

***Case No COMP/M.3726 -  
DANSK  
SUPERMARKED /  
NETTO***

Only the English text is available and authentic.

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

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Article 6(1)(b) NON-OPPOSITION  
Date: 25/04/2005

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 25.04.2005

SG-Greffe(2005) D/201933

PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party:

Dear Madam(s) and/or Sir(s),

**Subject: Case No. COMP/M.3726 – Dansk Supermarked/Netto  
Notification of 18.03.2005 pursuant to Article 4 of Council Regulation (EC) No.  
139/2004<sup>1</sup>  
Publication in the Official Journal of the European Communities No. C 081,  
02.04.2005, page 6.**

1. On 18/03/2005, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertaking Dansk Supermarked A/S (“DS”, Denmark), jointly controlled by A.P. Møller – Mærsk Group (“A.P. Møller”, Denmark) and F. Salling A/S (“F. Salling”, Denmark), acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Offene Handelsgesellschaft Netto Supermarkt GmbH & CO (“NS”, Germany) by way of purchase of shares. NS is currently jointly controlled by DS and ITM Enterprises S.A.

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<sup>1</sup> OJ L 24, 29.1.2004 p. 1.

2. The business activities of the undertakings concerned are:
- for DS : retail of daily consumer goods mainly in Denmark,
  - for A.P. Møller: mainly shipping, oil drilling, shipbuilding, aviation and retail,
  - for F. Salling: primarily active in the retail sector in Denmark,
  - for NS: retail of daily consumer goods in Germany.
2. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No. 139/2004 and of paragraph 5, subparagraph (c) and (d) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004<sup>2</sup>.
3. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EC) No. 139/2004.

For the Commission

*(signed)*  
Neelie KROES  
Member of the Commission

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<sup>2</sup> OJ C 56, 05.3.2005 p.32