

25 June 2021

Success before the Federal Cartel Office – Luther antitrust team obtains merger control clearance for Spreewaldhof in phase II

Yesterday, the Federal Cartel Office has cleared the acquisition of the fruit and vegetable processor "Spreewaldkonserve" Golßen GmbH ("Spreewaldhof") by Andros & Cie SAS ("Andros") in the main examination procedure without conditions or obligations.

The German subsidiary of the French food group Andros takes over the fruit and vegetable processor Spreewaldkonserve Golßen. The company is particularly known for its traditional brand "Spreewaldhof" and the Spreewald gherkins. Through the sale, the company wants to secure the long-term existence of the production sites in Golßen, Schöneiche and in Szigetvár, Hungary.

After initially being inclined to prohibit the proposed merger, the Bundeskartellamt was finally convinced that the transaction could be cleared in the course of a complex main examination procedure ("Phase II") after its own intensive market analysis and continuous legal persuasion work by the competition law team led by Luther partner Dr Sebastian Janka and the legal representatives of Andros.

The Bundeskartellamt thus follows the parties' argumentation that the merger will not hinder competition in the affected market for canned fruit in any way, irrespective of market shares. Key considerations included the fact that the companies continue to operate in a competitive market with very high buying power from food retailers and that there are a large number of other competitors with high production capacities in order to be able to serve customers (at short notice).

Spreewaldhof is being advised by Luther in this procedure in a whole range of legal areas, in particular in corporate law/M&A around Luther's lead partner Dr Christian Horn. The merger control clearance means that the transaction can now be completed and the continued existence of the Spreewaldhof Group as the newest member of the Andros family can be secured.

For the shareholders of Spreewaldkonserve Golßen:

Luther, Antitrust Law: Dr Sebastian Janka, LL.M. (Partner), Roland Schiller (Associate), Dieter Engel, LL.M. (Associate).

Luther, Corporate/M&A: Dr. Christian Horn, LL.M. (Partner, Lead)

Advisor to Andros Germany:

Hengeler Mueller, Antitrust Law: Dr Markus Röhrig (Partner), Dr Anja Balitzki (Senior Associate)

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