C/2023/1089

21.11.2023

Prior notification of a concentration

(Case M.11306 – SMARTSELLER / FNSG / SMARTSELLER FN (JV))

Candidate case for simplified procedure

(Text with EEA relevance)

(C/2023/1089)

1. On 10 November 2023, 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:

— Smartseller GmbH & Co. KG ('smartseller'), jointly controlled by Gebr. Heinemann SE Co. KG ('GH'), both of Germany, and Orior AG ('Orior'), Switzerland, through its indirect subsidiary casualfood GmbH ('cf'), Germany,

— Flughafen Nürnberg Service Gesellschaft mit beschränkter Haftung ('FNSG'), a 100 % subsidiary of Flughafen Nürnberg Gesellschaft mit beschränkter Haftung ('FNG'), jointly controlled by the City of Nuremberg and the State of Bavaria, all of Germany,

— Smartseller Flughafen Nürnberg GmbH & Co. KG ('smartseller FN', Germany) currently under FNSG's sole control.

Smartseller will acquire together with FNSG joint control of smartseller FN ('the Joint Venture') within the meaning of Articles 3(1)(b) and 3(4) of the Merger Regulation.

The concentration is accomplished by way of purchase of shares.

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

— Smartseller operates duty free/travel value shops at the airports of Münster/Osnabrück, Leipzig/Halle (both in Germany) and Ljubljana (Slovenia). Smartseller also provides concession food services at these airports.

— GH operates travel retail outlets at international airports and is also active in the sale of travel retail products to airport operators, airlines, cruise ship and ferry operators, border shops and retail in free trade zones.

— Orior, provides catering facilities and travel accessories such as neck cushions and smaller tobacco goods as ancillary services.

— FNSG is active in the operation of shops including an existing duty-free shop at the airport of Nuremberg, Germany, as well as parking facilities.

— FNG is the operator of the Nuremberg airport.

— The Joint Venture will operate the duty free/travel value shop previously held by FNSG and provide concession food services at the airport of Nuremberg, Germany.

3. 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.

4. Pursuant to the Commission Notice on a simplified treatment for certain concentrations under Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings ([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.

([1]) OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').
([2]) OJ C 160, 5.5.2023, p. 1.

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

M.11306 – SMARTSELLER / FNSG / SMARTSELLER FN (JV)

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

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