EU MERGER CONTROLInterventions from December 2019



Since December 2019, 49 transactions were approved with remedies (of which 37 were cleared in Phase 1 and 16 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 11 transactions were abandoned while under in-depth review, four of which after a Statement of Objections had been issued. Three proposed transactions has 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 Withdrawal of notification 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 EOUIPMENT

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 Withdrawal of notification 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 Withdrawal of notification 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

Phase 2 commitments decision Adoption of Measures to Preserve Divestment

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 Withdrawal of notification 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
– fine of €7.5 million
Provision of misleading
information during Merck
takeover 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

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 DSME by HHIH

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

Withdrawal of notification on 16 December 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

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 Withdrawal of notification on 8 February 2022

Cargotec/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 Withdrawal of notification on 3 March 2022

25 January 2022 27 January 2022

8 February 2023

24 February 2022

3 March 2022

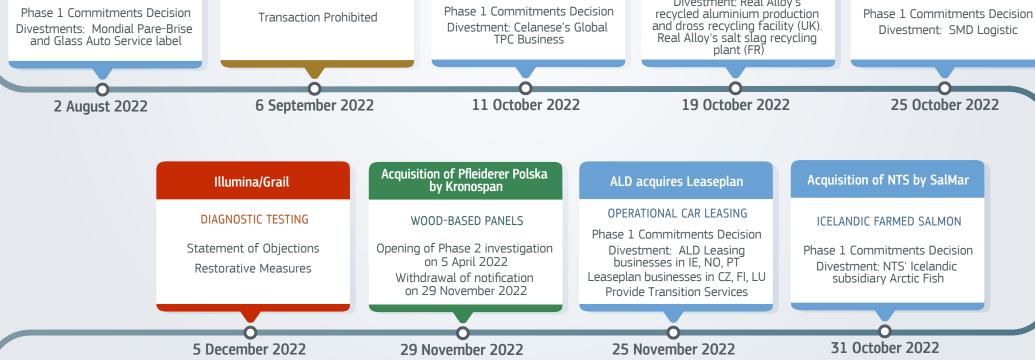
Acquisition of sole control Illumina/Grail Bouyques acquires Equans Ali Group acquires Welbilt of Trimo by Kingspan PROFESSIONAL ICE-MAKING DIAGNOSTIC TESTING INSULATING PANELS RAILWAY CONTACT LINES **MACHINES** Statement of Objections Opening of Phase 2 investigation Phase 1 Commitments Decision Phase 1 Commitments Decision Phase 1 Commitments Decision Gun-jumping on 12 April 2021 Divestment: Parker's aircraft Divestment of Welbilt's global Alleged breach of the wheels and brakes division Withdrawal of notification Divestment: Colas Rail Belgium ice-making machine business standstill obligation on 21 April 2022 19 July 2022 19 July 2022 17 June 2022 21 April 2022 Celanese acquires Dupont's **KPS** acquires Real Alloy Europe Acquisition of GRAIL by Illumina D'Ieteren acquires PHE **Mobility Materials Business** RECYCLED ALUMINIUM **THERMOPLASTIC** VEHICLE GLASS REPAIR AND DIAGNOSTIC TESTING COPOLYESTER REPLACEMENT SERVICES Phase 1 Commitments Decision



Parker acquires Meggitt

AFROSPACE COMPONENTS

11 April 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

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

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 Withdrawal of notification

Withdrawal of notification on 18 December 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 Withdrawal of notification on 29 January 2024

23 February 2024

20 February 2024

13 February 2024

29 January 2024

Phase 1 Decision with remedies

Phase 2 Decision with remedies

Phase 2 Decision without remedies

Phase 2 opened but deal abandoned

Procedural Infringement

Transaction Prohibited