



EUROPEAN COMMISSION
DG Competition

Case M.8742 - IBM / MAERSK / GTD JV

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 23/03/2018

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EUROPEAN COMMISSION

Brussels, 23.03.2018
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PUBLIC VERSION

To the notifying parties

**Subject: Case M.8742 - IBM / MAERSK / GTD JV
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**

Dear Sir or Madam,

1. On 28 February 2018, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings International Business Machines Corporation ('IBM', USA) and A.P. Møller Mærsk A/S ('Maersk', Denmark) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control of a newly created company constituting a joint venture, GTD Operations LLC (the 'JV', USA), by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for IBM: multinational corporation active worldwide in the development, production, and marketing of a wide variety of information technology ('IT') solutions, comprising software, systems (such as servers and storage systems), and services (such as business consulting and IT infrastructure services),
 - for Maersk: international group with activities in container shipping, terminal services, harbour towage, logistics, and a separate energy division (in particular exploitation of oil and gas, drilling, and operation of tankers),
 - for the JV: development and commercialisation of a trade digitization solution for the global shipping supply chain which will provide end to end shipment visibility and document management for global trade.

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 88, 08.03.2018, p. 22.

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 paragraphs 5(a) and 5(c) 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)
Johannes LAITENBERGER
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.