



# DETERMINATION OF MERGER NOTIFICATION M/26/021 – SHEAHAN GROUP/NORMAN FOLEY STORES LIMITED

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## Section 21 of the Competition Act 2002

### Proposed acquisition by Sheahan Group through Dingle Dino Limited, of sole control of Norman Foley Stores Limited.

Dated 12 May 2026

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## Introduction

1. On 31 March 2026, in accordance with section 18(1)(a) 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 Dingle Dino Limited, a subsidiary within the Sheahan Group,<sup>1</sup> would acquire the entire issued share capital, and thus sole control, of Norman Foley Stores Limited (“NFS”) (the “Proposed Transaction”).<sup>2</sup>

## The Proposed Transaction

2. The Proposed Transaction will be implemented pursuant to a share purchase agreement, dated 24 February 2026, between (i) Norman Foley and Elaine Foley (the “Vendors”), and (ii) Dingle Dino Limited (the “Share Purchase Agreement”). Pursuant to the Share Purchase Agreement, Dingle Dino Limited will acquire the entire issued share capital, and thus sole control, of NFS.<sup>3</sup>

## The Undertakings Involved

### The Acquirer – Sheahan Group

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<sup>1</sup> Sheahan Group comprises a group of companies and businesses that is ultimately owned and controlled by the Sheahan family through Velvet Investments Limited, which owns Gleann Beithe Management & Trading Services Ltd and, in turn, a number of subsidiaries, including Dingle Dino Limited (the “Sheahan Group”).

<sup>2</sup> Sheahan Group and NFS are collectively referred to as the “Parties” hereafter.

<sup>3</sup> The Vendors are the legal and beneficial owners of the entire issued share capital of NFS, with each having a 50% shareholding in NFS.



3. The Sheahan Group is active in the motor fuels and grocery sectors, primarily in County Kerry. More specifically, the Sheahan Group is active in:
  - (a) the retail sale of motor fuels and the operation of associated forecourt convenience stores at the following four service stations located in County Kerry and County Cork:
    - (i) Centra Curraheen, Curraheen Road, Bishopstown, County Cork, T12 D288;
    - (ii) Daybreak, The Market House, Cahersiveen, County Kerry, V23 TV08;
    - (iii) Centra, Glenbeigh, County Kerry, V93 RXR5; and
    - (iv) Centra Muckross, Muckross Road, Killarney, County Kerry, V93 WY60 (the “Sheahan Service Station Muckross Road”).
  - (b) the retail sale of grocery goods at three non-forecourt convenience stores in Killarney, County Kerry:
    - (i) Centra, New Street, Killarney, County Kerry, V93 DD0V;
    - (ii) Centra, Main Street, Killarney, County Kerry, V93 ESFV; and
    - (iii) Centra College Street, College Street, Killarney, County Kerry.
4. The Sheahan Group is also active in the hospitality sector, through its ownership of a number of assets located in County Kerry.
5. For the financial year ending 31 December 2025, the Sheahan Group’s worldwide turnover was approximately [REDACTED] all of which was generated in the State.<sup>4</sup>

### The Target – NFS

6. NFS is active in:
  - (a) the retail sale of motor fuels and the operation of associated forecourt convenience stores at the following three service stations located in County Kerry:

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<sup>4</sup> The merger notification form received by the Commission on 31 March 2026 (the “Merger Notification Form”) paragraph 27.



- (i) Spar Fossa, Gortroe, Fossa, County Kerry, V93 TH6W (the “NFS Service Station Fossa”);
- (ii) Spar Killorglin, Iveragh Road, Killorglin, County Kerry, V93 KVP6; and
- (iii) Spar Tralee, Castlemaine Road, Tralee, County Kerry, V92 D8HD;

(together the “NFS Service Stations”).

- (b) the retail sale of grocery goods at a non-forecourt Spar-branded convenience store located on Bridge Street, Milltown, County Kerry (the “NFS Store Milltown”).

