



MALTA COMPETITION AND  
CONSUMER AFFAIRS AUTHORITY

MIZZI HOUSE, NATIONAL ROAD,  
BLATA L-BAJDA HMR9010,  
MALTA

+356 2395 2000

## **Proposed Concentration between Lidl Immobiliare and Lidl Malta Limited (collectively referred as “Lidl”) and Said Investments Limited and Scotts Limited (collectively referred as “Scotts”)**

### **Invitation to Comment**

#### **Legal Obligations**

In terms of regulation 5(4) of the Control of Concentrations Regulations (Subsidiary Legislation 379.08 of the Laws of Malta), the Director General of the Office for Competition notifies for general information that a notification of a proposed concentration between Lidl Immobiliare Malta Limited (Naxxar, Malta), Lidl Malta Limited (Naxxar, Malta), Said Investments Limited (Birkirkara, Malta) and Scotts Limited (Birkirkara, Malta), was deemed complete on Tuesday, 14 November 2023.

#### **Parties Involved**

Lidl (as Lidl Immobiliare Malta Limited and the acquirer in this transaction) is part of the group structure that also holds Lidl Malta Limited. Lidl Malta Limited is a limited liability company registered in Malta, bearing company registration number C36317, which acts as an importer and retailer of finished and packaged products relating to foodstuffs, beverages and allied products, and household items. It has its registered address at the Vassallo Business Park, Burmarrad Road, Naxxar, NXR 6345, Malta, and it is the company which operates the ‘Lidl’ chain of supermarkets across Malta and Gozo.

Lidl Immobiliare Malta Limited, bearing company registration number C36321, is a property company which objectives include that of purchasing and acquiring immovable property in Malta and the carrying on of the business as an operator and administrator in connection with the properties that it purchases and acquires. It has its registered address at the Vassallo Business Park, Burmarrad Road, Naxxar, NXR 6345, Malta.

Scotts Limited, a limited liability company registered in Malta with company registration number C33305, acts as an importer and retailer of finished products relating to foodstuffs, beverages and allied products, and household items. It has its registered address at The Said Buildings, Fleur de Lys Road, Birkirkara, Malta, and it is the company that operates the ‘Scotts’ supermarkets in Malta.



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Said Investments Limited, a limited liability company registered in Malta with company registration number C13285, is a property company. Its objectives include that of purchasing and acquiring immovable property in Malta and the carrying on of the business as an operator and administrator in connection with the properties that it purchases and acquires. It has its registered address at The Said Buildings, Fleur de Lys Road, Birkirkara, Malta.

## Transaction

The proposed concentration is the acquisition by Lidl Immobiliare Malta Limited of property at Żabbar belonging to Said Investments Limited and leases belonging to Scotts Limited.

Lidl Immobiliare Malta Limited entered into a Promise of Sale agreement with Said Investments Limited to acquire the Żabbar properties comprising of a complex without official number in Triq il-Mina ta' Hompesch in Ғaz-Żabbar, with a superficial area of approximately 6,020 square metres consisting of:

- a. the building used as a supermarket, without official number known as "Scotts" formerly known as "Sisa" and formerly known as "Pirella Supermarket" and prior to that as "Corrigo Hall Wedding Complex", in Triq il-Mina ta' Hompesch in Ғaz-Żabbar, which building in part underlies third party property; of the outside areas include the out-buildings without number which are accessible by a driveway which forms an integral part of this complex and which also provides access to the Żabbar Parking Area, which driveway measures approximately five hundred and five square metres (505sq.m.) and is bounded on the east in part by the remainder of this complex and in part by the Żabbar Parking Area, on the south by Triq il-Mina ta' Hompesch and on the north by the property of Raphael Fenech Adami or of his successors in title; which entire complex is bounded on the south by Triq il-Mina ta' Hompesch, on the north east by the Żabbar Parking Area and on the north by property of Raphael Fenech Adami or of his successors in title as defined by the existing boundary walls and which complex includes all and any improvements made thereon and all its rights and appurtenances including the overlying airspace and the underlying terrain.
- b. the divided portion of land of a rectangular shape known as "Tal-Mandarin" in the limits of Ғaz-Żabbar, surrounded on all sides with a boundary wall which segregates it from adjacent properties, which land is used as a parking area of the Żabbar Supermarket and has a superficial area of not less than three thousand four hundred square metres (3,400sq.m.), bounded on the north west by property of Aldo and Carmen spouses Farrugia, on the south west in part by property of Raphael Fenech Adami or his successors in title and in part by the Żabbar Supermarket to which it is interconnected and in part by property of the Government of Malta and on the west by property of Matthew Azzopardi or other variable boundaries.

