



C/2024/2820

19.4.2024

Prior notification of a concentration
(Case M.11492 – BAYWA / NUFRI / NUBA BERRIES JV)
Candidate case for simplified procedure

(Text with EEA relevance)

(C/2024/2820)

1. On 11 April 2024, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾.

This notification concerns the following undertakings:

- BAYWA GLOBAL PRODUCE GmbH ('BayWa', Germany), controlled by BayWa AG,
- NUFRI SOCIEDAD AGRARIA DE TRANSFORMACIÓN ('Nufri', Spain), controlled by the Argilés Family.

BayWa and Nufri will acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a newly created joint venture ('Nuba Berries JV').

The concentration is accomplished by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are the following:
 - BayWa: acquisition, holding, management and sale of investments in other companies worldwide, in particular in the area of trade, marketing and logistics for fruit and vegetables, fruit and vegetables wholesale and the construction and operation of climate-controlled greenhouses,
 - Nufri: production of fresh fruit (in particular, apples, citrus and blueberries), the conservation, handling and marketing of fresh fruit and the production of concentrated and creamed juices and their derivatives mostly in the EEA. Nufri also generates electricity.
3. The business activities of the undertaking Nuba Berries JV will be the following: production, marketing, and commercialization of berries.
4. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of the Merger Regulation. However, the final decision on this point is reserved.

Pursuant to the Commission Notice on a simplified treatment for certain concentrations under Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings ⁽²⁾ it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation').

⁽²⁾ OJ C 160, 5.5.2023, p. 1.

5. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. The following reference should always be specified:

M.11492 – BAYWA / NUFRI / NUBA BERRIES JV

Observations can be sent to the Commission by email or by post. Please use the contact details below:

Email: COMP-MERGER-REGISTRY@ec.europa.eu

Postal address:

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