- 7. For the financial year ending 31 December 2025, NFS’s worldwide turnover was approximately €17.2 million, all of which was generated in the State.<sup>5</sup>

## Rationale for the Proposed Transaction

- 8. The Parties state the following in the Merger Notification Form:

*“The NFS Assets will be a valuable addition to the Sheahan Group and will be very much complementary to the Sheahan Group’s existing retail assets. Furthermore, the addition of the NFS Assets to the broader Sheahan Group will give them the benefit of the financial and management strength of the broader Sheahan Group ensuring that they will continue to be of service to their local communities.”<sup>6</sup>*

## Third Party Submissions

- 9. No third party submissions were received.

## Industry Background<sup>7</sup>

### The retail sale of motor fuels

- 10. Approximately 873 million litres of road diesel and 931 million litres of petrol were sold at service stations in the State in 2022. It is estimated that there were approximately 1,532 service stations in the State in 2022. The largest branded service station networks in the

<sup>5</sup> Merger Notification Form, paragraph 28.

<sup>6</sup> Merger Notification Form, paragraph. 23.

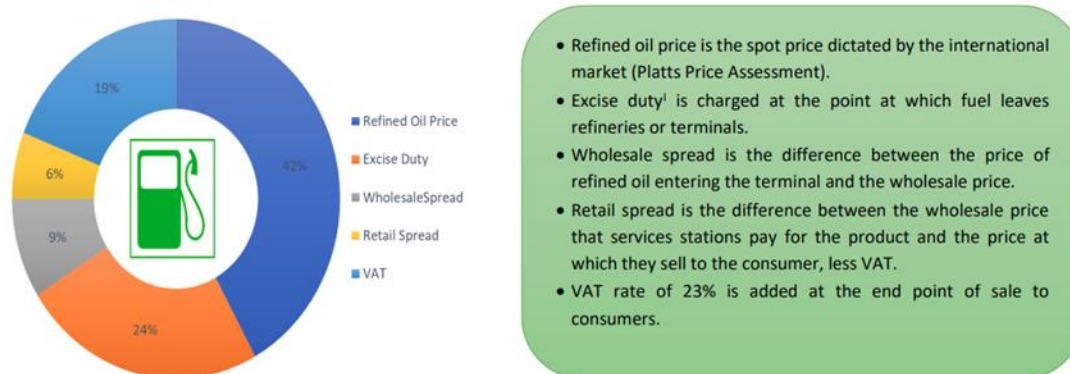
<sup>7</sup> This section is largely based on the Commission’s discussion of the industry background in its determination in [M.23.068 McMullan Bros/Naas Fuels Limited](#) (“Maxol/Naas Fuels”) and on its determination in [M/21/071 – Tesco Ireland /Joyce’s Supermarkets](#) (“Tesco/Joyce”).



State include *Circle K, Applegreen, Maxol, Irving* (which trades as *Top Oil*), *Valero* (which trades as *Texaco*), *DCC* (which trades as *Emo, Certa* and *Greatgas*), and *Greenery* (which trades as *Inver* and *Amber*).

11. Price and the convenience of location are key factors influencing the service station from which consumers purchase motor fuels. The retail price of motor fuels is influenced by a variety of factors, as shown in Figure 1 below:

Figure 1: Retail price\* components of a litre of petrol



Source: The Commission. Notes: \* Based on average price as at the end of March 2022.

12. The types of supply arrangements in place between fuel companies and service stations vary depending on the ownership structure of the service station. There are two main service station ownership models in the State:

- **Company-owned, company-operated:** Service stations may be owned and operated by a fuel company such as *Circle K, Applegreen* or *Maxol*. These service stations are commonly referred to as “company-owned, company operated”, or “CoCo” service stations. Such service stations are supplied with motor fuels by their parent fuel company on a consignment basis. In this way, the fuel company sells motor fuel to motorists directly; and
- **Dealer-owned, dealer-operated:** Service stations can also be owned and operated by an independent dealer. These service stations are generally owned by smaller, locally based businesses that do not import fuel into the State. These service stations are known as “dealer-owned, dealer operated”, or “DoDo” service stations. The independent dealer may enter into a supply agreement with a fuel company, pursuant



to which the DoDo service station sources motor fuels from that fuel company. Depending on the terms of such supply agreements, the DoDo service station may also adopt the branding of the fuel company. The retail price of motor fuels sold at the DoDo service station is set by the independent dealer.

