



EUROPEAN COMMISSION  
DG Competition

***Case M.8654 - CK HUTCHISON / TMA HOLDING / TMA  
LOGISTICS***

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: 20/12/2017

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EUROPEAN COMMISSION

Brussels, 20.12.2017  
C(2017) 9111 final

PUBLIC VERSION

**To the notifying parties:**

**Subject: Case M.8654 - CK HUTCHISON / TMA HOLDING / TMA LOGISTICS  
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 17 November 2017, the European Commission received notification of a proposed concentration pursuant to Article 4 and following a referral pursuant to Article 4(5) of the Merger Regulation by which Hutchison Ports Netherlands B.V. ("HPN", the Netherlands) and TMA Holding B.V. ("TMA Holding", the Netherlands), acquire within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control over TMA Logistics B.V. ("TMA Logistics", the Netherlands), by way of purchase of shares.<sup>3</sup>
2. The business activities of the undertakings concerned are:
  - for HPN: subsidiary of Hutchison Port Holdings ("HPH") Limited - owned by CK Hutchison Holding Limited - operating ports and deep-sea container terminals. In Europe, the HPH Group provides stevedoring services in ports in Belgium, Germany, Poland, Spain, Sweden, the Netherlands and the United Kingdom.
  - for TMA Holding: stevedoring services (mainly at an inland container terminal in Harlingen, the Netherlands), freight forwarding services and contract logistics services.

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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 403, 28.11.2017, p. 8.

- for TMA Logistics: solution for land, sea and air transport, stevedoring (containers and bulk goods), cargo transshipment, project cargoes, storage, and customs handling, including the provision of stevedoring services for containers at container terminals in Velsen and Amsterdam, and Roll-on/Roll-off stevedoring services in Velsen (all in the Netherlands).
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.