Prior notification of a concentration

(Case M.10788– UTUM / SCHWARZ GROUP / APPLIEDAI)

Candidate case for simplified procedure

(Text with EEA relevance)

(2022/C 218/07)

1. On 23 May 2022, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ([1]).

This notification concerns the following undertakings:

— UnternehmerTUM Group ('UTUM', GERMANY), ultimately controlled by Ms. Susanne Klatten,

— Schwarz Dienstleistung KG (GERMANY), ultimately controlled by the Schwarz Group,

— UnternehmerTUM Solutions GmbH ('appliedAI', GERMANY), currently controlled by UTUM.

UTUM and the Schwarz Group will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of appliedAI.

The concentration is accomplished by way of purchase of shares.

2. The business activities of the undertakings concerned are the following:

— UTUM operates a centre for innovation and business creation in Europe and offers a wide range of entrepreneurial qualification programs for students, scientists and professionals as well as start-up consulting, research and qualification services as well as a strong founder network,

— Schwarz Group is active mainly in food retailing through its retail chains Lidl and Kaufland, in the production of food for its retail companies and in the collection, sorting, processing and recycling of waste as an integrated service provider in the field of waste management.

3. AppliedAI will include the current applied artificial intelligence research and consulting activities of UTUM, and will provide research, software and consulting services to European businesses. Moreover, appliedAI will form a wholly owned non-profit subsidiary, which will develop a European research and education center for AI.

4. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004 ([2]) it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

5. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

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([1]) OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').
([2]) OJ C 366, 14.12.2013, p. 5.

Observations can be sent to the Commission by email, by fax, or by post. Please use the contact details below:

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