### Forecourt Convenience Stores

13. Forecourt convenience stores are often attached to service stations in the State and sell groceries, confectionery, snacks, drinks, hot food and other non-fuel products. In recent years, forecourt convenience retailing has formed an increasingly important part of service stations' business. The Irish Petrol Retailers Association (IPRA) has stated the following in relation to the forecourt convenience store aspect of the service station sector:<sup>8</sup>

*“Due to changing demographics with people having to travel further but with less time to eat, forecourt and convenience retailing has become one of the fastest growing sectors of the Irish retail market.”*

### The retail sale of grocery goods

14. In the State, grocery retail outlets can be broadly categorised into hypermarkets, large supermarkets, small supermarkets, and convenience shops in the following way: (i) “Hypermarkets” (greater than 2,500 square metres); “Large supermarkets” (1,000 to 2,500 square metres); “Small supermarkets” (400 to 1000 square metres); and “Convenience shops” (up to 400 square metres).
15. Convenience shops sell a limited range of groceries. They are often situated in locations that minimise the time and distance which customers have to travel to and from the stores. Large supermarkets provide a much wider range of groceries and general merchandise than Convenience shops, and accordingly, are sometimes referred to as “one-stop shops.” Whilst the size of these outlets varies, one consistent characteristic of Large supermarkets is that a broad range of grocery and general merchandise products are available. Large supermarkets are often located outside towns and cities. As a result, they are able to utilise larger sites and provide additional amenities, including customer parking and, often, motor fuel service stations. Small supermarkets fall in between Convenience and Large supermarkets. They

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<sup>8</sup> Irish Petrol Retailers Association (2022), Forecourt & Retail News October 2022, page 13, available at <https://ipra.ie/forecourt-retail-news-october-2022/>



have a larger choice of groceries and general merchandise than Convenience shops but less choice than Large supermarkets. There is also more variation observed amongst Small supermarkets in terms of product range, location and additional amenities which are made available to customers at their locations.

## Horizontal Overlap and Vertical Relationship

### Horizontal Overlap

16. There are horizontal overlaps between the activities of the Parties in the State in relation to:
- (i) The retail sale of motor fuels and the operation of associated forecourt convenience stores;
  - (ii) The retail sale of grocery goods through non-forecourt convenience stores.

### Vertical Overlap

17. There is no vertical relationship between the activities of the Parties, as neither is active upstream or downstream of the other in the supply of motor fuels and the operation of associated forecourt convenience stores or grocery products.

## Market definition

### The retail sale of motor fuels

#### Product market

#### *Views of the Parties*

18. The Parties assessed the Proposed Transaction by reference to the retail sale of motor fuels.<sup>9</sup>

#### *Previous decisions of the Commission*

19. The Commission has assessed the retail sale of motor fuels in several previous determinations, most recently in *Maxol/Naas Fuels*<sup>10</sup> and *M/25/034 – McMullan Bros. Limited (Maxol)/Spawell Auto Stop (Templeogue) Limited and others*

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<sup>9</sup> Merger Notification Form, paragraph 62.

<sup>10</sup> *Maxol/Naas Fuels*, paragraph 3.32.



(“*Maxol/Templeogue*”).<sup>11</sup> In both decisions, the Commission assessed the competitive effects of the transactions by reference to the potential product market for the retail sale of motor fuel without the need to further segment the market by fuel type or type of service station.

#### *Views of the Commission*

20. The Commission defines markets to the extent necessary depending on the particular circumstances of a given case. In this instance, it is not necessary for the Commission to define the precise relevant product market as doing so will not alter its assessment of the competitive effects of the Proposed Transaction. The Commission has found no reason to depart from the general approach taken in its previous merger determinations regarding the retail sale of motor fuels and, therefore, the Commission has assessed the competitive effect of the Proposed Transaction by reference to the retail sale of motor fuels.

