



EUROPEAN COMMISSION
DG Competition

***Case M.9142 –
REWE/LEKKERLAND***

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

Article 4(4)
Date: 8.7.2019



EUROPEAN COMMISSION

Brussels, 8.7.2019
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PUBLIC VERSION

In the published version of this decision, some information has been omitted pursuant to Article 17(2) of Council Regulation (EC) No 139/2004 concerning non-disclosure of business secrets and other confidential information. The omissions are shown thus [...]. Where possible the information omitted has been replaced by ranges of figures or a general description.

To the notifying party

Bundeskartellamt

Bundeswettbewerbsbehörde

Subject: Case M.9142 – REWE/LEKKERLAND
Commission decision following a reasoned submission pursuant to Article 4(4) of Regulation No 139/2004¹ for partial referral of the case to Germany and Austria and Article 57 of the Agreement on the European Economic Area²

Date of filing: 29 May 2019

Legal deadline for response of Member States: 24 June 2019

Legal deadline for the Commission decision under Article 4(4): 8 July 2019

Dear Sir or Madam,

1. INTRODUCTION

(1) On **29 May 2019**, the Commission received a reasoned submission requesting the partial referral of the proposed acquisition of Lekkerland by REWE (the

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”).

‘Transaction’), pursuant to Article 4(4) of the Merger Regulation (the ‘Reasoned Submission’).³ The Reasoned Submission specifically requests that the effects of the Transaction on the German and Austrian markets be examined by the competent authorities of Germany and Austria, respectively, and that, as a result, the case be partially referred to the German Bundeskartellamt and the Austrian Bundeswettbewerbsbehörde. The Notifying Party will notify the Transaction with respect to its effects outside Germany and Austria, to the Commission.

- (2) The Commission transmitted a copy of the Reasoned Submission to all Member States on **29 May 2019**.
- (3) By letter of **24 June 2019**, the German Competition Authority (‘*Bundeskartellamt*’), as the competent authority of Germany, informed the Commission that Germany agrees with the proposed referral.
- (4) The deadline for the Austrian Competition Authority (‘*Bundeswettbewerbsbehörde*’), as the competent authority of Austria, to express its agreement or disagreement with the request was set for **24 June 2019**. The Commission did not receive a response within the set deadline. In accordance with Article 4(4) of the Merger Regulation, the *Bundeswettbewerbsbehörde* is therefore deemed to have agreed with the request for referral.

2. THE PARTIES

- (5) REWE-ZENTRALFINANZ eG (‘REWE’ or ‘Notifying Party’, Germany) is a company mainly active in the retail distribution of daily consumer goods and in tourism in Germany, Austria, Bulgaria, Croatia, the Czech Republic, Hungary, Italy, Lithuania, Slovakia, Romania, Russia and Ukraine. It operates supermarkets, beverage stores, discounters, DIY stores, drugstores and bakeries/butchers.
- (6) Lekkerland AG & Co. KG and Lekkerland AG (jointly ‘Lekkerland’, Germany) are active in the distribution of daily consumer goods such as food-to-go, non-food articles and e-loading solutions, and tobacco mainly in Germany, Austria, Belgium, Spain (including deliveries from Spain to Portugal), the Netherlands, Switzerland and Luxembourg. Its customers are amongst others petrol stations, food retail & speciality stores, convenience stores, lottery stores, kiosks, bakeries and organised foodservices.

3. THE OPERATION AND CONCENTRATION

- (7) The Transaction involves the acquisition of sole control over Lekkerland by REWE (together ‘the Parties’) within the meaning of Article 3(1)(b) of the Merger Regulation. Pursuant to a share purchase agreement signed by the Parties on 28 May 2019, REWE will purchase 100% of the partnership interest in Lekkerland AG & Co. KG and the shares in its general partner Lekkerland AG.

³ Council Regulation 139/2004 of 20 January 2004 on the control of concentrations between undertakings, [2004] O.J. L 24/1 (the “Merger Regulation”). According to Article 4(4) of the Merger Regulation, the parties to a concentration of EU dimension may request, before a formal notification has been made to the Commission, that their operation be examined in whole or in part by the Member State(s) where the concentration may significantly affect competition in a market that presents all the characteristics of a distinct market.

