



EUROPEAN COMMISSION

DG Competition

***Case M.10825 - DAVITA / MEDTRONIC / MEDTRONIC  
RENAL CARE  
SOLUTIONS***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004  
MERGER PROCEDURE**

---

Article 6(1)(b) NON-OPPOSITION

Date: 14/02/2023

***In electronic form on the EUR-Lex website under  
document number 32023M10825***



EUROPEAN COMMISSION

Brussels, 14.2.2023  
C(2023) 1175 final

**PUBLIC VERSION**

DaVita Inc.  
601 Hawaii Street  
CA 90245 El Segundo  
United States of America

Medtronic, Inc.  
710 Medtronic Parkway NE  
MN 55432 Minneapolis  
United States of America

**Subject: Case M.10825 - DAVITA / MEDTRONIC / MEDTRONIC RENAL CARE SOLUTIONS**  
**Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004<sup>1</sup> and Article 57 of the Agreement on the European Economic Area<sup>2</sup>**

Dear Sir or Madam,

1. On 16 January 2023, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which DaVita Inc. ('DaVita', U.S.) and Medtronic, Inc. ('Medtronic', U.S.), controlled by Medtronic plc incorporated in Ireland, will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of the Medtronic's Renal Care Solutions Business ('RCS business', U.S.), controlled by Medtronic. The concentration is accomplished by way of purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are the following:
  - DaVita provides kidney dialysis services through a network of outpatient dialysis centres,
  - Medtronic and its parent company, Medtronic plc, are global healthcare technology companies offering medical devices and therapies, including cardiac

---

<sup>1</sup> OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation'). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ('TFEU') has introduced certain changes, such as the replacement of 'Community' by 'Union' and 'common market' by 'internal market'. The terminology of the TFEU will be used throughout this decision.

<sup>2</sup> OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

<sup>3</sup> Publication in the Official Journal of the European Union No C 39, 01.02.2023, p. 23.

- devices, surgical robotics, insulin pumps, surgical tools and patient monitoring systems,
3. The business activities of the RCS business will be the following: the research, development, manufacture, license, commercialization and distribution and sale of renal care products and other medical devices used in the treatment of patients with end-stage renal disease (including dialysis machines, related items used in connection with dialysis treatments, catheters and other devices used in connection with the creation or maintenance of vascular access).
  4. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.<sup>4</sup>
  5. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation and Article 57 of the EEA Agreement.

*For the Commission*

*(Signed)*  
*Olivier GUERSENT*  
*Director-General*

---

<sup>4</sup> OJ C 366, 14.12.2013, p. 5.