### **Geographic market**

#### *Views of the Parties*

21. The Parties assessed the Proposed Transaction by reference to the retail sale of motor fuels, applying a radius of 3.2km around the NFS Service Stations in urban locations and 8km in rural locations.

#### *Previous decisions of the Commission*

22. The Commission has assessed the retail sale of motor fuels in several determinations. In its most recent determination in this sector, *Maxol/Templeogue*, the Commission assessed the retail sale of motor fuels on both a national and local basis. With respect to its local analysis, the Commission assessed the retail sale of motor fuels within: (i) a 3.2km radius of the target’s urban service stations; and (ii) an 8km radius of the target’s rural service stations.<sup>12</sup>

#### *Views of the Commission*

23. The Commission defines markets to the extent necessary depending on the particular circumstances of a given case. In this instance, it is not necessary for the Commission to

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<sup>11</sup> [M.25.034 McMullan Bros. Limited \(Maxol\) / Spawell Auto Stop \(Templeogue\) Limited and others Public Determination](#), paragraph 18.

<sup>12</sup> *Maxol/Templeogue*, paragraph 21.



define the precise relevant geographic market as doing so will not alter its assessment of the competitive effects of the Proposed Transaction. The Commission has found no reason to depart from the general approach taken in its previous merger determinations regarding the retail sale of motor fuels and, therefore, the Commission has assessed the competitive effect of the Proposed Transaction in the retail sale of motor fuels at a national level and at a local level, i.e., within a 3.2km of the urban NFS Service Stations; and an 8km radius of the rural NFS Service Stations.

#### The operation of forecourt convenience stores

##### **Product market**

##### *Views of the Parties*

24. The Parties assessed the potential market for the operation of forecourt convenience stores on two alternative bases: one excluding supermarkets as competitors to forecourt convenience stores and the other including them.<sup>13</sup> The Parties state in the Merger Notification Form that:<sup>14</sup>

*“[including supermarkets and hypermarkets in the assessment] is the appropriate approach. The presence of a large supermarket / hypermarket adjacent to retail fuel pumps offer motorists the same convenience for shopping as is provided by a forecourt convenience store albeit with a far larger product and service offering. This has become especially the case since the widespread introduction of self-service checkouts which allow for customers (such as passing motorists) wishing to purchase a small number of items to make those purchases rapidly.”*

##### *Previous decisions of the Commission*

25. The Commission has assessed the operation of forecourt convenience stores in several merger determinations. In one of its most recent determinations in this sector (*Maxol/Naas Fuels*), the Commission noted that forecourt convenience stores also compete with supermarkets within the relevant catchment area.<sup>15</sup>

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<sup>13</sup> Merger Notification Form, paragraph 74.

<sup>14</sup> Merger Notification Form, paragraph 74.

<sup>15</sup> *Maxol/Naas Fuels*, paragraph 5.57.



### *Views of the Commission*

26. The Commission defines markets to the extent necessary depending on the particular circumstances of a given case. In this instance, it is not necessary for the Commission to define the precise relevant product market as doing so will not alter its assessment of the competitive effects of the Proposed Transaction. The Commission has found no reason to depart from the general approach taken in its previous merger determinations regarding the operation of forecourt convenience stores and, therefore, the Commission has assessed the competitive effect of the Proposed Transaction by reference to the operation of forecourt convenience stores including supermarkets.

### **Geographic market**

#### *Views of the Parties*

27. The Parties assessed the market for the operation of forecourt convenience stores using radii around the NFS Service Stations of 3.2 kilometres and 8 kilometres for urban and rural areas, respectively.<sup>16</sup>

#### *Previous decisions of the Commission*

28. In *Maxol/Naas Fuels*, the Commission assessed the operation of forecourt convenience stores on a local basis, namely within a 3.2km radius of urban service stations and within an 8km radius of rural service stations.<sup>17</sup>

#### *Views of the Commission*

29. The Commission defines markets to the extent necessary depending on the particular circumstances of a given case. In this instance, it is not necessary for the Commission to define the precise relevant geographic market as doing so will not alter its assessment of the competitive effects of the Proposed Transaction. The Commission has found no reason to depart from the general approach taken in its previous merger determinations regarding the operation of forecourt convenience stores and, therefore, the Commission has assessed the competitive effects of the Proposed Transaction by reference to the operation of forecourt

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<sup>16</sup> Merger Notification Form, paragraph 68.

