

***Case No COMP/M.4396 -
APOLLO GROUP / TNT
LOGISTICS***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 24/10/2006

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.10.2006

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PUBLIC VERSION

MERGER PROCEDURE
ARTICLE 6(1)(b) DECISION

SIMPLIFIED PROCEDURE

To the notifying party:

Dear Madam and/or Sir,

**Subject: Case No. COMP/M.4396-Apollo Group / TNT Logistics
Notification of 19.09.2006 pursuant to Article 4 of Council Regulation (EC) No.
139/2004¹
Publication in the Official Journal of the European Union No. C231,
27.09.2006, page 3.**

1. On 19/09/2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the Apollo Group (USA) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of TNT Logistics Holdings B.V. (the Netherlands), TNT Container Logistik GmbH (Germany), TNT Logistics GmbH (Germany) as well as certain assets related to the TNT business activities in France (together “TNT Logistics”) by way of purchase of shares and assets.
2. The business activities of the undertakings concerned are:
 - for Apollo Group: portfolio investments;

¹ OJ L 24, 29.1.2004 p. 1

- for TNT Logistics: provision of contract logistics services; TNT Logistics is currently a part of TNT N.V. (the Netherlands) active also in mail and express services.
3. 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, subparagraph c, of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004².
 4. 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

² OJ C 56, 05.3.2005 p.32