



EUROPEAN COMMISSION
DG Competition

***Case M.9717 - BERGÉ /
MITSUBISHI
CORPORATION /
BERGÉ AUTO / JV***

Only the English text is available and authentic.

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

Article 6(1)(b) NON-OPPOSITION
Date: 13/03/2020

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EUROPEAN COMMISSION

Brussels, 13.3.2020
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PUBLIC VERSION

To the notifying parties

**Subject: Case M.9717 – BERGÉ/MITSUBISHI CORPORATION/BERGÉ AUTO/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 20 February 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings Bergé y Cía S.A (Spain) (“Bergé”), belonging to the Bergé Group and Mitsubishi Corporation (Japan) (“MC”) acquire within the meaning of Article 3(1)(b) and 3(4) of the Merger Regulation joint control over the whole of the undertaking Bergé Automoción S.L. (Spain) (“Bergé Auto”), controlled by Bergé by way of purchase of shares.³
2. The business activities of the undertakings concerned are:
 - for Bergé: Bergé is part of the Bergé Group. The Bergé Group is active within maritime ports, distribution of motor vehicles, logistics, renewable energy and finance;
 - for MC: MC is active across several industries, including industrial finance, energy, metals, machinery, chemicals, food and environment and the distribution of motor vehicles;
 - for Bergé Auto: Bergé Auto is active in the import, wholesale and retail distribution of motor vehicles of several brands, as well as the provision of after sales, financing and other services in Europe and in South America.

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 064, 27.2.2020, p. 34.

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)
Olivier GUERSENT
Director-General

⁴ OJ C 366, 14.12.2013, p. 5.