



EUROPEAN COMMISSION
DG Competition

***Case M.8540 - KUEHNE + NAGEL / KUEHNE + NAGEL
DRINKSFLOW LOGISTICS***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 08/02/2018

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Brussels, 08.02.2018
C(2018)892 final

PUBLIC VERSION

To the notifying party :

**Subject: Case M.8540 - KUEHNE + NAGEL / KUEHNE + NAGEL DRINKSFLOW LOGISTICS
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 08 January 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking Kuehne + Nagel Limited ("K+N", United Kingdom) acquires within the meaning of Article 3(1)(b) of the Merger Regulation sole control over the whole of the undertaking Kuehne + Nagel Drinkflow Logistics Holdings Limited ("K+NDL", United Kingdom), a company jointly controlled by K+N and Heineken UK Limited ('Heineken') and which is the parent company of Kuehne + Nagel Drinkflow Logistics Limited ('K+NDL AssetCo'), by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for K+N: provision of contract logistics services in the United Kingdom. K+N's business activities include storage, warehousing and distribution of food, beverage and general goods;
 - for K+NDL: provision of drinks distribution services in the United Kingdom.
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(d) of

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 19, 19.01.2018, p. 17.

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.