2 February 2017: Healthcare clinics sector

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The European Commission has referred the review of the acquisition of Médipôle-Partenaires
by Elsan back to the *Autorité de la concurrence*

On 31 January 2017, the European Commission has referred the review of the acquisition of sole control of Médipôle-Partenaires by Elsan, two private hospital groups mainly present in France back to the *Autorité de la concurrence*.

This referral is in accordance with Article 4.4 of the European regulation n°139/2004 on the control of concentrations between undertakings (for more information on referrals, go to the box at the bottom of the press release).

In agreement with the companies concerned, the Commission considered that the French competition authority was the best placed to review the deal, particularly in relation to the national impact of the transaction and its experience in the sector concerned[1].

The *Autorité* will be scrutinizing this proposed transaction to ensure that it does not affect competition in France, to the expense of patients, regarding quality of healthcare and the prices of hospital services in regions where the activities of the parties overlap, in particular in Nouvelle-Aquitaine and Languedoc-Roussillon-Midi-Pyrénées regions.

Timetable

If no specific competition difficulties arise (phase 1), merger control decisions are issued within 25 working days from the date of acceptance of a file as complete. Should the case move to the in-depth investigation stage (phase 2), a decision will be issued within 65 working days. It is now up to Elsan to give formal

notification of its acquisition project to the *Autorité*.

[1] *See **Decision 15-DCC-146 of 26 October 2015** on the sole acquisition of Vitalia by Vedici Holding (CVC Capital Partners) also taken after a referral from the European Commission*

European Commission referrals to the *Autorité de la concurrence*

Operations are regularly referred to the *Autorité* by the European Commission, demonstrating the flexibility of the European concentration supervision system and the acknowledged quality of the authority's work. The referral procedure, provided for by European Regulation N° 139/2004, enables the Commission, if the concentration "may significantly affect competition in a market within a Member State which presents all the characteristics of a distinct market", to refer the case to the national authority best placed to assess the effects of the operation on competition.

> Press contact: Chloe Duretete
Tel: +33 (0)1 55 04 01 20 / Mail