



EUROPEAN COMMISSION
DG Competition

Case M.8433 - ZALANDO / BESTSELLER UNITED / JV

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 16/06/2017

***In electronic form on the EUR-Lex website under document
number 32017M8433***



EUROPEAN COMMISSION

Brussels, 16.6.2017
C(2017) 4287 final

PUBLIC VERSION

To the notifying parties

**Subject: Case M.8433 – Zalando/Bestseller United/JV
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

Dear Sir or Madam,

1. On 15 May 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Zalando SE (Germany) and BESTSELLER United A/S (Denmark) acquire within the meaning of Article 3(4) of the Merger Regulation joint control of a joint venture company, Fashiontrade.com B.V. (the Netherlands) by way of a capital increase in Fashiontrade.com B.V. after which Zalando SE and BESTSELLER United A/S will each hold 50% of the share capital in the joint venture.³
2. The business activities of the undertakings concerned are:
 - for Zalando SE: Zalando SE is active in the B2C (retail) sale of clothing and footwear products. On its online e-commerce platform, consumers can purchase an extensive selection of clothing and footwear from many different brands. It also sells clothing and footwear products in its online outlet shop. In addition, Zalando provides B2C e-commerce platform services and other brand solution services.

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 Publication in the Official Journal of the European Union No C 164, 24.5.2017, p. 7.

- for BESTSELLER United A/S: BESTSELLER United A/S is an international fashion company with a range of different fashion brands. It is active in B2B (wholesale) and B2C (retail) sale of clothing and footwear products under different brands.
 - for Fashiontrade.com B.V.: Fashiontrade.com B.V. will be active on the market as a provider of B2B e-commerce platform services. The platform will connect fashion brands (wholesalers) with retailers.
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 procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴
4. 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)

Johannes LAITENBERGER
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.