<sup>17</sup> *Maxol/Naas Fuels*, paragraph 3.45.



convenience stores, including supermarkets, within a 3.2km radius of urban service stations and within an 8km radius of rural service stations.

### The retail sale of grocery goods at non-forecourt convenience stores

#### **Product market**

##### *Views of the Parties*

30. The Parties assessed the market for the retail sale of grocery goods at non-forecourt convenience stores separately from the market for the operation of forecourt convenience stores.<sup>18</sup>

##### *Previous decisions of the Commission*

31. In *Tesco/Joyce*, which related to the retail sale of grocery goods in supermarkets, the Commission distinguished between: (i) hypermarkets (greater than 2,500 square metres); (ii) large supermarkets (1,000 to 2,500 square metres); (iii) small supermarkets (400 to 1,000 square metres); and (iv) convenience stores (up to 400 square metres).<sup>19</sup>

##### *Views of the Commission*

32. The Commission defines markets to the extent necessary depending on the particular circumstances of a given case. In this instance, it is not necessary for the Commission to define the precise relevant product market as doing so will not alter its assessment of the competitive effects of the Proposed Transaction. In this instance, the Commission has assessed the competitive effects of the Proposed Transaction by reference to the narrowest potential product market, namely the retail sale of grocery goods at non-forecourt convenience stores. This approach does not preclude the adoption of a broader potential product market, including supermarkets, if appropriate.

#### **Geographic market**

##### *Views of the Parties*

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<sup>18</sup> Merger Notification Form, paragraph 68.

<sup>19</sup> [Tesco/Joyce Public Determination](#), paragraph 2.5.



33. The Parties assessed the market for the retail sale of grocery goods at non-forecourt convenience stores using radii based on a 5-minute drive time.<sup>20</sup>

#### *Previous decisions of the Commission*

34. In *Tesco/Joyce*,<sup>21</sup> the Commission analysed the geographic scope of the potential product markets based on a 10-minute drive time for small and large supermarkets and a 5-minute drive time for convenience stores.

#### *Views of the Commission*

35. The Commission defines markets to the extent necessary depending on the particular circumstances of a given case. In this instance, it is not necessary for the Commission to define the precise relevant geographic market as doing so will not alter its assessment of the competitive effects of the Proposed Transaction. The Commission has found no reason to depart from the general approach taken in its previous merger determinations regarding the retail sale of grocery goods at non-forecourt convenience stores and, therefore, the Commission has assessed the competitive effect of the Proposed Transaction by reference to the retail sale of grocery goods at non-forecourt convenience stores within a 5-minute drive time from the NFS Store Milltown.

## **Competitive effects**

### *Horizontal effects*

#### The Retail sale of motor fuels in the State

36. As the Parties are not national players, being primarily active in County Kerry, their combined share in the retail sale of motor fuels at the national level is negligible, both in terms of volumes sold (1%) and the number of service stations (<1%), as shown in Table 1 below. Therefore, the Commission considers that the Proposed Transaction does not raise any horizontal competition concerns in respect of the retail sale of motor fuel in the State.

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<sup>20</sup> Merger Notification Form, paragraph 68.

<sup>21</sup> *Tesco/Joyce*, paragraph 3.42.



Table 1: Volume of motor fuels (litres) sold and Parties' respective shares in the retail sale of motor fuels in the State, 2025.

Operator	Number of Service Stations	Service Stations Share (%)	Volume Sold (Litres)	Volume Sold Share (%)
NFS	3	<1%	████████	<1%
Sheahan Group	4	<1%	████████	<1%
<b>Combined</b>	<b>7</b>	<b>&lt;1%</b>	<b>████████</b>	<b>1%</b>
<b>Total</b>	<b>1,532<sup>22</sup></b>	<b>100%</b>	<b>1,804,000,000<sup>23</sup></b>	<b>100%</b>

Source: the Commission, based on data from the Parties.