4. EU DIMENSION

- (8) The undertakings concerned have a combined aggregate worldwide turnover of more than EUR 5 000 million. Each of them has an EU-wide turnover in excess of EUR 250 million. While REWE achieves more than two-thirds of its EU-wide turnover in Germany, Lekkerland does not.
- (9) The concentration has an EU dimension within the meaning of Article 1(2) of the Merger Regulation.

5. ASSESSMENT

- (10) At the outset, since the Notifying Party has only requested that the effects of the Transaction on German markets be examined by the competent authority in Germany and that the effects of the Transaction on Austrian markets be examined by the competent authority of Austria, the remainder of the concentration will be assessed by the Commission. According to the Reasoned Submission, the remainder of the concentration comprises: (i) the Parties' activities in Belgium, The Netherlands and Spain which do not give rise to horizontal overlaps or vertical relations; and (ii) the Parties' activities in Bulgaria, Croatia, Italy and Slovakia where vertical relations do not give rise to affected markets.
- (11) The following assessment therefore only relates to the effects of the concentration in Germany and Austria.
- (12) Based on the information contained in the Reasoned Submission, the effects of the concentration in Germany and Austria concern the procurement, wholesale and retail of daily consumer goods as well as of tobacco, and will lead to several horizontally and vertically affected markets in Germany and Austria.

5.1. Relevant markets

5.1.1. Procurement market for daily consumer goods in Germany and Austria

- (13) According to the Reasoned Submission, while REWE is a retailer and Lekkerland a wholesale distributor, both Parties purchase daily consumer goods from producers. The Transaction will therefore lead to an overlap on the relevant procurement markets.
- (14) The Commission has previously defined a separate market for the procurement of daily consumer goods, comprising the purchase of daily consumer goods by customers such as wholesalers, retailers and other firms from producers.⁴
- (15) In its decisional practice,⁵ the Commission considered a segmentation of that market into 19 relevant product markets corresponding to different types of goods.⁶ In one

⁴ M.7920 – *Netto/J Sainsbury/Dansk Supermarked/New Edlington/Hedon/Roundhay Road*, para. 19; M.7224 – *Koninklijke Ahold/Spar CZ*, para. 10; M.1221 – *Rewe/Meinl*, para. 81.

⁵ M.7920 – *Netto/J Sainsbury/Dansk Supermarked/New Edlington/Hedon/Roundhay Road*, para. 20; M.7224 – *Koninklijke Ahold/Spar CZ*, para. 10; M.5112 – *Rewe/ Plus Discount*, paras. 21 *et seq.*; M.1221 – *Rewe/Meinl*, paras. 77–81.

⁶ (i) Meat and sausages, (ii) poultry and eggs, (iii) bread and pastries, (iv) dairy products, (v) fresh fruits and vegetables, (vi) beer, (vii) wine and spirits, (viii) non-alcoholic beverages, (ix) hot beverages, (x) confectionery, (xi) basic foodstuffs, (xii) preserved foods, (xiii) frozen foods, (xiv) baby foods,

precedent,⁷ the Commission also considered a different segmentation of the procurement market for daily consumer goods into 23 product categories.⁸ However, this precedent, which related to Romania, included products typically sold in hypermarkets but not in supermarkets (e.g., large domestic electrical appliances, hi-fi/audio, TV/video). According to the Reasoned Submission, REWE operates supermarkets and discounters so that the sub-segmentation into 19 product categories seems more appropriate for the purposes of this referral.⁹

- (16) The Commission concludes that, in any event, the exact definition of the sub-segments can be left open for the purpose of this decision, as there is no indication that the outcome of the assessment would be different under any of these two plausible product market definitions.
- (17) As regards the relevant geographic definition, the Commission has historically defined the market for the procurement of daily consumer goods and its sub-segments as national in scope.¹⁰
- (18) In accordance with the Commission's decisional practice, the Parties provided in the Reasoned Submission market shares for 19 product categories at national level.

5.1.2. Wholesale distribution of daily consumer goods in Austria and, potentially, in Germany

- (19) According to the Reasoned Submission, the Parties' activities only overlap with regard to delivered wholesale consumer goods in Austria and in Germany.

(xv) pet foods, (xvi) cosmetic/body care products, (xvii) detergent, polishes, cleaning products, (xviii) other drugstore products, (xix) other non-food products usually found in supermarkets (e.g., newspapers, magazines, entertainment).

⁷ M.7933 – *Carrefour/Billa Romania and Billa Invest Construct*, para. 17.

