

EN

***Case No COMP/M.6346 -
APMT / BOLLORE /
CONGO TERMINAL***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 12/04/2012

***In electronic form on the EUR-Lex website under document
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EUROPEAN COMMISSION

Brussels, 12.04.2012
C(2012)2495

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

**Subject: Case No COMP/M.6346 – APMT / BOLLORE / CONGO TERMINAL
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 9 March 2012, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings APM Terminals B.V. ("APMT") a wholly owned subsidiary of A.P. Møller-Mærsk A/S ("APMM", The Netherlands), and Bolloré Africa Logistics, ultimately controlled by Bolloré S.A. ("Bolloré", France), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of the undertaking Congo Terminal S.A. (Congo) by way of purchase of shares².

2. The business activities of the undertakings concerned are:
 - for APMT: subsidiary of APMM, which develops and operates container terminals and related activities worldwide, containerized liner shipping, inland

¹ OJ L 24, 29.1.2004, p. 1 ("the Merger Regulation"). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ("TFEU") has introduced certain changes, such as the replacement of "Community" by "Union" and "common market" by "internal market". The terminology of the TFEU will be used throughout this decision.

² Publication in the Official Journal of the European Union No C 79, 17.03.2012, p.19

transportation and logistics, harbour towage, tankers, oil and gas exploration and production, retail and air transport;

- for Bolloré: transportation and logistic services: manufacture of plastic films, ticket machine terminals, batteries and electric vehicles; fuel distribution; communication and media including advertising; commercialization of plantations;
 - for Congo Terminal: management of the container terminal in the port of Pointe Noire, Congo, which includes a logistics base located in the vicinity of the port of Pointe Noire.
3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(a) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004³.
 4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation.

For the Commission

(signed)

Alexander ITALIANER

Director General

³ OJ C 56, 5.3.2005, p. 32.