

***Case No COMP/M.6073 -
DAIMLER/ BEIQI FOTON
MOTOR CO/ BEIJING
FOTON DAIMLER
AUTOMOTIVE CO***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 14/02/2011

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EUROPEAN COMMISSION

Brussels, 14.2.2011
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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.6073 - DAIMLER/ BEIQI FOTON MOTOR CO/ BEIJING FOTON DAIMLER AUTOMOTIVE CO
Notification of 12.021.2011 pursuant to Article 4 of Council Regulation (EC) No 139/2004¹
Publication in the Official Journal of the European Union No C22, 22.01.2011, p.20**

1. On 12.01.2011 the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Daimler AG ("Daimler", Germany) and Beiqi Foton Motor Co. Ltd. ("Foton", China), acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of Beijing Foton Daimler Automotive Co. Ltd. ("BFDA") by way of purchase of shares in a newly created company constituting a joint venture.

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.

2. The business activities of the undertakings concerned are:
 - For Daimler: development, manufacture and distribution of automobiles (cars, trucks, vans, buses and commercial vehicles); provision of automotive financial services including financing, leasing, insurance and fleet management,
 - For Foton: development, manufacture and distribution of commercial vehicles,
 - For BFDA: development, manufacture and distribution of medium-duty and heavy-duty trucks in China,
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.