⁸ (1) Liquids (including soft drinks, beer and cider, water, still wine, sparkling wine and spirits); (2) hardware store products (including cleaning products, sponges, toilet paper and kitchen rolls, deodorants, insecticides, household soaps, washing products, water softeners, washing-up liquids, dishwasher products, all-purpose cleaning products/detergents); (3) perfumes/hygiene products (paper or cotton hygiene/sanitary products, perfumes, health-care products); (4) dry groceries (including breakfast products, sweet biscuits, cakes, confectionery, desserts, cake-making ingredients, baby foods, soups, pasta, starch-containing foodstuffs, preserves and prepared foods, condiments and seasonings, aperitif products, pet foods); (5) parapharmaceutical products; (6) perishable goods sold on a self-service basis (dairy products and eggs, poultry, frozen foods, ice cream, factory-made pastries and bread); (7) delicatessen (prepared meat products and seafood); (8) fish; (9) fruit and vegetables; (10) fresh bread and cakes; (11) meat; (12) do-it-yourself; (13) home decorating; (14) culture; (15) toys/leisure/relaxation; (16) gardening; (17) motor car accessories; (18) large domestic electrical appliances; (19) small domestic electrical; (20) photography/movie-making; (21) hi-fi/audio; (22) TV/video; and (23) textiles.

⁹ The Commission also previously considered, but left open, whether a further distinction should be made between different sales channels, such as food-retailing, specialised trade, delicatessen, cash and carry stores and other wholesalers, drugstores and export trade. See M.7920 – *Netto/J Sansbury/Danks Supermarked/New Edlington/Hedon/Roundhay Road*, para. 19; M.7933 – *Carrefour/Billa Romania and Billa Invest Construct*, para. 16; M.1221 – *REWE/Meinl*, para. 81. The Parties submit that the market for procurement of daily consumer goods should not be broken down by sales channel. For purposes of the present referral, the relevance of this further segmentation can be left open as it does not affect the outcome of the analysis.

¹⁰ M.7933 – *Carrefour/Billa Romania and Billa Invest Construct*, para. 19; M.7224 – *Koninklijke Ahold/Spar CZ*, para. 12; with regard to a national Austrian market: M.1221 – *REWE/Meinl*, paras.-82-87.

- (20) While the Notifying Party submits that it is not active as a general wholesaler in Germany, the Commission notes that, according to the Reasoned Submission, the Notifying Party supplies the company-owned dealer-operated petrol stations of BP/ARAL in the context of a purchasing alliance with BP/ARAL under a franchise like supply agreement with daily consumer goods and tobacco products. Therefore, the Commission considers that further investigation is needed to determine whether this activity is to be assessed as wholesale of consumer goods in Germany.
- (21) The Parties argue in the Reasoned Submission that, in accordance with the decisional practice of the *Bundeskartellamt*,¹¹ the definition of the relevant product market should distinguish between the cash & carry wholesale and the delivered wholesale supply of daily consumer goods.
- (22) In its decisional practice, the Commission has considered the wholesale distribution of daily consumer goods as a relevant product market comprising sales to third parties (incl. certain groups of retailers, hotels, restaurants and other large customers) by manufacturers, traditional wholesalers and cash & carry outlets.¹²
- (23) As regards the relevant geographic definition, the Commission has historically defined the market for the wholesale supply of daily consumer goods as national in scope.¹³ In contrast, the *Bundeskartellamt* considered the geographic market for cash & carry wholesale to be narrower and limited to radii of 30km around each outlet.¹⁴ The Parties submit that the geographic scope of the market is national.
- (24) Therefore, the Commission considers that for the purpose of this decision, the question whether the relevant product market of wholesale distribution of daily consumer goods should be further segmented in line with distribution modes can be left open, as there is no indication that the outcome of the assessment would be different under any of these plausible product market definitions. The plausible relevant geographic markets would be at most national in scope and potentially sub-national. The exact geographic market definition can also be left open since any such plausible markets would amount to a “*market within a Member State which presents all the characteristics of a distinct market*” within the meaning of Article 4(4) of the Merger Regulation.

5.1.3. Retail sale of daily consumer goods in Germany and Austria

- (25) The Notifying Party submits that Lekkerland has no relevant retail activities in relation to daily consumer goods in Germany and Austria. However, Lekkerland is active as wholesaler and REWE as retailer. There is, therefore, a vertical link between the Parties’ respective activities including the retail sale of daily consumer goods as the downstream market.
- (26) In previous cases, the Commission has found that, within the retail segment, a separate product market exists for the sale of daily consumer goods mainly carried out by retail outlets such as hypermarkets, supermarkets and discount chains

¹¹ Bundeskartellamt, B2-125/10 – *EDEKA/Ratio*, case summary page 2.

