

**Decision no. 2024-DCC-05 of 15 July 2024  
on the request to derogate from the commitments attached to Decision  
no. 2021-DCC-01 of 22 March 2021 concerning the acquisition of sole control of  
SARL Médical Equipement by SARL Handipharma**

**Only the French version is authentic and it prevails in the event of its  
differing from the translated version**

## Summary<sup>1</sup>

Through decision no. 2021-DCC-01 of 22 March 2021, the *Autorité de la concurrence de la Nouvelle-Calédonie* (hereinafter "the *Autorité*") authorised the acquisition of sole control of SARL Médical Equipement by SARL Handipharma, subject to the effective implementation of several commitments designed to remove the competition concerns identified during the investigation. The notifying party had proposed three types of five-year commitments, including a commitment to separate the sales activities of Unipharma and Médical Equipement with regard to their respective customer bases of pharmacies and homecare providers. The implementation of this commitment meant, among other things, that Unipharma was prohibited from selling homecare medical equipment to these customers.

On 1<sup>st</sup> July 2024, Unipharma requested a temporary derogation from one of the commitments entered into under this decision, in order to ensure the supply of medical equipment to pharmacies and homecare providers. This supply was severely affected by the fire at the *Groupement des Pharmaciens de Nouvelle-Calédonie* (GPNC) in May 2024.

In particular, Unipharma requested that this derogation be granted for the duration of the GPNC's entire rebuilding period.

However, the re-examination of commitments entered into as part of the authorisation of a merger requires a new investigation and competitive analysis of the markets concerned in order to determine whether the conditions have been met to allow the commitments to be lifted or modified. However, at this stage, the investigating department of the *Autorité* does not have sufficient information to reach a definitive and favourable decision on Unipharma's request.

Through this decision, in view of the crisis in New Caledonia and the health issue represented by the urgent need for pharmacies and homecare providers to remain supplied with homecare medical equipment, the *Autorité* authorises Unipharma, by way of derogation, to sell homecare medical equipment to pharmacies and homecare providers for a period of three months.

This period may be extended, if necessary, following further investigation of the case.

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<sup>1</sup> This summary is strictly for information purposes. Only the numbered reasons of the decision are authentic.