The European Commission refers to the Autorité de la concurrence the examination of the effects in France of the acquisition of control of McKesson Europe by the Phoenix Group

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The European Commission refers to the *Autorité de la concurrence* the examination of the effects in France of the acquisition of sole control of McKesson Europe, owner of OCP Répartition, by the German Phoenix Group. Both companies are active in the pharmaceutical distribution sector and, more specifically, in pharmaceutical distribution as wholesale redistributors.

The Commission considered that the *Autorité* is best placed to analyse the effects of the transaction on the French market.

This partial referral is at the request of the *Autorité de la concurrence* pursuant to Article 9 of EU Merger Control Regulation n° 139/2004.

After analysing the arguments put forward, the European Commission considered that the *Autorité* was best placed to examine the effects of the transaction in France, particularly in view of its impact on the national market and the *Autorité's* experience in this sector. The *Autorité* now has 25 workdays to issue a decision to authorise or open an in-depth examination.

Referrals by the European Commission to the Autorité de la concurrence

This referral procedure, provided for in European Regulation 139/2004, allows the Commission, at the request of the national authority, where a concentration "*threatens to significantly affect competition in a market within that Member State presenting all the characteristics of a distinct market*" or when "*a merger affects competition in a market within that Member State, which presents all the characteristics of a distinct market and which does not constitute a substantial part of the common market*", to refer the examination of the transaction to the national authority best placed to assess its effects on competition.

This is the fourth transaction to be the subject of a referral decision at the request of the *Autorité* pursuant to Article 9 of European Regulation No. 139/2004:

- decision No. 10-DCC-02 of 12 January 2010 concerning the acquisition of joint control of Keolis and Effia by SNCF-Participations and Caisse de Dépôt et Placement du Québec;
- decision No. 10-DCC-98 of 20 August 2010 concerning the acquisition of sole control of assets of the Tarmac Group by Eurovia; and

- decision No. 19-DCC-42 of 12 March 2019 concerning the acquisition of joint control of Bernard Participations SAS by Emil Frey Motors France and Fiber.

The Autorité also regularly receives referrals from the Commission, following requests from the notifying parties (Article 4 of European Regulation No. 139/2004). To date, 31 transactions have been referred to the Autorité.

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