



EUROPEAN COMMISSION  
DG Competition

***Case M.8376 - BMW /  
DAIMLER / FORD /  
PORSCHE / JV***

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: 27/04/2017

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## EUROPEAN COMMISSION

Brussels, 27/04/2017  
C(2017) 2915 final

PUBLIC VERSION

### To the Notifying Party

**Subject: Case M.8376 – BMW / DAIMLER / FORD / PORSCHE / JV  
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC)  
No 139/2004<sup>1</sup> and Article 57 of the Agreement on the European Economic Area<sup>2</sup>**

Dear Sir or Madam,

1. On 31 March 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which BMW AG ("BMW", Germany), Daimler AG ("Daimler", Germany), Ford Motor Company ("Ford", USA) and Dr. Ing. h.c. F. Porsche Aktiengesellschaft ("Porsche", Germany) acquire, within the meaning of Article 3(4) of the Merger Regulation, joint control over a joint venture company ("JVC").<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - BMW produces and distributes passenger cars and motorbikes, and it also provides financial services for private and business customers;
  - Daimler produces and distributes passenger cars and commercial vehicles, and it also provides financial services, including financing, leasing, insurance and fleet management services;
  - Ford produces and distributes passenger cars and commercial vehicles and it also provides financial services and leasing vehicles;
  - Porsche produces and distributes passenger cars. Porsche is part of the Volkswagen Group;

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<sup>1</sup> 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.

<sup>2</sup> OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

<sup>3</sup> Publication in the Official Journal of the European Union No C 111, 08/04/2017, p. 14.

- The JVC will install, operate and maintain a publicly accessible charging infrastructure for battery-electric vehicles.
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(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.<sup>4</sup>
  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)*

*Johannes LAITENBERGER  
Director-General*

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<sup>4</sup> OJ C 366, 14.12.2013, p. 5.