

Anticipated acquisition by Yorkshire Purchasing Organisation of Findel Education Limited

Decision to refer

ME/ 6874/19

Introduction

1. Yorkshire Purchasing Organisation (**YPO**) has agreed to acquire Findel Education Limited (**Findel**) (the **Merger**).¹ YPO and Findel are together referred to as the **Parties**.
2. On 19 June 2020, the Competition and Markets Authority (**CMA**) decided under section 33(1) of the Enterprise Act 2002 (the **Act**) that it is or may be the case that the Merger consists of arrangements that are in progress or in contemplation which, if carried into effect, will result in the creation of a relevant merger situation, and that this may be expected to result in a substantial lessening of competition (**SLC**) within a market or markets in the United Kingdom (the **SLC Decision**).²
3. On the date of the SLC Decision, the CMA gave notice pursuant to section 34ZA(1)(b) of the Act to the Parties of the SLC Decision. However, in order to allow the Parties the opportunity to offer undertakings to the CMA for the purposes of section 73(2) of the Act, the CMA did not refer the Merger for a phase 2 investigation pursuant to section 33(3)(b) on the date of the SLC Decision.
4. Pursuant to section 73A(1) of the Act, if a party wishes to offer undertakings for the purposes of section 73(2) of the Act, it must do so before the end of the five working day period specified in section 73A(1)(a) of the Act. The SLC

¹ YPO is a public sector buying organisation which operates under the Local Authority (Goods & Services) Act 1970 and is governed by 13 'Founder Member' local authorities which control YPO in equal parts. The Council of the City of Wakefield acts as the 'Lead Authority' of YPO. The other 12 Founder Member local authorities are (i) Barnsley Metropolitan Borough Council; (ii) The Borough Council of Bolton; (iii) City of Bradford Metropolitan District Council; (iv) Borough Council of Calderdale; (v) Doncaster Borough Council; (vi) The Council of The Borough Of Kirklees; (vii) Knowsley Metropolitan Borough Council; (viii) North Yorkshire County Council; (ix) Rotherham Borough Council; (x) St Helens Borough Council; (xi) Wigan Borough Council; (xii) Council of The City of York.

² See [Yorkshire Purchasing Organisation / Findel Education merger inquiry](#) web page.

Decision stated that the CMA would refer the Merger for a phase 2 investigation pursuant to section 33(1), and in accordance with section 34ZA(2) of the Act, if no undertakings for the purposes of section 73(2) of the Act were offered to the CMA by the end of this period (ie by 26 June 2020); if the Parties indicated before this deadline that they did not wish to offer such undertakings; or if the undertakings offered were not accepted.

5. On 26 June 2020, the Parties informed the CMA that they would not offer such undertakings to the CMA.

Decision

6. Therefore, pursuant to section 33(1) and in accordance with section 34ZA(2) of the Act, the CMA has decided to refer the Merger to its chair for the constitution of a group under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 to conduct a phase 2 investigation.

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Competition and Markets Authority
30 June 2020