



# DETERMINATION OF MERGER NOTIFICATION M/23/011 – DAA PLC / CERTAIN ASSETS OF MR GERARD GANNON

## Section 21 of the Competition Act 2002

Proposed acquisition by daa plc of sole control of the freehold interest in a site located on the R132 Swords Road, to the south of Dublin Airport, comprised in folio numbers 9035 and 172061F, from Mr Gerard Gannon.

Dated 9 August 2023

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### Introduction

1. On 23 March 2023, in accordance with section 18(3) of the Competition Act 2002, as amended (the “Act”), the Competition and Consumer Protection Commission (the “Commission”) received a notification of a proposed acquisition whereby daa plc (“DAA”) would acquire the freehold interest in, and therefore sole control of, the site at Swords Road/Old Airport Road, County Dublin being the entire of the lands comprised in Folios 9035 and 172061F of the Register of Freeholders, County Dublin (the “Target Site”) from Mr Gerard Gannon (the “Vendor”) (the “Proposed Transaction”).

### The Proposed Transaction

2. The Proposed Transaction is to be implemented by way of a contract for the sale of the freehold interest in the Target Site dated 21 December 2022 between DAA and the Vendor (the “Property Contract”). Under the terms of the Property Contract, DAA will acquire the freehold interest in, and therefore sole control of, the Target Site from the Vendor.

### The Undertakings Involved

#### *The Acquirer – DAA*

3. DAA is a State-owned public limited company that is headquartered at Dublin Airport. DAA’s principal activities involve the operation and management of Dublin Airport and Cork Airport.



4. DAA owns and operates three public short-term car parks and four public long-term car parks at Dublin Airport.<sup>1</sup> In total, DAA provides 22,951 public car-parking spaces at Dublin Airport. Of these 22,951 spaces, 3,932 are located in short-term car parks, and 19,019 are located in long-term car parks.

#### *The Vendor*

5. The Vendor is an Irish businessman, landlord and property developer active in the sale and development of residential and commercial property, [REDACTED]  
[REDACTED] The Vendor's primary business is a property development company, Gannon Homes Limited,<sup>2</sup> with its primary address at 52 Northumberland Road, Dublin 4. The Vendor is the owner of the freehold interest in the Target Site.

#### *The Target Site*

6. The Target Site consists of a 41.76 acre site located on the R132 Swords Road, Santry, Dublin 9, approximately 1 kilometre south of Dublin Airport. The Vendor previously leased the Target Site to a third party which operated the Target Site as a car park with 6,122 spaces under the trading name "QuickPark".

#### **Third-Party Submissions**

7. 14 third-party submissions were received. Of these 14 third-party submissions, ten were made by members of the public, two were made by stakeholders of the car-parking industry, and two were made by entities that were involved in the public bidding process for the Target Site. The competition concerns expressed in these submissions have been considered by the Commission as part of its Phase 1 review of the likely competitive of impact of the Proposed Transaction.

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<sup>1</sup> DAA owns and operates the following short-term car parks at Dublin Airport: Terminal 1A (approximately 450 spaces); Terminal 1C (approximately 1,500 spaces); and Terminal 2 Short Term (approximately 1,800 spaces). DAA operates the following long-term car parks at Dublin Airport: Express Red (approximately 8,000 spaces); Holiday Blue (approximately 8,000 spaces); Express Green (approximately 2,700 spaces); and Terminal 2 Surface (approximately 270 spaces).

<sup>2</sup> The parties state in the notification that Gannon Homes Limited is not involved in the Proposed Transaction.



## Investigation

8. On 4 May 2023, the Commission served a requirement for further information on DAA pursuant to section 20(2) of the Act (the “DAA Phase 1 RFI”). The service of the DAA Phase 1 RFI adjusted the deadline within which the Commission had to conclude its assessment of the Proposed Transaction in Phase 1.
9. On 30 May 2023, the Commission served a witness summons (the “Summons”) and a notice to provide information (the “Notice”) on the Vendor pursuant to section 18(1) of the Competition and Consumer Protection Act 2014, as amended. The Vendor complied with the Summons and the Notice on 1 June 2023.
10. Upon receipt of a full response to the DAA Phase 1 RFI, the “appropriate date” (as defined in section 19(6)(b)(i) of the Act) became 29 June 2023.<sup>3</sup>
11. The Commission also conducted market enquiries during the Phase 1 investigation and engaged with third parties in relation to its assessment of the competitive effects of the Proposed Transaction. This engagement included carrying out interviews with these third parties. Among the third parties contacted by the Commission were those third parties that made submissions, entities that were involved in the public bidding process for the Target Site and other providers of car parking services in the vicinity of Dublin Airport.

## Analysis

12. The Commission is unable, at this stage, to make a determination that the result of the Proposed Transaction will not be to substantially lessen competition in any market for goods or services in the State. Accordingly, the Commission intends to carry out a full investigation under section 22 of the Act.

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<sup>3</sup> The “appropriate date” is the date from which the time limits for making both Phase 1 and Phase 2 determinations begin to run.



## **Determination**

The Competition and Consumer Protection Commission, in accordance with section 21(2)(b) of the Competition Act 2002, as amended (the “Act”), has determined that it intends to carry out a full investigation under section 22 of the Act in relation to the proposed acquisition by daa plc of the freehold interest in, and therefore sole control of, the site at Swords Road/Old Airport Road, County Dublin being the entire of the lands comprised in Folios 9035 and 172061F of the Register of Freeholders, County Dublin from Mr Gerard Gannon.

For the Competition and Consumer Protection Commission

**Brian McHugh**

**Member**

**Competition and Consumer Protection Commission**