### The retail sale of motor fuels within 8km of the NFS Service Station Fossa

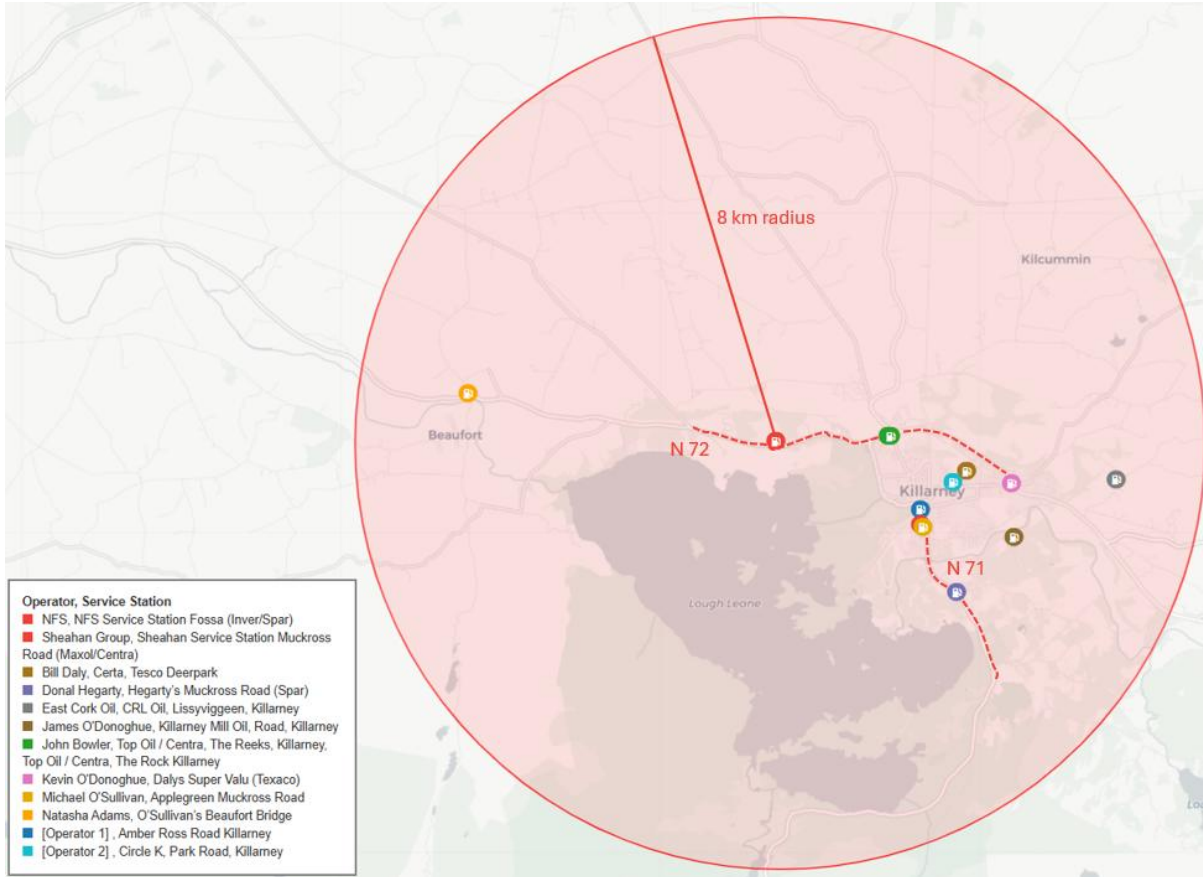
37. The NFS Service Stations are located in rural areas<sup>24</sup> and, accordingly, overlaps have been assessed using an 8km radius. On this basis, only one overlap arises, as shown in Figure 2 below, namely between the Sheahan Service Station Muckcross Road and the NFS Service Station Fossa, which are located approximately 4.3 kilometres apart.

