



**Determination No. M/04/064 of the Competition Authority,  
1 December 2004, under Section 21 of the Competition Act, 2002.**

**Notification No. M/04/064– Timac Agri-Business/Albatros**

**Introduction**

1. On the 5<sup>th</sup> of November 2004 the Competition Authority, in accordance with Section 18 (1) of the Competition Act, 2002 (“the Act”) was notified, on a mandatory basis, of a proposal whereby Timac Agri-Business Limited (“Timac”) would acquire Albatros Fertilizers business from Albatros Limited, Albatros Fertilizers Limited and New Ross Chemical Company Limited, (collectively “Albatros”).

**The Parties**

2. Timac is a subsidiary of Timac SA, a French based multinational company, which is part of the Roullier Group. The Roullier Group has businesses in agricultural supplies, agro-chemicals and the food industry. Timac’s business activities are in the development and sale of formulas, which are adapted for specialist agricultural purposes. Timac sells mineral fertilizers, foliar sprays, soil conditioners, mineral blocks, feed blocks, and hygiene products for farm activities in the State.
3. Albatros Fertilizers trades under the brand name Albatros Plant Nutrition (“APN”) and is part of the McDonogh Group. The McDonogh Group has decided to cease involvement in the agricultural fertilizers industry in the state and to sell its assets to Timac but it is retaining two separate corporate entities: its horticultural fertilizer business, Golden Vale Fertilizers Limited, and its agricultural fertilizer business in Northern Ireland, GreenField. APN is involved in the wholesale supply of agricultural fertilizer in Ireland.

**Analysis**

4. Both Timac and APN are involved in the wholesale supply of agricultural fertilizers in the State. APN sells agricultural fertilizer products that are produced by Albatros as well as products that have been sourced from other manufacturers. Timac’s agricultural fertilizer products are manufactured by Timac SA and are imported into Ireland as there is no production facility on the Island of Ireland. Timac markets its specialised product by making direct contact with farmers and making orders on behalf of farmers with the merchants who sell its product.



5. Timac fertilisers are speciality products, containing specific additional ingredients, bringing a high level of technology and added value to farmers because the Timac products are specifically designed for individual soil conditions. Timac does not consider that its competitors in this business sell their speciality product into the state. The parties contend that APN's fertilizer products are in a different market to those of Timac and hence there would be no product overlap.
6. If a broad view of the market is considered, as consisting of the wholesale supply of fertiliser in the state, the parties products would overlap. Timac's sales of fertiliser in the state account for revenue of € 2,382,517. This would yield Timac a market share of approximately 0.6%. APN have a market share of approximately 15% in the wholesale market for fertilizers. Given that concentration would increase only minimally and there are a sufficient number of large competitors, the acquisition would not result in the creation of market power.
7. Therefore, regardless of the product market definition, the proposed transaction will not give rise to a substantial lessening of competition in any market for products and services in the state.

### **Determination**

The Competition Authority, in accordance with Section 21(2) of the Competition Act, 2002, has determined that, in its opinion, the result of the proposed acquisition will not be to substantially lessen competition in markets for goods and services in the State and, accordingly, that the acquisition may be put into effect.

**For the Competition Authority**

**Edward Henneberry**  
**Member of the Competition Authority**

**1 December 2004**