

***Case No COMP/M.5753 -
DSB/ FIRST/ DSBFIRST
VAST***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 06/12/2010

***In electronic form on the EUR-Lex website under document
number 32010M5753***



EUROPEAN COMMISSION

Brussels, 6.12.2010
SG-Greffe(2010) D/19525/19526
C(2010) 8958

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.5753 - DSB/ FIRST/ DSBFIRST VAST
Notification of 03.11.2010 pursuant to Article 4 of Council Regulation (EC) No
139/2004¹
Publication in the Official Journal of the European Union No C 304,
10.11.2010, p.14**

1. On 3 November 2010, the European Commission received a notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings DSB ("DSB", Denmark) and FIRSTGroup plc ("First", United Kingdom) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of DSBFirst Väst Aps ("DSBFirst Väst"), an extension of the existing joint venture DSBFirst Aps ("DSBFirst", Sweden), by way of purchase of shares in a newly created company constituting a joint venture.
2. The business activities of the undertakings concerned are:

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.

- for DSB: regional and interregional railway transport in Denmark and Sweden;
 - for FIRST: operation of rail passenger franchises mainly in the United Kingdom;
 - for DSBFirst Väst: operation of a rail passenger franchise as of December 2010 until December 2018 in western Sweden, franchise awarded on basis of a public tender.
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 139/20042.
 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

2 OJ C 56, 5.3.2005, p. 32.