¹² M.2161 – *Ahold/Superdiplo*, para. 15.

¹³ M.2161 – *Ahold/Superdiplo*, paras. 22 *et seq.*

¹⁴ Bundeskartellamt, B2-125/10 – *EDEKA/Ratio*, case summary page 2.

(so-called ‘modern distribution channels’).¹⁵ These retail outlets offer consumers a basket of fresh and dry foodstuffs and non-food household consumables sold in a supermarket environment.

- (27) The geographic scope of the market for the retail of daily consumer goods has generally been considered by the Commission to be local in scope, as delineated by the boundaries of a territory where the outlets can be reached easily by consumers. From a demand-side, the Commission has taken into account radii of between 10 and 30 minutes driving time.¹⁶ This territory can be local or broader (regional or national) if different local areas are connected in a way that it results in overlapping circles.¹⁷
- (28) In their Reasoned Submission, the Parties maintain that the purely vertical effects of the Transaction will be the same across the entire national market so that, at least for the purpose of the referral, the relevant market should be considered as national in scope.
- (29) The Commission considers in line with its previous practice that the relevant product market comprises the sale of daily consumer goods mainly carried out by retail outlets. For the purpose of this decision, it can be left open whether the relevant geographic market is national or smaller than national in scope since, in any event, any such market would amount to a *market within a Member State which presents all the characteristics of a distinct market* within the meaning of Article 4(4) of the Merger Regulation.

5.1.4. Procurement of tobacco products in Germany

- (30) According to the Reasoned Submission, both Parties are active in the procurement of tobacco products (including accessories such as cigarette rolling paper, filters, filling machines, matches and lighters) in Germany.
- (31) The Parties submit that, in line with the findings of the *Bundeskartellamt* in a previous case,¹⁸ there is a separate product market for the procurement of tobacco.
- (32) While there is no relevant precedent in the decisional practice of the Commission regarding the procurement of tobacco products, the Commission’s findings of limited supply-side substitutability with regard to the different product categories within the procurement of daily consumer goods,¹⁹ make a separate procurement market of tobacco products seem plausible. Such finding would be in line with a recent similar conclusion by the *Bundeskartellamt*.²⁰

¹⁵ M.7933 – *Carrefour/Billa Romania and Billa Invest Construct*, para. 14; M.5176 – *CVC/Schuitema*, para. 8; M.5112 – *Rewe/Plus Discount*, para. 15; M.5047 – *REWE/Adeg*, para. 24.

¹⁶ M.7920 – *Netto/J Sainsbury/Dansk Supermarked/New Edlington/Hedon/Roundhay Road*, para. 17; M.6506 – *Groupe Auchan/Magyar Hipermarket*, para. 17; M.5176 – *CVC/Schuitema*, para. 12.

¹⁷ M.7920 – *Netto/J Sainsbury/Dansk Supermarked/New Edlington/Hedon/Roundhay Road*, para. 17; M.5176 – *CVC/Schuitema*, para. 12; M.1221 – *REWE/Meinl*, paras. 18–20.

¹⁸ *Bundeskartellamt*, B2-333/07 – *EDEKA/Tengelmann*, p. 96 with reference to Annex 5.

¹⁹ M.7920 – *Netto/J Sainsbury/Dansk Supermarked/New Edlington/Hedon/Roundhay Road*, para. 20; M.7224 – *Koninklijke Ahold/Spar CZ*, para. 10; M.5112 – *Rewe/ Plus Discount*, para. 21; M.4590 – *Rewe/Delvita*, para. 15.

²⁰ *Bundeskartellamt*, B2-333/07 – *EDEKA/Tengelmann*, p. 96.

- (33) As regards the relevant geographic market, the Parties provide arguments supporting a possible geographic market at both national and EEA level. Ultimately, as national regulatory regimes vary and procurement mainly takes place on a national level and via national legal entities, they conclude that the relevant geographic market should be defined as national in scope.
- (34) The Commission finds that, for the purpose of the assessment of this referral request (i) the procurement of tobacco products may be considered as a separate product market, and (ii) the relevant geographic market is national.