The parties to the concentration agree that the Żabbar properties will be sold tale quale in their current state and condition, with all their rights and appurtenances (including their overlying airspace and their underlying terrain). The Żabbar properties will be transferred with immediate vacant possession in favour of Lidl Immobiliare Malta Limited on the Deed of Sale. According to the Notifying Parties to the concentration, it is not the intention for Lidl Immobiliare Malta Limited and/or Lidl Malta Limited to acquire the business that is carried out by Scotts Limited from the Żabbar Properties. The transaction therefore excludes the transfer of any going concern, personnel, goodwill, intellectual property, tradenames or trademarks, trade secrets and/or customer databases, etc. Furthermore, nothing in the Promise of Sale and /or the Deed of Sale shall be interpreted or construed so as to create or impose any sort of limitation or prohibition on how the Vendor (Said) or the Tenant (Scotts) conduct their business in the future, and accordingly Said and/or Scotts may perform any act of business or trade, including those which may be in competition with the business or trade of the Purchaser.

The Promise of Sale agreement is conditional on the decision of the Director General of the Office for Competition, declaring the transaction a lawful concentration in terms of the Control of Concentration Regulations. The proposed concentration is not subject to review by any other competition authority.

### **The Role of the Office for Competition**

According to Article 14 of the Malta Competition and Consumer Affairs Authority Act (Chapter 510 of the Laws of Malta), the Office for Competition is responsible for examining and controlling concentrations between undertakings in terms of their effect on the structure of competition on the market. Concentrations that might lead to a substantial lessening of competition in the Maltese market or a part thereof are prohibited.

As a result, the Office for Competition will be assessing whether the proposed concentration, if carried into effect, will result in a substantial lessening of competition within any market or markets in Malta for goods or services.

### **Invitation to Submit Your Comments on the Proposed Concentration**

The Office for Competition aims to ensure that all interested parties have the opportunity to make their views known and present all relevant evidence to the Office. The Office for Competition is therefore inviting interested parties to submit to the Office for Competition their views on the impact that the proposed concentration could have on competition in the Maltese grocery retail sector. Any comments should be submitted to [melchior.vella.1@mccaa.org.mt](mailto:melchior.vella.1@mccaa.org.mt) and [sean.buttigieg.1@mccaa.org.mt](mailto:sean.buttigieg.1@mccaa.org.mt) by not later than **Friday, 24 November 2023**, making reference to this proposed concentration by quoting case reference file '**COMP/MCCAA/13/2023**' in the subject.



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This invitation to comment is the first part of the Office's information-gathering process. The Office for Competition is likely to proactively contact companies and stakeholders that are active in the markets affected by the proposed concentration or have valuable insights or evidence that could assist the investigation including, suppliers, competitors, consumer organisations, consumers, and industry bodies.

When submitting your comments, you are kindly requested to clearly identify any material which you consider to be confidential, giving reasons thereof, and provide a separate non-confidential version of the replies in accordance with Article 29 of the Malta Competition and Consumer Affairs Authority Act (Chapter 510 of the Laws of Malta).

*Your name and contact details are your personal data. The Office for Competition, as controller, is processing your personal data when collecting, receiving, storing, accessing, and using your personal data. The Office for Competition processes personal data in accordance with data protection law.*