPS** acquires Real Alloy Europe Acquisition of GRAIL by Illumina D'Ieteren acquires PHE **Mobility Materials Business** acquires Swedish Match RECYCLED ALUMINIUM **THERMOPLASTIC** VEHICLE GLASS REPAIR AND DIAGNOSTIC TESTING COPOLYESTER REPLACEMENT SERVICES Phase 1 Commitments Decision Divestment: Real Allov's Phase 1 Commitments Decision recycled aluminium production Phase 1 Commitments Decision Phase 1 Commitments Decision Transaction Prohibited and dross recycling facility (UK). Real Alloy's salt slag recycling

Divestments: Mondial Pare-Brise

and Glass Auto Service label

6 September 2022 11 October 2022 19 October 2022 25 October 2022 2 August 2022

Divestment: Celanese's Global

**TPC Business** 

#### Acquisition of Pfleiderer Polska Acquisition of NTS by SalMar **ALD** acquires Leaseplan Illumina/Grail by Kronospan OPERATIONAL CAR LEASING DIAGNOSTIC TESTING WOOD-BASED PANELS ICELANDIC FARMED SALMON Phase 1 Commitments Decision Final Decision Withdrawn Opening of Phase 2 investigation Divestment: ALD Leasing Phase 1 Commitments Decision on 5 April 2022 businesses in IE, NO, PT Divestment: NTS' Icelandic Statement of Objections Leaseplan businesses in CZ. FI. LU Abandonment of concentration subsidiary Arctic Fish Restorative Measures on 29 November 2022 Provide Transition Services

plant (FR)

TOBACCO AND

NICOTINE PRODUCTS

Divestment: SMD Logistic

31 October 2022 5 December 2022 29 November 2022 25 November 2022

#### Acquisition of MBCC by Sika

DEVELOPMENT AND SUPPLY
OF CHEMICAL ADMIXTURES
AND CONSTRUCTION MATERIALS

Phase 1 Commitments Decision

Divestment: MBCC's chemical
admixture business in:
EEA. AU. CA. NZ. CH. UK & US

### Orange acquires Voo and Brutélé

#### TELECOMMUNICATIONS ACTIVITIES

Phase 2 Commitments Decision
Commitments: Orange to provide
Telenet for at least 10 years, access
to Voo and Brutélé's existing fixed
network infrastructure and their
future fibre-to-the-Premises network

### Norsk Hydro acquires Alumetal

#### ALUMINIUM FOUNDRY ALLOYS

Phase 2 (Article 8(1))
Concentration cleared
without remedies

#### Microsoft acquires Activision Blizzard

## DEVELOPMENT AND DISTRIBUTION OF VIDEO GAMES

Phase 2 Commitments Decision Commitments: Free streaming license access to Activision games for cloud game streaming providers and users

### MOL acquires OMV Slovenija

#### MOTOR FUEL RETAIL SUPPLY

Phase 2 Commitments Decision
Divestment: MOL to divest
a nationwide retail
network of 39 fuel stations
in Slovenia to the Shell Group

8 February 2023

20 March 2023

4 May 2023

15 May 2023

17 May 2023

## Broadcom acquires VMware

#### FIBRE CHANNEL HOST-BUS ADAPTERS

Phase 2 Commitments Decision
Commitments: Broadcom to provide
access and interoperability to
existing and future market entrants
Including access to the source code of
current and future FC HBA drivers.
Broadcom to implement an
organisational separation

### Illumina/Grail

#### DIAGNOSTIC TESTING

Final Decision Withdrawn Article 14 Fining Decision

### Advent acquires GfK

#### MARKET RESEARCH SERVICES

Phase 1 Commitments Decision

Divestment: GfK's global consumer
panel services business
(excluding Russia)

Commitment: Transition services

to purchaser

## Vivendi acquires Lagardère

## BOOK PUBLISHING AND PRESS MAGAZINES

Phase 2 Commitments Decision
Divestments: Vivendi's book
publishing business Editis,
and celebrity press
magazine Gala

