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PUBLIC VERSION

Bundesministerium für Wirtschaft und Klimaschutz
Scharnhorststraße 34-37
10115 Berlin
Germany

Niedersächsisches Finanzministerium
Schiffgraben 10
30159 Hannover
Germany

Subject: **Case M.11733 – BMWK / MOF NDS / MEYER GERMANY**
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004[1] and Article 57 of the Agreement on the European Economic Area[2]

Dear Sir or Madam,

(1) On 4 November 2024, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the German Federal Ministry for Economic Affairs and Climate Action ('BMWK', Germany), through its subsidiary Meyer Werft Beteiligungs GmbH (Germany) and the Ministry of Finance of the State of Lower Saxony ('MoF NDS', Germany), through its subsidiary Hannoversche Beteiligungsgesellschaft Niedersachsen mbH (Germany), intend to acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Meyer Werft GmbH ('Meyer Germany', Germany), by way of purchase of shares.[3]

(2) The business activities of the undertakings concerned are the following:

– BMWK holds majority shareholdings in multiple private companies and currently has no commercial activities in relation to ship construction,

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1 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.

2 OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

3 OJ C, C/2024/6856, 12.11.2024.

– MoF NDS holds majority shareholdings in multiple private companies and currently has no commercial activities in relation to ship construction,

– Meyer Germany is mainly active in the construction and sale of cruise ships –for both river and sea/ocean cruises– of all sizes up to 185 000 gross tonnage.

(3) 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 treatment for certain concentrations under Council Regulation (EC) No 139/2004.[4]

(4) For the reasons set out in the Notice on a simplified treatment, 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

4 OJ C 160, 5.5.2023, p. 1 (the 'Notice on a simplified treatment').