



EUROPEAN COMMISSION
DG Competition

Case M.9245 - BAC / MARRIOTT / AIRHOTEL BVBA

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 21/02/2019

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EUROPEAN COMMISSION

Brussels, 21.02.2019
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PUBLIC VERSION

To the notifying parties:

Subject: Case M.9245 – BAC/Marriott/Airhotel BVBA
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 25 January 2019, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation, by which the undertakings Brussels Airport Company NV (“BAC”, Belgium), jointly controlled by the Ontario’s Teachers Pension Plan (“OTTP”, Canada), the Macquarie Group (Australia) and La Société Fédérale de Participations et d’Investissement/De Federale Participatie- en Investeringsmaatschappij (“SFPI/FPIM”, Belgium), and Marriott International, Inc. (“Marriott”, United States of America) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of Airhotel Belgium BVBA (“Airhotel”, Belgium), which owns the hotel Sheraton Brussels Airport, by way of purchase of shares and a pre-existing hotel management agreement.³
2. The business activities of the undertakings concerned are:
 - for BAC: the owner and operator of Brussels Airport, an international airport located in Zaventem, Belgium,
 - for Marriott: a diversified hospitality company, which acts as a manager and franchisor of hotels and timeshare properties,

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 39, 1.2.2019, p. 23.

- for Airhotel: the owner of the Sheraton Brussels Airport, a hotel located on the Brussels Airport site.
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 paragraphs 5(a) and 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.