<sup>22</sup> *Maxol/Naas Fuels* public determination, para.5.5.

<sup>23</sup> According to Central Statistics Office (2024), *Forecourt and Non-Forecourt Final Movements*, accessible at <https://data.cso.ie/table/FOM01>, approximately 873 million litres of road diesel and 931 million litres of petrol were sold at service stations in the State in 2022. The total represents the sum volume of road diesel and petrol sold.

<sup>24</sup> See [Interactive Data Visualisations | CSO Ireland](#).

Figure 2: Service stations of the Parties and their competitors within 8km of the NFS Service Station Fossa.



Source: the Commission.

38. Table 2 below presents, for the year 2025, the respective shares of the Parties and their competitors<sup>25</sup> in the retail sale of motor fuels within an 8km radius of the NFS Service Station Fossa.<sup>26</sup>

Table 2: Shares of the Parties and their competitors in the retail sale of motor fuels within an 8km radius of the NFS Service Station Fossa, 2025.

Operator	Service Station	Distance* (Km)	Petrol / Diesel	Number of Service Stations	Service Stations Share (%)
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<sup>25</sup> Service station share is assigned according to the number of service stations operated by each service station operator.

<sup>26</sup> For the purposes of this assessment, coach service stations such as (i) Kerry Coaches Diesel, Park Road, Killarney; and (ii) Deros Coaches, Certa Diesel have been excluded, as they are primarily oriented towards commercial traffic, offering a differentiated service proposition and, thus, not materially constraining the Parties' service stations. Their inclusion would, in any event, not alter the Commission's competitive assessment of the Proposed Transaction.



<b>NFS</b>	NFS Service Station Fossa (Inver/Spar)	-	Both	1	7.7%
<b>Sheahan Group</b>	Sheahan Service Station Muckross Road (Maxol/Centra)	4.3	Both	1	7.7%
<b>Combined</b>		-	-	<b>2</b>	<b>15.4%</b>
<b>John Bowler</b>	Top Oil/Centra, The Reeks, Killarney	2.4	Both	2	15.4%
	Top Oil/Centra, The Rock Killarney	2.6	Both		
<b>[Operator 1]</b>	Amber Ross Road Killarney	4	Both	1	7.7%
<b>Michael O'Sullivan</b>	Applegreen Muckross Road	4.3	Both	1	7.7%
<b>[Operator 2]</b>	Circle K, Park Road, Killarney	4.5	Both	1	7.7%
<b>Bill Daly</b>	Certa, Tesco Deerpark**	5.3	Both	1	7.7%
<b>Kevin O'Donoghue</b>	Daly's Super Valu** (Texaco)	5.6	Both	1	7.7%
<b>Natasha Adams</b>	O'Sullivan's Beaufort Bridge	5.9	Both	1	7.7%
<b>Donal Hegarty</b>	Hegarty's Muckross Road (Spar)	5.9	Both	1	7.7%
<b>James O'Donoghue</b>	Killarney Mill Oil, Road, Killarney	7	Diesel	1	7.7%



<b>East Cork Oil</b>	CRL Oil, Lissyviggeen, Killarney	7.4	Diesel	1	7.7%
<b>Total</b>				<b>13</b>	<b>100%</b>

Source: the Commission. Notes: \* Approximate distance from the NFS Service Station Fossa; \*\* Service station is in the forecourt of a large supermarket.

