



**Knowledge Update**  
EU & Competition Newsletter

**February/March 2021**

## Irish Merger Control

### CCPC investigation results in termination of Loan Servicing Acquisition

Link Group informed the Competition and Consumer Protection Commission (“**CCPC**”) that it decided not to acquire Pepper. The proposed transaction was originally notified to the CCPC on 10 February 2020. The CCPC undertook an extensive two-phase examination to determine whether or not the proposed transaction would likely result in a substantial lessening of competition in any market for goods or services in the Irish market. Following the CCPC’s analysis of the likely impact of the proposed transaction, it identified preliminary competition concerns and communicated those to the parties. The CCPC had been engaging with the parties in relation to these competition concerns. It was during this process that the parties announced that they were withdrawing from the proposed acquisition.

### ESB/Coillte JV Out of the Woods

CCPC has cleared, subject to a number of legally binding commitments, the proposed joint venture (“**JV**”) between the Electricity Supply Board (“**ESB**”) and Coillte Cuidachta Ghníomhaíochta Ainmnithe (“**Coillte**”). The CCPC had a number of concerns relating to the JV. To alleviate these concerns a set of joint proposals submitted by ESB and Coillte provided for the implementation of measures to prevent directors appointed to the proposed JV by ESB potentially having access to and exchanging competitively sensitive information between ESB and the proposed JV. Under the joint proposals, ESB and Coillte will nominate an independent chairperson who will ensure that directors appointed to the proposed JV by ESB will not have access to or exchange competitively sensitive information between ESB and the proposed JV.

A further set of proposals submitted by Coillte includes the proposed implementation of measures which will prevent the exchange of information between Coillte and the proposed JV in relation to Coillte’s third party land customers. Coillte will be responsible for putting in place and administering procedures to ensure that Coillte personnel do not discuss or pass on any competitively sensitive information relating to a third party to any person appointed to serve as a director of the proposed JV.

## EU Merger Control

### Acquisition of Belchim by Mitsui Cleared

The European Commission (the “**Commission**”) has approved the proposed acquisition of Belchim by Mitsui. The Japanese chemicals company Mitsui & Co is set to acquire Belchim Crop Protection (“**BCP**”), based in Belgium. The approval is conditional on full compliance with a commitments package offered by Mitsui. Belchim and Mitsui both distribute third-party crop protection products and supply their own formulated products for high-value crops such as potatoes, vegetables and vines. The commitments include (1) the transfer of the Mitsui distribution agreement and customer relationships for its potato plant growth regulators in one or two packages within a specific timeframe; and (2) the transfer of the Belchim distribution agreement and other relevant data and agreements for its paraffinic oils for virus control in seed potatoes and flower bulbs in the Netherlands.

### EU State Aid Decision

#### Commission Approves €1.4 billion in Swedish Scheme to support uncovered fixed costs of companies affected by Coronavirus

The Commission has approved an approximately €1.4 billion (SEK 14 billion) Swedish scheme to support the uncovered fixed costs of companies affected by the coronavirus outbreak. The scheme was approved under the State Aid Temporary Framework. Under the scheme, the support will take the form of direct grants. The scheme will be open to companies active in all sectors except the financial sector.

### European Commission Investigations

#### Formal investigation opened into possible trade restrictions by Mondelēz

The Commission has opened a formal antitrust investigation to assess whether Mondelēz has restricted competition in a range of national markets for chocolate, biscuits and coffee by hindering the cross-border trade of these products between EU Member States, in breach of EU antitrust rules. The

Commission is concerned that Mondelēz may have restricted the so-called 'parallel trade' of its chocolates, biscuits and coffee between EU Member States through agreements and unilateral practices.

## Practice Note

### Proposed Changes to Irish Competition Law: Competition (Amendment) Bill 2021

The forthcoming Competition (Amendment) Bill 2021 (the "**Bill**") will implement Directive EU 2019/1. The Bill is set to give the CCPC additional enforcement powers including the power to issue fines and tackle anti-competitive practices. The aim of the Bill is to ensure that competition authorities have independence, sufficient resources and appropriate power of enforcement, including the ability to issue fines, for breaches of Articles 101 and 102 of the Treaty on the Functioning of the European Union.

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