

The Autorité blocks a takeover transaction in the hydrocarbon transport by pipeline sector

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The Ardian group, which is notably active in the transport, telecommunications and renewable energy sectors, has notified the *Autorité* of its planned acquisition of the Société du Pipeline Méditerranée-Rhône (SPMR), active in the transport of hydrocarbons by pipeline.

The *Autorité* carried out an in-depth examination of the transaction involving the takeover of the Pipeline Méditerranée-Rhône, a 760 km long pipeline network that supplies depots in south-eastern France with refined products. The transaction would have had the effect of giving Ardian sole market power for the pipeline and thus being the sole trade policy maker, despite the fact that today the infrastructure is controlled by several operators. However, the *Autorité* considered this pipeline to be essential infrastructure. Although this infrastructure is subject to state control, it relates only to the preservation of the security of France's supply of petroleum products and not to the preservation of competition rules. This legal and regulatory framework alone does not exclude the risks of harm to competition generated by the transaction and identified by the *Autorité*. Thus, faced with the insufficiency of the proposed commitments and the impossibility of issuing injunctions, the *Autorité* blocked the transaction.

This is the second time the *Autorité* blocked a transaction since exercising merger control¹. In the pipeline transport sector, the *Autorité* noted a few months ago that the parties had withdrawn from Pisto / Trapil transaction ([see press release of 24 July 2020](#)).

¹See *Decision 20-DCC-116 of 28 August 2020* (See *press release of 28 August 2020*). This decision is being appealed before the *Conseil d'Etat* (pending case).

PRESS RELEASE

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See the press release