### Viasat acquires Inmarsat

#### SATELLITE CONNECTIVITY

Phase 2 (Article 8(1))
Concentration cleared without remedies

12 July 2023

12 July 2023

4 July 2023

9 June 2023

## 25 May 2023

### Acquisition of eTraveli by Booking

#### **ONLINE TRAVEL AGENCIES**

Transaction Prohibited

#### Illumina/Grail

#### DIAGNOSTIC TESTING

Final Decision Withdrawn Article 8(4)(a) Decision

Restorative Measures ordering unwinding of Illumina's acquisition of GRAIL

## Hitachi Rail acquires Thales' ground transportation business

## RAIL MAINLINE SIGNALLING PROJECTS (FRANCE AND GERMANY)

Phase 1 Commitments Decision

Divestment: Hitachi's mainline
signalling platforms
in France and Germany

## Merger of Novozymes and Chr. Hansen

#### MANUFACTURE OF CHEMICALS

Phase 1 Commitments Decision

Divestments: Chr. Hansen's project to enter the market for the manufacture of lactase and its lactase distribution business.

Novozymes' lactase production facility.

## Acquisition of Figma by Adobe

#### SOFTWARE PUBLISHING

Opening of Phase 2 investigation on 7 August 2023

Abandonment of concentration on 18 December 2023

SO sent on 17 November 2023

25 September 2023

12 October 2023

30 October 2023

12 December 2023

18 December 2023

### Acquisition of Bolloré Logistics by CMA CGM

#### SEA FREIGHT FORWARDING SERVICES

Phase 1 Commitments Decision Divestments: All of Bolloré Logistic's activities in Guadeloupe, Martinique, St. Martin and French Guiana. Assets in France linked to these activities

### Orange/Másmóvil/JV

#### TELECOMMUNICATIONS ACTIVITIES

Phase 2 Commitments Decision
Divestment: Másmóvil to divest
Spectrum to rival Digi
Digi to have the option to enter
into a national roaming
agreement with the JV

### Acquisition of Asiana by Korean Air

#### AIR TRANSPORT SERVICES

Phase 2 Commitments Decision Divestment: Asiana's global cargo freighter business.

Make assets available to allow sustained entry by rival T'Way to four overlap routes

## Acquisition of iRobot by Amazon

#### SUPPLY OF RVCS

Opening of Phase 2 investigation on 6 July 2023

SO sent on 27 November 2023 Abandonment of concentration on 29 January 2024

23 February 2024

20 February 2024

13 February 2024

29 January 2024

### Acquisition of Viatris' OTC business by Cooper Consumer Health SAS

#### **PHARMACEUTICALS**

Phase 1 Commitments Decision
Divestments: Cooper's rights,
title and interests in infant
laxative Bebegel and in earwax
removal product *Otowaxol* 

## Lufthansa and MEF acquire joint control of ITA

#### AIR TRANSPORT SERVICES

Phase 2 Commitments Decision
Commitments: Rival airlines to fly
between Rome or Milan and
certain airports in Central Europe.
Agreements to improve rivals'
competitiveness in long-haul routes.
Transfer of take-off and landing
slots at Linate airport to remedy
takers for short-haul routes.

## Acquisition of Viterra by Bunge

#### AGRICULTURAL PRODUCTS

Phase 1 Commitments Decision Commitments: Divest Viterra's oilseed businesses in Hungary and Poland, and linked logistical assests.

### Acquisition of Air Europa by IAG

#### AIR TRANSPORT SERVICES

Opening of Phase 2 investation on 24 January 2024 SO sent on 26 April 2024 Abandonment of concentration on 2 August 2024

26 June 2024 3 July 2024 1 August 2024 2 August 2024

## Acquisition of Courir by JD Sports

#### LEISURE SPORTS FOOTWEAR AND APPAREL

Phase 1 Commitments Decision Commitments: Divestment of all Courir stores in Portugal, and several stores in France

## Acquisition of EQOS by Eiffage

## ELECTRICAL INSTALLATION FOR RAILWAY INFRASTRUCTURE

Phase 1 Commitments Decision Commitments: Divestment of EQOS Belgium

22 October 2024

16 October 2024

Phase 1 Decision with remedies
Phase 2 Decision with remedies

Phase 2 Decision without remedies

Phase 2 opened but deal abandoned

Final Decision Withdrawn
Procedural Infringement

Transaction Prohibited