

Merger Notification Announcement – M/21/049

Acquisition of sole control of Autolease Fleet Management Limited by Nissan Ireland Limited

21 September 2021

The acquisition by Nissan Ireland Limited of sole control of Autolease Fleet Management Limited has been notified to the Competition and Consumer Protection Commission (“CCPC”). The acquisition was put into effect in December 2020 without being notified to the CCPC.

The Competition Act 2002, as amended (the “Act”) requires that proposed mergers or acquisitions between businesses operating in the State, which meet certain turnover thresholds specified in section 18(1) of the Act, must be notified to the CCPC. Where a proposed merger or acquisition is required to be notified to the CCPC pursuant to section 18(1) of the Act, a notification to the CCPC must be made before the proposed merger or acquisition is put into effect. In August 2021, the CCPC became aware that Nissan Ireland Limited may have acquired sole control of Autolease Fleet Management Limited without notifying the acquisition to the CCPC.

Pursuant to section 19(1) of the Act, any proposed merger or acquisition that is required to be notified to the CCPC shall not be put into effect until the CCPC has made a determination in relation to such merger or acquisition. If a proposed merger or acquisition is put into effect in contravention of section 19(1) of the Act, such merger or acquisition is void under section 19(2) of the Act.

On 17 September 2021, the CCPC received a notification of the acquisition by Nissan Ireland Limited of sole control of Autolease Fleet Management Limited from the parties involved. Section 18(12A) of the Act provides that the CCPC may accept notification of a merger or acquisition which is required to be notified to the CCPC pursuant to section 18(1) of the Act but which was purported to have been put into effect without having been notified to the CCPC. The CCPC’s primary role in the merger review process is to ensure that the result of the merger or acquisition will not be to substantially lessen competition in any markets for goods or services in the State. The CCPC has accepted the notification and will proceed to review the notification in accordance with the relevant provisions of the Act.