Coimisiún um Iomaíocht agus Cosaint Tomhaltóirí | Competition and Consumer Protection Commission

DETERMINATION OF MERGER NOTIFICATION M/25/060 – MAXOL/O'MAHONY SPA GLEN

Section 21 of the Competition Act 2002

Proposed acquisition by McMullan Bros. Limited, through its wholly owned subsidiary Maxol Limited, of sole control of O'Mahony Spa Glen Limited.

Dated 7 October 2025

Introduction

1. On 17 September 2025, in accordance with s18(1)(a) of the Competition Act 2002, as amended (the "Act"), the Competition and Consumer Protection Commission (the "Commission") received a notification (the "Merger Notification Form") of a proposed acquisition whereby McMullan Bros. Limited ("McMullan Bros"), through its wholly owned subsidiary Maxol Limited ("Maxol"), would acquire sole control of O'Mahony Spa Glen Limited ("O'Mahony's") (the "Proposed Transaction").[1]

The Proposed Transaction

2. The Proposed Transaction will be implemented pursuant to a share purchase agreement dated 17 September 2025, between Maxol and two private individuals, Donal O'Mahony and Linda Coleman (the "SPA").[2] Under the Proposed Transaction, Maxol will acquire a single service station and attached forecourt convenience store currently owned and operated by O'Mahony's (the "Target Station").[3]

3. The business activities of the undertakings involved are:

The Acquirer – Maxol

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[1] Maxol and O'Mahony's are collectively referred to as the "Parties" in this memo.
[2] Donal O'Mahony and Linda Coleman are the current shareholders in O'Mahony's.
[3] Pursuant to the SPA, Maxol will also acquire the lands and buildings from which the Target Station operates.

- Maxol is a subsidiary of Maxol Energy Limited, which in turn, is a wholly owned subsidiary of McMullan Bros.

- Established in Ireland in 1920, Maxol sells a range of oil and petroleum products through its retail and lubricants divisions. Maxol's primary business is the provision of oil and petroleum products. Maxol's service station network consists of 247 *Maxol*-branded service stations throughout the island of Ireland, 146 of these are located in the State. These service stations are either owned by independent dealers (referred to as dealer-owned, dealer operated ("DoDo")) or directly by Maxol itself (referred to as company-owned, company operated ("CoCo")).

- The majority of *Maxol*-branded service stations include a forecourt convenience store. Maxol partners with *SPAR* in Northern Ireland and operates under its own retail brand or the *Centra* brand in the State. These forecourt stores are not directly operated by Maxol, but rather by independent licensees.

The Target

- O'Mahony's owns and operates the Target Station, which is located in Spa Glen, Mallow, Co. Cork. The Target Station currently operates under the *Maxol* brand, with an attached Centra forecourt convenience store.

4. After examination of the notification, the Commission has concluded that the Proposed Transaction falls within the scope of paragraph 2.1 of the Simplified Merger Notification Procedure Guidelines[4] ("the SMNPG") for assessing certain notifiable mergers or acquisitions under section 18(1)(a) of the Act since:

    - Two or more of the undertakings involved in the merger or acquisition are active in the same product and geographic market, but their combined market share is less than 15%; and

[4] The Commission's Simplified Merger Notification Procedure Guidelines are available at: [Simplified-Merger-Notification-Procedure-Guidelines.pdf]

- None of the exclusions stipulated in paragraphs 2.8 to 2.15 of the SMNPG apply to the Parties or the market in which the undertakings operate.

5. This conclusion was reached on the basis that, while both Parties are active in the potential market for retail sale of motor fuels in the State, their combined market share is less than 15%. The Commission notes that the Parties do not overlap in the retail sale of motor fuels on a local basis.

6. In 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

7. No ancillary restraints were notified.

Determination

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 McMullan Bros. Limited, through its wholly owned subsidiary Maxol Limited, would acquire sole control of O'Mahony Spa Glen 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

Alan Scarlett

Director

Mergers Division

Competition and Consumer Protection Commission