

DETERMINATION OF MERGER NOTIFICATION M/22/061 – O’CALLAGHAN PROPERTIES / JOHNSON & PERROTT

Section 21 of the Competition Act 2002

Proposed acquisition by O’Callaghan Properties Unlimited Company and Johnson & Perrott Limited of joint control of Johnson & Perrott Property Developments Limited.

Dated: 9 December 2022

1. On 21 November 2022 in accordance with section 18(1) of the Competition Act 2002, as amended (the “Act”), the Competition and Consumer Protection Commission received a notification of a proposed acquisition whereby O’Callaghan Properties Unlimited Company (“OCP”) and Johnson & Perrott Limited (“J&P”) would acquire joint control of Johnson & Perrott Property Developments Limited (“J&P Developments”) (the “Proposed Transaction”).

2. The business activities of the undertakings involved are:
 - The Acquirers:
 - OCP was incorporated on 13 February 1979 and is a subsidiary of OCP Developments Holding Co Limited, which is a wholly-owned subsidiary of Riga Cork Limited. OCP is engaged in property development for commercial, retail and residential projects in the State and the UK, property investment and the provision of property development services for commercial, retail and residential projects in the State and the UK.
 - J&P was incorporated on 15 February 1907 and is owned by seven individuals. Its principle activities are the operation of motor dealerships and the provision of fleet management, commercial vehicle hire services in the State. The Motor Dealership division is engaged in the sale of new and used motor vehicles, and the provision of service, parts and accessories.
 - The business is operated through three dealership sites at Mahonpoint Retail Park, Douglas Road and Bishopstown, Cork. The division represents ten car

franchises¹ and two commercial vehicle franchises² as approved sales and after-sales dealers. The business also operates a retail used-vehicle outlet at the Bishopstown dealership, which trades under the brand name Motorstore.ie.

- The fleet management business, based in Dublin, provides full-service leasing, contract maintenance and other fleet management solutions for small and medium size fleet utilising cars and light commercial vehicles. The commercial vehicle division, trading as National Truck & Van Rental, provides short- and long-term hire of light and heavy commercial vehicles from its base in Dublin. The group also operates a used vehicle trade centre in Dublin.
- The Target:
 - J&P Developments was incorporated on 20 March 2019 and is a wholly-owned subsidiary of J&P. J&P Developments is a property development company. It has not engaged in any property development or other economic activity other than the disposal of a parcel of land to J&P and trade of farming on the property.

Assessment

3. After examination of the notification, the Commission has considered that the Proposed Transaction falls within the scope of paragraph 2.1 of the Simplified Merger Notification Procedure Guidelines for assessing certain notifiable mergers or acquisitions under section 18(1) of the Act since none of the undertakings involved in the merger or acquisition are active or potentially active in the same product and geographic markets, or in any market(s) which is upstream or downstream to a market(s) in which another undertaking is active in the State.
4. In the light of this, the Commission considers that the Proposed Transaction will not substantially lessen competition in any market for goods or services in the State.

Ancillary Restraints

5. No ancillary restraints were notified.

¹ CUPRA, Honda, Jaguar, Kia, Land Rover, Opel, MG, Peugeot, Volvo and SEAT.

² Opel and Peugeot.

Determination

6. The Competition and Consumer Protection Commission, in accordance with section 21(2)(a) of the Competition Act 2002, as amended, has determined that, in its opinion, the result of the proposed acquisition whereby O'Callaghan Properties Unlimited company and Johnson & Perrott Limited would acquire joint control of Johnson & Perrott Property Developments Limited will not be to substantially lessen competition in any market for goods or services in the State, and, accordingly, that the acquisition may be put into effect.

For the Competition and Consumer Protection Commission



Ibrahim Bah
Director
Competition Enforcement and Mergers