The Autorité de la concurrence clears two separate acquisitions but concerning companies belonging to the same group, AltéAd

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These decisions are made following the opening of judicial reorganisation proceedings regarding AltéAd.

On 25 June 2019, Mediaco Levage and Capelle Investissements notified the Autorité de la concurrence of the following three transactions:

- the acquisition of sole control by the Mediaco group of AltéAd and the assets of 12 companies of the AltéAd group;
- the acquisition of sole control by the Capelle group of AltéAd Marchal Levage, of the assets of the transport division of the AltéAd group and Infinitrans;
- the acquisition of joint control by the Mediaco and Capelle groups of Financière de Corton, AltéAd Management and AltéAd Industries Est.

These three transactions are part of a legal proceeding opened by the *tribunal de commerce de Paris* on 27 May 2019 for all the companies in the AltéAd group. The Autorité granted three derogations from the suspensive effect of merger control to the Mediaco and Capelle groups on 11 July 2019 (see box below). By judgment dated 26 July 2019, the *tribunal de commerce de Paris* approved the disposal of these three transactions.

The Autorité issues today its decision on the last two transactions (Capelle / AltéAd Marchal Levage and Mediaco-Capelle / AltéAd). The first transaction is currently being reviewed.

Parties to the transaction

The Mediaco group specializes in the lifting and handling of heavy loads, in particular through a network of 70 agencies in France. It also offers industrial services and logistics services.

The Capelle Group, present in France, Spain, Belgium, Luxembourg, the Netherlands, Germany and the United Kingdom, is active in specialized and abnormal transport, handling and logistics.

The AltéAd group has four divisions: transport, lifting, industry (which carries out technical studies, industrial assembly, installation and equipment and machinery implementation), MTM & Solutions (which offers logistics services).

Markets examined

The parties are simultaneously active in the road freight transport markets, engineering services and, in the case of the Capelle group, logistics.

In this transaction, the Autorité defined two new markets within the road freight market:

- The abnormal road freight transport market: movement of "goods, machinery or vehicles of an exceptional nature because of their size or mass exceeding the statutory limits ». This market is of national dimension.

- The specialized road freight transport market: this is the means used to transport atypical goods and products requiring the use of specialized tools. This mode of transport is not to be mistaken with abnormal transport, in so far as it does not specifically concern objects of exceptional mass or volume. This market is of national dimension.

In order to carry out its investigation, the Autorité de la concurrence interviewed the customers and competitors of the parties to the transaction in each of these markets. These market consultations (consultations of market operators) helped to deepen the knowledge of the structure and functioning of these markets.

As the operations were not likely to harm competition, the Autorité therefore cleared them without conditions.

- **Regarding the acquisition made by Capelle**

Given the market shares of the new entity, still below 25% regardless of the retained markets and segments, the transaction was not likely to harm competition. The Autorité cleared the implementation of the transaction.

- **Regarding the joint transaction by Mediaco and Capelle**

Given the market shares of the new entity, still below 25% regardless of the retained markets and segments, the transaction was not likely to harm competition. The Autorité cleared the implementation of the transaction.

> See the full text of the decision 19-DCC-235

> See the full text of the decision 19-DCC-268

What is a derogation from the suspensive effect?

If the effective conclusion of a merger is subject to approval from the *Autorité de la concurrence*, in certain exceptional circumstances, duly argued by the parties, the *Autorité* may issue a derogation enabling them to finalise part or all of the transaction without waiting for the approval decision.

Although derogations from the suspensive effect are by definition exceptional, cases in which offers to take over concern companies subject to receivership or liquidation proceedings can lead to beneficial decisions. A derogation may also be justified in other exceptional circumstances, such as a risk of imminent dissolution of the acquisition target, the initiation of collective proceedings or the need for an acquiring party to provide guarantees or obtain financing to keep the target afloat.

However, the issue of a derogation by the *Autorité* is without prejudice to the final decision made in the light of its full assessment.

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