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## **COMP/M. 5066 - EUROGATE/APMM**

### **SECTION 1.2**

#### **Description of the concentration**

Pursuant to a Europe-wide non-mandatory tender proceeding (see Notice No. 2004/S 241-207955 of 10 December 2004), EUROGATE GmbH & Co. KGaA, KG ("EUROGATE") has been awarded a concession to operate a container terminal in Wilhelmshaven, Germany. Eurogate and Maersk A/S ("Maersk"), which is fully owned by A.P. Møller-Mærsk A/S ("APMM") and part of the AP Moller-Maersk group, intend to establish a full function joint venture, which will have as its purpose the construction, development and operation of the aforementioned container terminal in Wilhelmshaven, Germany. EUROGATE has established a company, EUROGATE Container Terminal Wilhelmshaven GmbH & Co. KG, and also a second company which is the general partner thereof, EUROGATE Container Terminal Wilhelmshaven Beteiligungsgesellschaft mbH. It is intended that Maersk will acquire a 30% share in each of these two companies ("the Proposed Transaction"). EUROGATE Container Terminal Wilhelmshaven GmbH & Co. KG will make over half of its capacity available to third parties, but it will also provide capacity for volumes of Maersk Line and its affiliated shipping lines. The Parties consider that following this acquisition EUROGATE and Maersk will have joint control of EUROGATE Container Terminal Wilhelmshaven GmbH & Co. KG and EUROGATE Container Terminal Wilhelmshaven Beteiligungsgesellschaft mbH.

EUROGATE is, amongst others, active in the supply of stevedoring services at ports in Europe.

APMM is, *inter alia*, also active in the provision of stevedoring services at ports in a number of countries worldwide, and in the provision of liner shipping services on various ocean trades around the world.

The Parties consider that the Proposed Transaction raises no competition concerns and, thus, will not significantly impede effective competition in the common market or in a substantial part of it.