The European Commission refers to the Autorité de la concurrence the examination of Maxi Toys stores in France takeover by Prenatal alongside Fijace

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On 26 October 2021, the European Commission referred to the Autorité de la concurrence the examination of Maxi Toys stores in France takeover by Prenatal alongside Fijace.

In France, Prenatal Retail Group and Fijace are mainly active in the toy retail distribution market through the King Jouet brand, which they jointly control. By decision 21-DCC-144 of 12 August 2021 regarding the exclusive control acquisition of the Maxi Toys group's assets by the company Fijace (see press release of 12 August 2021), the Autorité cleared the acquisition of these stores by Fijace alone, subject to the divestiture of three stores located in Cosnes-et-Romain (54), Isle d'Abeau (38) and Saint Maximin la Sainte Baume (83).

The Commission considers the Autorité to be in the best position to analyse the transaction

This referral is made in application of Article 4 (4) of European Regulation No. 139/2004 regarding merger control between companies.

In agreement with the companies concerned, the European Commission considered that the Autorité de la concurrence was best placed to study this merger transaction, in particular with regard to its impact on the national market and the Autorité's experience in this sector[1]. Prenatal Retail Group and Fijace will therefore have to notify the transaction to the Autorité, which is now competent to examine it.

Referrals from the European Commission to the Autorité de la concurrence

The Autorité de la concurrence regularly receives transaction referrals from the Commission, demonstrating the flexibility of the European merger control system. This referral procedure, provided for by European Regulation No 139/2004, allows the Commission, when the merger "risks significantly affecting competition on a market within a Member State which has all the characteristics of a distinct market", to refer the examination of the transaction to the national authority best placed to assess its effects on competition.

This is the 34th transaction referred by the European Commission to the Autorité since 2009[2]. The Autorité is currently examining two other transactions referred by the Commission: the takeover of Conforama by Mobilux (But) and that of Allopneus by Michelin.

1In addition to the decision on the takeover of Maxi Toys (21-DCC-144), the Autorité has issued a decision on the takeover of PiwWic by Toys'R'Us (19-DCC-65).

2The most recent transactions that were the subject of a referral decision concern Elsan / C2S in the clinic sector (21-DCC-86), the takeover of Suez RV OSIS by SARP, a subsidiary of Veolia (21-DCC-71), Aldi / Leader Price (20-DCC-164); the creation of Salto (19-DCC-157), the television service of the France Télévisions, Métropole Télévision and TF1 groups.

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