



EUROPEAN COMMISSION
DG Competition

***Case M.10788 - UTUM / SCHWARZ
GROUP / APPLIEDAI***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 23/06/2022

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EUROPEAN COMMISSION

Brussels, 23.06.2022
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PUBLIC VERSION

UnternehmerTUM GmbH
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D-85748 Garching
Germany

Schwarz Dienstleistung KG
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D-74172, Neckarsulm
Germany

**Subject: Case M.10788 – UTUM / SCHWARZ GROUP / APPLIEDAI
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 23 May 2022, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertaking(s) UnternehmerTUM Group (“UTUM”, Germany) ultimately controlled by Ms. Susanne Klatten, and Schwarz Dienstleistung KG (Germany), ultimately controlled by the Schwarz Group (Germany), will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of the undertaking UnternehmerTUM Solutions GmbH (“appliedAI”, Germany), currently controlled by UTUM, by way of purchase of shares.³
2. The business activities of the undertakings concerned are the following:
 - UTUM operates a centre for innovation and business creation in Europe and offers a wide range of entrepreneurial qualification programs for students, scientists and professionals as well as start-up consulting, research and qualification services as well as a strong founder network,

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 218, 02.06.2022, p. 11.

- Schwarz Group is active mainly in food retailing through its retail chains Lidl and Kaufland, in the production of food for its retail companies and in the collection, sorting, processing and recycling of waste as an integrated service provider in the field of waste management.
 - AppliedAI will include the current applied artificial intelligence research and consulting activities of UTUM, and will provide research, software and consulting services to European businesses. Moreover, appliedAI will form a wholly owned non-profit subsidiary, which will develop a European research and education center for AI.
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(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)
Olivier GUERSENT
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.