

***Case No COMP/M.5423 -  
COSTA / MSC / MPCT***

Only the English text is available and authentic.

**REGULATION (EC) No 139/2004  
MERGER PROCEDURE**

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Article 6(1)(b) NON-OPPOSITION  
Date: 06/02/2009

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 06/02/2009  
SG-Greffe(2009) D/672  
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PUBLIC VERSION

MERGER PROCEDURE  
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

**To the notifying parties:**

Dear Madam(s) and/or Sir(s),

**Subject: Case No COMP/M.5423 - COSTA / MSC / MPCT  
Notification of 06/01/2009 pursuant to Article 4 of Council Regulation (EC) No 139/2004<sup>1</sup>.  
Publication in the Official Journal of the European Union No C 10, 15/01/2009,  
p. 22.**

1. On 06/01/2009, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Costa Crociere S.p.A. ("Costa", Italy) controlled by Carnival Corporation & plc (US) and MSC CROCIERE S.A. ("MSC", Switzerland) controlled by the Mediterranean Shipping Company Holding S.A. acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of Marseille Provence Cruise terminal S.A.S. ("MPCT", France), a newly created company constituting a joint venture.

The business activities of the undertakings concerned are:

- for Costa: operation of cruise ships;
- for MSC: operation of cruise ships;

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<sup>1</sup> OJ L 24, 29.1.2004, p. 1.

- for MPCT: management of the cruise terminal covered by the concession awarded by Port Autonome de Marseille.
2. After examination of the notification, the Commission has concluded that the notified operation falls within the scope of Council Regulation (EC) No 139/2004 and of paragraph 5(a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004<sup>2</sup>.
  3. For the reasons set out in the Notice on a simplified procedure, the Commission has decided not to oppose the notified operation and to declare it compatible with the common market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of Council Regulation (EC) No 139/2004.

For the Commission

*(signed)*

Philip LOWE  
Director General

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<sup>2</sup> OJ C 56, 05.3.2005, p. 32.