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***Case No COMP/M.6599 - COMSA RAIL TRANSPORT/
NAVILAND CARGO/ GRUPO LOGISTICO SESE/ TARGET***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 03/10/2012

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EUROPEAN COMMISSION

Brussels, 03/10/2012
C(2012)7083

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

Dear Madam(s) and/or Sir(s),

**Subject: Case No COMP/M.6599 - COMSA RAIL TRANSPORT/ NAVILAND
CARGO/ GRUPO LOGISTICO SESE/ TARGET
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No
139/2004¹**

1. On 03.09.2012 the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings COMSA Rail Transport, S.A.U. ("CRT", Spain) belonging to the Spanish COMSA-EMTE group, Naviland Cargo, S.A. ("Naviland", France), belonging to the French SNCF group and Grupo Logístico Sesé S.L. ("Sesé", Spain) acquire within the meaning of Article 3(1)(b) of the Merger Regulation joint control of an undertaking ("Joint Venture") by way of purchase of shares in a newly created company.²

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 Publication in the Official Journal of the European Union No C 271, 08.09.2012, p.12.

2. The business activities of the undertakings concerned are:
- for CRT : rail logistics and transport services;
 - for Naviland : rail and intermodal freight transport services and operation of intermodal transport terminals;
 - for Sesé : road transport, intermodal transport, forwarding and logistics services;
 - for the Joint Venture : freight transport by land between Portugal and Germany.
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 139/2004³.
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

³ OJ C 56, 5.3.2005, p. 32.