



EUROPEAN COMMISSION

Competition DG

Policy and Strategy

Antitrust and Mergers – Policy and Scrutiny

OPINION

of the ADVISORY COMMITTEE on MERGERS

given at its meeting of 3 December 2008

regarding a draft decision relating to

CASE COMP/M.5141 - KLM/Martinair

Rapporteur : LATVIA

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1. The Advisory Committee agrees with the Commission that the notified operation constitutes a concentration within the meaning of Article 3(1)(b) of the EC Merger Regulation.
 2. The Advisory Committee agrees with the Commission that the markets to be considered are
 - a) the markets for air transport of cargo on a uni-directional basis
 - between continents for transport of cargo between Europe and North America.
 - between Europe and specific countries for transport of cargo between Europe and South American, Greater Caribbean, Far Eastern and African countries.
 - b) the market for the supply of long-haul air transport services to end customers, subdivided on the basis of point of origin/point of destination ("O&D") pairs
 - whereby the point of origin includes the airport of Amsterdam and, at least with respect to flights to Punta Cana, Cancun, Havana, Curacao and Aruba, but possibly also with respect to flights to Vancouver, Toronto and Miami, also the airports of Düsseldorf and Brussels.
 - and whereby the point of destination is likely to be limited to each of the above-mentioned destinations, but possibly extends to all long-haul destinations in the Greater Caribbean region or even all long-haul destinations worldwide.
 - c) the market for the wholesale supply of airline seats to tour operators comprising flights connecting the airports of Amsterdam, Düsseldorf and Brussels to all long-haul destinations worldwide, which might have to be subdivided on a route-by-route basis in accordance with the O&D pairs identified in question 2.b) with respect to the market for the supply of long-haul air transport services to end customers.

3. The Advisory Committee agrees with the Commission's assessment that the notified operation would not significantly impede effective competition in the Common

Market or a substantial part of it with respect to the relevant markets for air transport of cargo.

4. The Advisory Committee agrees with the Commission's assessment that the notified operation would not significantly impede effective competition in the Common Market or a substantial part of it with respect to the markets for the supply of long-haul air transport services to end customers.
5. The Advisory Committee agrees with the Commission's assessment that the notified operation would not significantly impede effective competition in the Common Market or a substantial part of it with respect to the markets for the wholesale supply of airline seats to tour operators.
6. The Advisory Committee agrees with the Commission that the notified concentration should be declared compatible with the Common Market and with the functioning of the EEA Agreement in accordance with Article 8(1) of the Merger Regulation and Article 57 of the EEA Agreement.

BELGIË/BELGIQUE	BULGARIA	ČESKÁ REPUBLIKA	DANMARK	DEUTSCHLAND
<i>signed</i>	<i>signed</i>			<i>signed</i>
Serge HENROTTE	Nadezhda VALKOVA			Andreas BARDONG

EESTI	ÉIRE-IRELAND	ELLADA	ESPAÑA	FRANCE

ITALIA	KYPROS/KIBRIS	LATVIJA	LIETUVA	LUXEMBOURG
<i>signed</i>		<i>signed</i>		
Marco BENACCHIO		Leva SMIT		

MAGYARORSZÁG	MALTA	NEDERLAND	ÖSTERREICH	POLSKA
		<i>signed</i>		
		A. BUDD		

PORTUGAL	ROMANIA	SLOVENIJA	SLOVENSKO	SUOMI-FINLAND
<i>signed</i>				
Ana RODRIGUES				

SVERIGE	UNITED KINGDOM
	<i>signed</i>
C. NYROOS	L. FALSARELLA PEREIRA