The Autorité de la concurrence clears the acquisition of Oriade-Noviale by Biogroup, subject to the divestiture of eight medical analysis sites (Isère, Rhône and Haute-Savoie)

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Parties to the transaction

Biogroup is active in the chemical pathology sector, with laboratories spread over more than 700 sites throughout France.

Oriade-Noviale is also active in the chemical pathology sector. It operates laboratories on 55 sites located in Auvergne-Rhône-Alpes, Provence-Alpes-Côte d'Azur, and Bourgogne Franche-Comté.

The markets examined

The parties are competitors in the chemical pathology markets. Biogroup and Oriade-Noviale own medical analysis laboratories whose activity consists of providing "routine" chemical pathology examinations (which are examinations commonly prescribed and performed by all laboratories, such as biochemistry or haematology examinations) and specialised examinations requiring specific medical or scientific skills and specific approvals (such as genetic examinations).

They are also competitors, as purchasers, in the market for the supply of biological equipment, reagents and consumables.

Biogroup is to divest eight medical analysis sites in response to

competition problems identified in the *départements* of Isère, Rhône and Haute-Savoie

While the transaction does not raise competition concerns on the upstream markets for supplies from suppliers and for specialised chemical pathology tests, the *Autorité* considered that there was a serious risk of harming competition on the market for "routine" chemical pathology tests in the *départements* of Isère, Rhône and Haute-Savoie.

In these *départements*, the strengthening of the new entity's position on the market in question is not offset by a credible and sufficient alternative offer from competing operators.

To maintain competitive intensity in these *départements*, the new entity has committed to divest the following eight medical analysis sites:

Medical analysis site	Address			
Dyomedea-Neolab	2 rue Auguste Donna, Vienne (38 200)			
Unilians	2 rue des Martyrs de la Résistance, Crémieu (38 460)			
GLBM	34 rue Thimonnier, Amplepuis (69 550)			

Medicalanalysis site	Address			
GLBM	1 Place de l'Eglise, Thizy-les-Bourgs (69 240)			
Miralis	53 rue de Romagny, Annemasse (74 100)			
Oriade Noviale	2 rue Alfred Bastin, Annemasse (74 100)			
Oriade Noviale	37 rue du Chef-lieu, Fillinges (74 250)			
Oriade Noviale	15 rue du Môle, Annemasse (74 100)			

The divestiture of these eight sites will remove any overlap or addition of market shares between the parties in the *départements* concerned.

The divestiture of these sites will be carried out under a fix-it-first mechanism, which allows the *Autorité* to directly approve the buyer of the divested asset as part of the clearance decision. The Eurofins Group will take over the eight sites.

In view of the commitments made by Biogroup, the *Autorité* has cleared the present transaction.

It is specified that the decision of the *Autorité* de la concurrence is taken in accordance with the merger regulations provided for in Articles L. 430-1 et seq. of the French Commercial Code (Code de commerce). It is not intended to replace any decision by the regional health agencies (ARS), whose merger control in the chemical pathology sector has distinct objectives.

What is a fix-it-first type of commitment or settlement?

A fix-it-first type commitment resolves competition issues in advance. In this case, it means identifying a buyer for the assets concerned by the remedy, in this case Eurofins, before the *Autorité's* decision is adopted.

The use of fix-it-first reduces the uncertainty and the time required to implement the commitment, as it eliminates the period of searching for and approving the buyer.

The *Autorité* has already had recourse to fix-it-first commitments on five occasions:

- decision 09-DCC-67 of 23 November 2009 (LDC Volailles/Arrivé),
- decision 15-DCC-53 of 15 May 2015 (UGI/Totalgaz)
- decision 19-DCC-15 of 29 January 2019 (Dr. Oetker/Alsa)
- decision 20-DCC-72 of 26 May 2020 (Groupe Bernard Hayot/Vindémia)
- decision 21-DCC-65 of 14 April 2021 (LDC Volaille/groupe Ronsard)

DECISION 21-DCC-131 OF 29 JULY 2021

Regarding the acquisition of Oriade-Noviale by Biogroup

Access the decision

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