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M.11306 - SMARTSELLER / FNSG / SMARTSELLER FN (JV)

SECTION 4

Description of the concentration

This notification concerns the following undertakings:

1. smartseller GmbH & Co. KG („smartseller“), Germany, a joint venture jointly controlled by Gebr. Heinemann SE & Co. KG, Germany, and Orior AG, Switzerland (through its indirect subsidiary casualfood GmbH, Germany).
2. Flughafen Nürnberg Service Gesellschaft mit beschränkter Haftung („FNSG“), Germany, a 100% subsidiary of Flughafen Nürnberg Gesellschaft mit beschränkter Haftung, Germany, in which the City of Nuremberg, Germany and the State of Bavaria, Germany each hold 50% of the shares.

smartseller and FNSG acquire, within the meaning of Article 3(1), point (b) and Article 3(4) of the Merger Regulation, joint control of Smartseller Flughafen Nürnberg GmbH & Co. KG, Germany („smartseller FN“). smartseller FN will be a newly established full-functional joint venture in which FNSG will transfer its existing business concerning the duty free shop operated at airport of Nuremberg, Germany. smartseller will transfer certain IP rights as well as its know-how with regard to the operation of duty free shops and concession foodservices into the joint venture.

The concentration is accomplished by acquisition of shares in the newly established joint venture.

The business activities of the undertakings concerned are:

1. smartseller operates duty free/travel value shops and provides concession foodservices at the airports of Münster/Osnabrück, Leipzig/Halle, both Germany, and Ljubljana, Slovenia.
2. FNSG is a 100% subsidiary of the operator of the airport of Nuremberg, Germany, and the relevant subsidiary for the operation of shops, the existing duty free shop at the airport as well as parking facilities.
3. smartseller FN will operate the duty free/travel value shop and will provide concession foodservices at the airport of Nuremberg, Germany.