

***Case No COMP/M.5339 -  
SANTANDER / LASG /  
DCS***

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: 12/12/2008

***In electronic form on the EUR-Lex website under document  
number 32008M5339***



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12/12/2008  
SG-Greffe(2008) D/208102  
C(2008) 8611

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.5339 - SANTANDER / LASG / DCS  
Notification of 10/11/2008 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 296,  
19/11/2008, p.27.**

1. On 10/11/2008, the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 by which the undertakings Banco Santander, S.A. ("Santander", Spain) and Lufthansa AirPlus Servicekarten GmbH ("LASG", Germany), which is controlled by the Deutsche Lufthansa Group, acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of Diners Club Spain ("DCS", Spain), which is at present controlled by Santander, by way of purchase of shares.
2. The business activities of the undertakings concerned are:
  - for Santander: Spanish financial group globally active in the banking and financial sectors and operating mainly in Spain, the UK and some European countries, as well as in Latin America;
  - for LASG: German financial services institution, active in the segment of payment cards for business-related expenses;

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

- for DCS: card acquiring and issuing businesses, in particular the creation and operation of all manner of payment cards and related services and operations mainly in the Spanish territory.
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(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.