5.1.5. Wholesale of tobacco products in Germany

- (35) According to the Reasoned Submission, Lekkerland is active in the wholesale of tobacco products and REWE sells tobacco products to end consumers at the retail level. Therefore, the Transaction brings about a vertical link between these two activities in Germany including wholesale of tobacco products as the upstream market.
- (36) In previous cases, the Commission has found that there is a separate market for the wholesale distribution of tobacco products as the distribution of tobacco products requires specific knowledge about regulatory and tax issues.²¹
- (37) In the Reasoned Submission, the Parties submit that, due to regulatory and fiscal reasons, the wholesale distribution of manufactured tobacco products should be distinguished from the distribution of non-tobacco goods.
- (38) The Commission has defined the geographic market for the wholesale of tobacco products as national in scope.²²
- (39) In view of the above, the Commission concludes that the relevant product market is the wholesale distribution of tobacco products and the relevant geographic market is national in scope.

5.2. Assessment

- (40) On the basis of the information provided by the Parties in the Reasoned Submission, the Transaction is an appropriate candidate for pre-filing referral from the Commission to the *Bundeskartellamt* as regards the effects of the Transaction on German markets, and to the *Bundeswettbewerbsbehörde* in Austria as regards the effects of the Transaction on Austrian markets, in accordance with Article 4(4) of the Merger Regulation.
- (41) The Transaction meets the legal requirements set out in Article 4(4) of the Merger Regulation. The Transaction is a concentration within the meaning of Article 3 of the Merger Regulation, it has an EU dimension and it may significantly affect competition in distinct markets in Germany and Austria.
- (42) The relevant geographic markets present all the characteristics of distinct markets. As outlined above, the merged entity will be active within the Germany and Austria

²¹ M.4581 – *Imperial Tobacco/Altadis*, recitals 18 *et seq*; M.3553 – *Logista/Etinera/Terzia*, para. 19 (with regard to Italy).

²² M.4581 – *Imperial Tobacco/Altadis*, recital 21.

as regards the procurement, wholesale and retail of daily consumer goods as well as of tobacco.

- (43) Moreover, the Transaction will lead to several affected markets in Germany and Austria. Based on the information provided by the Parties, the Transaction may significantly affect competition in these affected markets.

5.2.1. Horizontal overlaps

- (44) In Germany, the Transaction gives rise to affected markets in relation to three product categories within the procurement of daily consumer goods, namely (1) beer, (2) hot beverages, (3) confectionary (with combined market shares of [20-30]%, [20-30]% and [20-30]%, respectively), as well as for (4) the procurement of tobacco products (with a combined market share of [30-40]%), and (5) the wholesale supply of tobacco products (Lekkerland alone has a market share of [50-60]%). Other affected markets cannot be excluded.²³

- (45) In Austria, the Transaction results in affected markets for all 19 sub-segments according to the product categories for the procurement of daily consumer goods discussed in Section 5.1.1 (with combined market shares ranging from [20-30]% to [40-50]%). Other affected markets cannot be excluded.²⁴

5.2.2. Vertical relations

- (46) Based on the Parties' Reasoned Submission, the Transaction gives rise to vertically affected markets regarding (1) the upstream market for the wholesale supply of tobacco products in Germany (Lekkerland has a market share of [50-60]%), and (2) the downstream market for the retail supply of daily consumer goods in Austria (REWE's market share amounts to [30-40]%).

5.2.3. Additional factors

- (47) In addition to the factors mentioned in Article 4(4) of the Merger Regulation, a referral is appropriate because the *Bundeskartellamt*²⁵ as well as the *Bundeswettbewerbsbehörde*²⁶ have substantial experience and expertise in examining the markets in question. This experience is based on several merger control cases involving, among others, wholesalers of daily consumer goods. Furthermore, the *Bundeskartellamt* conducted an extensive sector investigation with regard to the German retail market in September 2014.²⁷ Therefore, both authorities

²³ Based on the Parties' estimate, their combined market share remains to just below 20% in other product categories within the market for procurement of daily consumer goods. Moreover, the Parties' combined market share with regard to the market for sub-distribution / national POS agency of e-loading in Germany amounts to [10-20]%.

²⁴ Based on the Parties' estimate, their combined market share with regard to the market for sub-distribution / national POS agency of e-loading in Austria amounts to [10-20]%.

