

***Case No COMP/M.4955 -  
HERMES LOGISTIK /  
SWISS POST PORTA A  
PORTA***

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: 11/03/2008

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11-III-2008  
SG-Greffe(2008) D/201096/201097

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.4955 - HERMES LOGISTIK / SWISS POST PORTA A PORTA**  
**Notification of 06.02.2008 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 41 of 15.02.2008, page 21**

1. On 06.02.2008, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No. 139/2004 by which the undertaking Hermes Logistik GmbH & Co. KG ("Hermes", Germany) via its 100% subsidiary Hermes General Service Beteiligungsgesellschaft mbH ("HLS", Germany) acquires within the meaning of Article 3(1)(b) of the Council Regulation joint control of the undertaking Swiss Post Porta a Porta S.p.A. ("PaP", Italy), together with Swiss Post International Holding AG ("Swiss Post", Switzerland) by way of purchase of shares. Hermes logistics is 100% owned by the Otto Group.

The business activities of the undertakings concerned are :

- for Otto Group: Otto group is an international Group active in a wide range of services, including retailing, financial services, tourism as well as freight and postal services.

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

- for Hermes: logistic and postal services in B2C & C2C segments in Germany and Austria including parcel service, white goods & furniture service and mail service (letters, mailings, catalogues);
  - for PaP: postal services and logistics in Italy;
  - for Swiss Post: bulk mailing service for letters in Switzerland and abroad, customs clearance, parcel post, courier and express services.
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, subparagraph c 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