39. As illustrated in Table 2, when considering the number of service stations by service station operator, the Parties account for 2 out of 13 service stations (15.4%) that supply either petrol or diesel, and 2 out of 11 service stations (18.2%) supplying both petrol and diesel in the catchment area.
40. John Bowler operates two service stations in the catchment area (i.e., 8km of the NFS Service Station Fossa), representing a 15.4% share for all service stations supplying either petrol or diesel, which is equivalent to the share held by the Parties.<sup>27</sup> All remaining competitors operate a single service station each. On this basis, the Proposed Transaction will result in a reduction in the number of service station operators within an 8km radius of the NFS Service Station Fossa from 12 to 11.<sup>28</sup>
41. Further, as illustrated in the map in Figure 2 above, a number of competing service stations are located as close, or closer, to the NFS Service Station Fossa compared to the Sheahan Service Station Muckross Road. In particular, Top Oil/Centra, The Reeks, Killarney and Top Oil/Centra, The Rock, Killarney, both operated by John Bowler, are located closer to the NFS Service Station Fossa (2.4km and 2.6km away, respectively), while Amber, Ross Road, Killarney (4km), Applegreen, Muckross Road (4.3km), and Circle K, Park Road, Killarney (4.5 km) are located at a similar distance from the NFS Service Station Fossa as the Sheahan Service Station Muckross Road.
42. Lastly, as illustrated in Figure 2, the Parties' service stations are located on different arterial routes around Killarney. The NFS Service Station Fossa is located on the N72, while the

<sup>27</sup> John Bowler owns four service stations in the catchment area, including Amber, Ross Road, Killarney and Circle K, Park Road, Killarney. However, those two service stations are currently operated under long-term lease arrangements by two different operators. Even if John Bowler were treated as the operator of these stations, the Proposed Transaction would result in a reduction in the number of service station operators from 10 to 9, which would not alter the conclusions of the Commission's competitive analysis.

<sup>28</sup> In addition, based on information provided to the Commission by competitors as to the total volume of petrol and diesel sold in 2025 at the service stations shown in Table 2, the Parties accounted for less than a quarter of the total volume of motor fuel supplied within the relevant catchment area.



Sheahan Service Station Muckcross Road is located on the N71. The Parties' service stations are therefore subject to competitive constraints from a partially different set of competing service stations located along these respective routes.

43. Therefore, having regard to the Parties' limited shares at national level, the presence of only a single local overlap, the number of alternative service stations operating within an 8km catchment area of the overlap, the presence of alternative service stations in the immediate vicinity of the NFS Service Station Fossa, and the fact that the Parties are located on different arterial routes around Killarney, the Commission considers that the Proposed Transaction does not give rise to any horizontal competition concerns in the retail sale of motor fuels, either nationally or within the local area surrounding the NFS Service Station Fossa.

#### The operation of forecourt convenience stores within 8km of the NFS Service Station Fossa

44. As shown in Table 2, when including supermarkets/hypermarkets such as the ones at the Daly's Super Valu and Certa, Tesco Deerpark stations, the Parties account for only 2 out of 11 grocery outlets, representing an 18.2% share.
45. Even if supermarkets and hypermarkets are excluded, thereby limiting the analysis to conventional forecourt convenience stores located within 8km of the NFS Service Station Fossa, the Parties would account for only 2 out of 9 such stores, representing a 22.2% share.
46. Accordingly, taking into account the Parties' modest shares, and the continued presence of multiple competing forecourt convenience stores and supermarkets within the local area, the Commission considers that the Proposed Transaction does not result any horizontal competition concerns in the operation of forecourt convenience stores within 8km of the NFS Service Station Fossa.

#### The retail sale of grocery goods at non-forecourt convenience stores within 5 minutes' drive of the NFS Store Milltown

47. The NFS Store Milltown is located approximately 20km, and a minimum drive time of 20 minutes, from any of the Sheahan stores in Killarney. Accordingly, no overlap arises between the Parties in respect of the retail sale of grocery goods at non-forecourt convenience stores.

### **Conclusion of Competitive Analysis**



48. In light of the above, the Commission is of the view that the Proposed Transaction does not raise competition concerns in any of the following potential relevant markets:

- The retail sale of motor fuels in the State;
- The retail sale of motor fuels within 8km of the NFS Service Station Fossa;
- The operation of forecourt convenience stores within 8km of the NFS Service Station Fossa; and
- The retail sale of grocery goods at non-forecourt convenience stores within 5 minutes' drive of the NFS Store Milltown.

### **Ancillary Restraints**

49. 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 Dingle Dino Limited, a subsidiary within the Sheahan Group, would acquire the entire issued share capital, and thus sole control, of Norman Foley Stores 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

**Geoffrey Gray**

**Member**

**Competition and Consumer Protection Commission**