

# ***SPANISH COMPETITION***

# ***Highlights ...***

***Weekly follow-up: 11 - 18 Mar.***

## **The CNMC approves with commitments the acquisition of medical assets of the B. Braun Group by BSC.**

The CNMC has approved with commitments the acquisition of endoscopic vacuum therapy assets of the B. Braun Group by Boston Scientific Corporation. Specifically, BSC has acquired four products manufactured by B. Braun. The acquisition of these assets affects to the market of the development, manufacturing and marketing of endoscopic vacuum therapy medical devices.

### **Market investigation carried out by the CNMC**

The CNMC, during the investigation, has analysed the market and has determined that:

- this is a market with strong growth prospects;
- until 2022, B. Braun was the only operator selling endoscopic vacuum therapy devices in Spain and, that year, the endoscopic vacuum therapy acquired by BSC had a market share of 90-100%;
- at the end of 2023, a new competitor entered the market, and two potential competitors are expected in the near future.

### **Risks to competition and commitments offered by BSC**

The CNMC concluded that the transaction does not give rise to horizontal or vertical overlaps. However, the CNMC identifies risks of a portfolio effect, which would create a barrier to entry and expansion for competitors, hindering their ability to compete in the market.

To mitigate the risks, BSC offered a series of commitments that the CNMC has considered sufficient to solve the competition problems. The company must comply with these commitments for five years and consist of:

- not tying the procurement of endoscopic vacuum therapy products to the purchase of other endoscopy devices in BSC's portfolio;
- informing its clients of the content and scope of the commitments.