

**MANDAT**

06.11.2013

**GLEISS LUTZ ADVISES AOK BADEN-WÜRTTEMBERG ON PRIVATISATION OF AOK CLINICS**

Gleiss Lutz has advised statutory health insurance fund AOK Baden-Württemberg on the sale of a stake in AOK-Klinik GmbH to a private investor. The successful bidder was Caritas Trägergesellschaft Saarbrücken (cts), which falls under the diocese of Trier. It will acquire a 49% stake in AOK-Klinik GmbH as of 1 January 2014. There is also an option to transfer the remaining shares from the AOK Baden-Württemberg to cts from 2017 onwards. Until then, the two shareholders will run the company together.

AOK-Klinik GmbH is currently a wholly-owned subsidiary and so-called owner-operated public enterprise of the AOK Baden-Württemberg, and operates rehabilitation clinics specialising in various areas of medicine at three different sites. By acquiring this stake, cts, which is responsible for hospitals, facilities for the elderly and child and youth welfare centres, among other things, is expanding its involvement in the field of in-patient medical rehabilitation. The transaction is still subject to approval by the competition authorities.

The operation of an independent facility of a social security organisation and the participation of a private third party are governed by special social security and budget law provisions. The entire transaction was therefore carried out on the basis of a pan-European invitation to tender as a negotiated procedure with a call for competition in accordance with the rules of European public procurement law. It involved a number of multi-faceted issues spanning a wide range of legal areas. With its inter-disciplinary Healthcare and Life Sciences focus group, Gleiss Lutz is ideally placed to assist clients with these kinds of complex transactions in the healthcare sector.

The AOK Baden-Württemberg, which has been a client of the firm for many years, was advised by the following Gleiss Lutz team: Dr. Marco König (partner, healthcare/procurement, Stuttgart), Dr. Martin Viciano Gofferje (counsel, corporate/M&A, Berlin, both lead), Johannes Schrägle, Dr. Sebastian Koehler (both corporate/M&A, Stuttgart), Dr. Christiane Freytag (counsel), Miriam Jazbinsek (both Stuttgart), Dr. Benjamin Herz (Berlin), Christine Mattes (Stuttgart, all healthcare/procurement), Prof. Dr. Gerhard Röder (partner), Mareike Schansker, Frauke Sturm (all employment, Stuttgart), Dr. Ulrich Soltész (partner), Philipp Melcher (both state aid, Brussels), Dr. Martin Raible (partner), Dr. Florian Wiesner (both antitrust, Düsseldorf) and Dörte Gauger (real estate, Stuttgart).

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## EXPERTISE

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