²⁵ Bundeskartellamt, B2-96/14 – EDEKA/Tengelmann; B2-51/16 – REWE/Coop; B2-52/10 – Edeka Rhein-Ruhr/trinkgut/u.a.

²⁶ Bundeswettbewerbsbehörde, BWB/Z-2725 – Rewe-Zentralfinanz/Coopolec/Coopernic; BWB/Z-2684 – Weston Investment/Adris Grupa (tobacco and retail); BWB/Z-2116 – Coop Genossenschaften/Rewe-Zentralfinanz/u.a.; BWB/Z-2882 – EATALY Distribution DE GmbH/SIGNA Retail GmbH.

²⁷ See Bundeskartellamt, Sektoruntersuchung Lebensmitteleinzelhandel, Ergebnisse und Schlussfolgerungen, dated 24 September 2014 (https://www.bundeskartellamt.de/SharedDocs/Publikation/DE/Sektoruntersuchungen/Sektoruntersuchung%20LEH-Thesen-PM.pdf?__blob=publicationFile&v=3).

are well equipped to assess the impact of the Transaction on competition on the markets in question.²⁸

- (48) Moreover, both the German and the Austrian competition authority are familiar with the Parties to the Transaction and their respective position within these markets due to previous assessments of transactions involving them.²⁹
- (49) In addition, in several similar, previous cases, the Commission referred these cases to the relevant national competition authorities.³⁰

6. REFERRAL

- (50) Based on the information provided by the Parties in the Reasoned Submission, the case meets the legal requirements set out in Article 4(4) of the Merger Regulation as the concentration may significantly affect competition in a market within a Member State, which presents all the characteristics of a distinct market. The Commission Notice on Case Referral in respect of concentrations (the ‘Notice’) (point 17) indicates that, in seeking a referral under Article 4(4), *the requesting parties are ... required to demonstrate that the transaction is liable to have a potential impact on competition on a distinct market within a Member State, which may prove to be significant, thus deserving close scrutiny*”, and that *“such indications may be no more than preliminary in nature [...]”*.³¹ The Commission considers, on the basis of the information submitted in the Reasoned Submission, that the principal impact on competition of the Transaction is liable to take place on distinct markets in Germany and Austria. The Commission further considers that the requested referral would be consistent with point 20 of the Notice, which sets out that *[c]oncentrations ... which are likely to affect competition in markets that have a national or narrower than national scope, and the effects of which are likely to be confined to, ...a single Member State, are the most appropriate candidate cases for referral to that Member State.”*

7. CONCLUSION

- (51) For the above reasons and given that the German *Bundeskartellamt* expressed its agreement to examine the effects of the Transaction on German markets, the Commission has decided to refer the case as regards these effects for examination by the competent competition authority of Germany, the *Bundeskartellamt*. For the same reasons and given that the Austrian *Bundeswettbewerbsbehörde* is deemed to have expressed its agreement to examine the effects of the Transaction on Austrian

²⁸ See Commission Notice on Case Referral in respect of concentrations ([2005] O.J. C 56/2), paras. 9 and 19.

²⁹ As regards Germany: For example, *Bundeskartellamt* decision, 25 February 1999, B9-164/98 – *Lekkerland/Habet*; *Bundeskartellamt* decision, 14 January 2004, B9-168/03 – *Lekkerland Tabaccoland/Lekkerland Europe*; *Bundeskartellamt* decision, 31 March 2015, B2-51/16 – *REWE/coop*. As regards Austria: For example, *Bundeswettbewerbsbehörde* decision, 21 January 2016, *REWE International AG/Zielpunkt GmbH*, BWB/Z-2936.

³⁰ M.8158 – *Metro/Culruyt France*, full referral to the French competition authority, decision of 15 December 2017; M.7933 – *Carrefour/Billa Romania*, full referral to the Romanian competition authority, decision of 12 February 2016; M.7920 – *Netto/J Sainsbury/Dansk Supermarked/New Edlington/Hedon/Roundhay Road*, full referral to the UK competition authority, decision of 22 January 2016.

³¹ OJ C 56, 5.3.2005, p. 2.

markets, the Commission has decided to refer the case as regards these effects for examination by the competent competition authority of Austria, the *Bundswettbewerbsbehörde*. This decision is adopted in application of Article 4(4) of the Merger Regulation, Article 6(1) of Protocol 24 to the EEA Agreement and Article 57 of the EEA Agreement.

For the Commission

(Signed)

Johannes LAITENBERGER

Director-General