PHASE II OF PROCEEDINGS: BATTERY MARKET

* **UOKiK referred to second phase the proceedings on the acquisition of control over NEF Battery Holdings by ZAP Sznajder Batterien.**
* **There is a material risk of limited competition in this case.**

**[Warsaw, 3 June 2019]** The transactionwas reported to UOKiK in April 2019. ZAP Sznajder Batterien manufactures starter batteries for cars, motorcycles, and boats. It also recycles used batteries for its own needs. NEF Battery Holdings purchases and sells shares of companies and manages them. It controls, among others, the company Orzeł Biały, which operates in the market of recycling used batteries and refined lead production.

In this case, the proceedings must be referred to second phase. The Office has to verify the data reported by the acquiring company. The market of batteries was checked by UOKiK 10 years ago during the proceeding which ended up in the ban on concentration of Orzeł Biały – Baterpol. In order to obtain current data, market research must be conducted.

Starting the second phase of the proceedings does not prejudge the type of decision that will be issued in the future. The President of the Office of Competition and Consumer Protection may give a consent (unconditional or conditional) for concentration or ban it. At this stage, the company may also withdraw the application.  According to the anti-monopoly law, in such situation UOKiK will obligatorily discontinue the proceedings underway, and the reported concentration will not take place.

**Additional information**

According to [the act on protection of competition and consumers](http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20070500331), proceedings in concentration cases consists of two phases. The first stage lasts up to one month. In cases that are particularly complex, where there is a likelihood of material limitation of competition or market research is needed, the proceedings may take longer.

[UOKiK’s website](https://uokik.gov.pl/koncentracje.php) publishes information on all anti-monopoly proceedings conducted by the office in concentration cases. For more information on the rules of concentration of businesses, go to [the special study.](https://uokik.gov.pl/download.php?id=1269)

**Additional information for the media:**

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