

***Case No COMP/M.7528 - CHEUNG KONG HOLDINGS/
EVERSHOLT***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 07/04/2015

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EUROPEAN COMMISSION

Brussels, 09/04/2015
C(2015) 2413 final

PUBLIC VERSION

SIMPLIFIED MERGER
PROCEDURE

To the notifying parties:

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

**Subject: Case M.7528 - CHEUNG KONG HOLDINGS/ EVERSOLT
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)
No 139/2004¹ and Article 57 of the Agreement on the European Economic Area²**

1. On 9 March 2015, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which Cheung Kong (Holdings) Limited (CKH) (Hong Kong) acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the whole of Eversholt Investment Group (Luxembourg) S.à.r.l. and all its subsidiaries (Eversholt) by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - CKH: investment holding, property development and investment, hotels and serviced suites operation, property and project management, investment in infrastructure businesses and securities and ownership and leasing of aircraft; and, through its interests in the following companies, the following activities:

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 OJ L 1, 3.1.1994, p.3 ("the EEA Agreement").

³ Publication in the Official Journal of the European Union No C 91, 18.3.2015, p. 4.

- i. Hutchison Whampoa Limited: ports and related services, property and hotels, retail, infrastructure, energy and telecommunications;
 - ii. Cheung Kong Infrastructure Holdings Limited: investment in energy infrastructure, transportation infrastructure, water infrastructure and infrastructure related businesses operating in Hong Kong, mainland China, the United Kingdom, Netherlands, Australia, New Zealand and Canada,
 - Eversholt: supply of railway rolling stock and associated equipment under operating leases, as well as associated maintenance services, to TOCs and FOCs operating in Great Britain.
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(b) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.⁴
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 and Article 57 of the EEA Agreement.

*For the Commission
(Signed)*

*Alexander ITALIANER
Director-General*

⁴ OJ C 366, 14.12.2013, p. 5.