

**ACQUISITION BY AUCTION TECHNOLOGY GROUP GERMANY  
GMBH OF SPH SOFTWAREPARTNER HAMBURG GMBH & CO. KG**

**Variation Order made by the Competition and Markets  
Authority pursuant to section 72(4)(b) of the Enterprise Act  
2002 (the Act)**

Whereas:

- (a) the Competition and Markets Authority (CMA) made an initial enforcement order pursuant to section 72(2) of the Act in relation to the acquisition by Auction Technology Group Germany GMBH (**ATG**) of SPH Softwarepartner Hamburg GMBH & Co. KG (**Softwarepartner**) (the **Merger**) on 9 May 2018 (the **Initial Enforcement Order**);
- (b) the CMA considers that, based on the evidence it has received in its assessment of the Merger to date, it is appropriate to vary the Initial Enforcement Order because ATG has acquired the business of Softwarepartner (ie the Lot-tissimo business) and Softwarepartner has ceased to exist as a legal entity.

Now for the purposes of varying the Initial Enforcement Order the CMA hereby makes the following order pursuant to section 72(4)(b) of the Act, addressed to Turner Topco Limited (**Turner Topco**) and Auction Technology Group Germany GMBH (**ATG**) (the **Variation Order**). The Initial Enforcement Order is varied as follows:

1. The definition of ‘the Softwarepartner business’ in the Interpretation section of the Initial Enforcement Order should be replaced with the following definition:  
  
**‘the Lot-tissimo business’** means the business which was formerly carried on by Softwarepartner and its subsidiaries, and which is carried on by ATG as at the commencement date;
2. References to ‘the Softwarepartner business’ in paragraphs 4, 5 and 8 of the Initial Enforcement Order should be taken as references to ‘the Lot-tissimo business’;

3. References to 'SPH Softwarepartner Hamburg GMBH & Co. KG' in recital (a) of the Initial Enforcement Order should be taken as references to 'the Lot-tissimo business'; and
4. References to 'Softwarepartner' in the definitions of 'the ordinary course of business', 'the transaction', 'the Turner Topco business' and 'the two businesses' included in the Interpretation section of the Initial Enforcement Order shall be taken as references to 'the Lot-tissimo business'.

**Greg Bonne - Assistant Director, Mergers**

**16 May 2018**